



Appeal Decision

Site visit made on 16 March 2026

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Appeal Ref: APP/C3430/C/24/3350817

**Land to the south of Coach House, Bridgnorth Road, Stourton, Stourbridge
DY7 5BQ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”).
 - The appeal is made by Mr Simon Bates against an enforcement notice (“the notice”) issued by South Staffordshire District Council.
 - The notice was issued on 30 July 2024.
 - The breach of planning control as alleged in the notice is:
 - (i) Without planning permission, the material change of use of the land as domestic garden land associated with the dwelling known as the Coach House, Bridgnorth Road, Stourton, Stourbridge DY7 5BQ; and
 - (ii) Unauthorised development to facilitate the material change of use of the land comprising:
 - (a) The permanent storage of a converted horsebox, associated wooden platform and steps;
 - (b) The laying of hardstanding in the approximate position hatched pink on Appendix 1 attached to the notice; (c) The construction of a timber pergola; (d) The installation of timber raised planting beds which are currently utilised for storage of building materials; (e) The installation of a single storey metal shed; and (f) The construction of residential style close-boarded wooden fence located in the position coloured light blue on Appendix 1.
 - The requirements of the notice are:
 - (i) Cease the unauthorised use of the land as a domestic garden; and
 - (ii) Remove from the land the following: (a) The converted horsebox; (b) The wooden platform on which the converted horsebox is sited and steps giving access to the converted horsebox; (c) The area of hardstanding; (d) The timber pergola; (e) The single storey metal shed; (f) The residential style close-boarded wooden fence; (g) All building materials; and (h) All domestic paraphernalia including chairs, tables and plant pots.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b)(c) of the Act.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The converted horse box, the timber raised planting beds, and the building materials were removed from the land during the appeal. However, the appeal must be determined having regard to the situation when the notice was issued.
3. For the reasons set out below, the appellant’s case made on ground (b) will also be considered as an appeal on ground (c).

The appeals on grounds (b) and (c)

4. An appeal on ground (b) is that the matters stated in the notice have not occurred. The appellant states that the land has been used as his domestic garden since he purchased it in 2016. However, there will have been a time before then, no matter

how distant, when the land was not in use as a domestic garden, so the alleged material change of use must have occurred at some point.

5. While that means an appeal on ground (b) cannot succeed, the land is within the land edged red on the plan attached to a certificate of lawfulness of existing use or development (LDC) issued in 2014.¹ If the LDC certified a lawful use of the land subject of the notice as domestic garden land, and if there has been no subsequent change of use of that land, what the notice alleges may not be in breach of planning control. This merits examination as an appeal on ground (c).
6. An appeal on ground (c) is that the matters alleged do not constitute a breach of planning control. This may be because they are not development or, if they do amount to development, are authorised or certified to be lawful. The LDC certified that the division of Stourton Court from one residential house with outbuildings to six residential units comprising three flats, mews house, coach house and the remaining main house was lawful. The division had occurred more than 10 years before the application was made and all units had remained self-contained since.
7. The LDC relates to the land edged red on the plan attached to it, comprising the buildings in the north eastern corner of the land and extensive grounds to their west and southwest, including the appeal site. The appeal site was not included within the land to which subsequent planning permissions for Coach House relate² so those permissions have not altered its planning status.
8. While the LDC identifies that the buildings within the red line were 6 separate lawful dwellings, it is silent on the matter of the surrounding land. That land is so extensive that it is highly improbable that it would all have been intimately associated with the residential occupation of Stourton Court or of the 6 dwellings certified as lawful. Intimacy is central to the concept of curtilage land, which must be part and parcel of the building. Curtilage may therefore be seen as the ground used for the comfortable enjoyment of a house or other building, and which serves the purpose of the house or building in some necessary or reasonably useful way. The most common example is a domestic garden.
9. Curtilage is therefore a matter of use and association, not necessarily of ownership. This is particularly important when considering large land holdings, such as Stourton Court before it was divided into 6 separate dwellings. It is probable that areas laid out as formal lawns or kitchen gardens close to the original house would have been used in ways that were necessary or reasonably useful to it, and so could be viewed as forming parts of its curtilage. If any such area became the domestic garden of a new dwelling, it is unlikely that a material change of use would have occurred.
10. However, it is far less likely that the same could reasonably be said of more distant parts of the grounds, especially those areas that were not formally laid out and did not include any ancillary buildings. In view of this, and as the LDC does not identify any part as intimately associated with any of the 6 dwellings certified as lawful, it has not been demonstrated that the land affected by the notice was domestic garden land before Stourton Court was divided or before the appellant acquired it.

¹ 14/00330/LUE granted 17 June 2014.

² 16/00103/FUL granted 30 March 2016 and 18/00944/FUL granted 12 March 2019.

11. Consequently, it has not been demonstrated that the appellant's use of the land as domestic garden did not amount to a material change of use requiring planning permission. The appeal on ground (c) must therefore fail.

Other matters

12. The appellant describes the land affected by the notice as his only garden but there used to be a large lawned area closer to Coach House within the land identified as its curtilage in the planning applications mentioned earlier. While the lawn in that area has been divided and reduced by the formation of a driveway, and so made less attractive for garden use, that would appear to have been the appellant's choice.
13. The appellant also expresses concern that development elsewhere in the grounds of Stourton Court has not resulted in similar enforcement action. However, I have very little information on that development, so a meaningful comparison cannot be made.
14. These matters could be material considerations in a deemed planning application made under section 177(5) of the Act. They have not, however, been shown to be material to the facts of the appeals on grounds (b) and (c), so I am unable to give them weight in this decision.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the notice.

Mark Harbottle

INSPECTOR