



Appeal Decision

Site visit made on 20 April 2026

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 12 May 2026

Appeal Ref: APP/H1840/C/25/3359852

Land lying to the west of Nuttings, Morton Under Hill, Inkberrow, Worcester B96 6SP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Peter Jackett against an enforcement notice issued by Wychavon District Council.
 - The notice was issued on 13 December 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of land to a mixed use of vehicle and general equipment repair (B2) and storage (B8), and the operational development consisting of hardstanding, a metal framed structure, and a corrugated iron shed.
 - The requirements of the notice are to:
 - i. Cease the use of the land for a mixed use of vehicle and general equipment repair (B2) and storage (B8).
 - ii. Remove from the land outlined in red on the attached plan the hard standing, metal framed structure (filled in green on the attached plan), corrugated iron shed (filled in purple on the attached plan), green metal container (filled in blue on the attached plan), and any other paraphernalia associated with the above use.
 - The period for compliance with the requirements is 4 (four) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 (as amended) (the Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act, as amended.

Preliminary Matters

2. The South Worcestershire Development Plan Review 2021-2041 (SWDPR) was formally adopted by the Council on 26 March 2026. The policies referred to in the Enforcement Notice have, according to the Council, been replaced by policies SWDPR 03, SWDPR 28 and SWDPR 34. The appellant was notified of these changes and was provided with the opportunity to comment. They responded with reference to further policies, namely SWDPR 12 and SWDPR 15. I have considered these policies in determining the appeal.

Ground (e)

3. This legal ground of appeal is that copies of the notice were not served as required by section 172 of the Act. Section 172(2) provides that a copy of the notice shall be served on the owner and occupier of the land to which it relates, and any other

person having an interest in the land, including mortgagees, tenants and sub-tenants, being an interest which, in the opinion of the LPA, is materially affected.

4. The appellant states that the enforcement notice incorrectly identifies the appellant's full name, referring to him as 'Peter James Jackett' rather than his correct legal name, "Peter Thomas Jackett." They claim that this misidentification constitutes a fundamental error, as an enforcement notice must be properly addressed to the person with a legal interest in the land. Accordingly, the notice is considered to have not been properly served in accordance with statutory requirements and that the notice should be quashed.
5. Section 329 of the Act sets out the legal framework for the service of an enforcement notice. Section 329(2) states that where a notice is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if— (a) it is addressed to him either by name or by the description of "the owner" or, as the case may be, "the occupier" of the premises (describing them) and is delivered or sent in the manner specified in subsection (1)(a), (b) or (c); or (b) it is so addressed and is marked in such a manner as may be prescribed for securing that it is plainly identifiable as a communication of importance and— (i) it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or (ii) it is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.
6. The enforcement notice was served on "Peter James Jackett" with the name taken from the Land Registry Title, a copy of which was provided by the Council, and sent to his recorded address. An email was also sent to the appellant with a copy of the notice. There is no claim by the appellant that either the postal or email address are incorrect.
7. Albeit an error with the appellant's middle name, the error was not fatal to the service of the notice, and the notice had no material defects as to render it invalid. I am satisfied, therefore, that the notice was served correctly and that the appellant has submitted their appeal against the notice within the timeframe and has had an opportunity to argue their case fully during the appeal proceedings. It cannot, therefore, be said that the appellant has been substantially prejudiced¹.

Ground (a) and the Deemed Planning Application

Main Issues

8. The main issues are: i.) whether the location of the development is appropriate, having regard to the strategic spatial policies for the area; ii.) its impact on the character and appearance of the area; and iii.) its effect on the living conditions of neighbouring occupiers of residential properties in terms of noise and disturbance.

Reasons

Location of the development

¹ S176(5) of the Act

9. The appeal relates to the use of land for vehicle and general equipment repair and storage. The site comprises a small parcel of land of approximately 0.04 hectares located in a small hamlet beyond any defined settlement boundary and therefore within the countryside.
10. The National Planning Policy Framework (the Framework) supports a prosperous rural economy. Amongst other things, planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, and the development and diversification of agricultural and other land-based rural businesses. There is a clear recognition that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. Such development should be sensitive to its surroundings, and the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
11. Policies SWDPR 03 and 15 of the SWDPR collectively seek to direct development to the most sustainable locations while supporting appropriate rural economic activity that genuinely contributes to the rural economy, where supported by other policies in the Plan. While Policy SWDPR 12 refers to supporting a diverse local economy dispersed throughout rural areas in its justification, its policy emphasis centres on providing the right land and buildings for jobs on *allocated* (my emphasis) employment land and consequently I consider that, as there is no evidence the land is allocated for employment, it has less relevance in these circumstances.
12. The primary use of the site is said to be for the restoration and re-sale of vintage tractors and agricultural machinery. Rural and agricultural vehicles are stored onsite while they undergo restoration. It is the appellant's view that the use of the land as such requires a countryside location to function effectively, both in operational and practical terms. Presented evidence including photographs, also refers to a wider range of vehicles and equipment, which are not necessarily connected to the stated use reported, being stored and restored onsite.
13. The site is not part of an established agricultural unit, and I am not persuaded that its use is functionally dependent on this rural location. While activities associated with agriculture may sometimes justify a countryside location, such justification must be supported by clear functional or operational need. No such evidence has been provided. Furthermore, the use appears limited in scale, sporadic in nature, and more closely aligned with personal or incidental activities, including storage, associated with a landscaping business.
14. Policy SWDPR 15 seeks, among other things, to support employment in rural areas by safeguarding existing employment land, proposals for agricultural diversification and other land-based rural businesses for employment, tourism, leisure and recreation uses providing they comply with certain criteria. There is an absence of evidence to suggest that the appeal site was existing employment land or that it was part of a rural diversification scheme.
15. Consequently, I find that there is conflict with Policies SWDPR 03 and 15, which seek to ensure that development in the countryside supports economic growth and a prosperous rural economy, is appropriately justified, proportionate and sustainable in its location. There is further conflict found with national policy which

seeks to ensure that development should be sensitive to its surroundings, and that sites are physically well-related to existing settlements.

Character and appearance

16. The appeal site contains a metal-framed structure, corrugated iron shed, container/lorry body, and areas of hardstanding. While some structures may individually resemble agricultural buildings in form, visual similarity alone does not render development appropriate.
17. Nevertheless, and in this case, the structures are not associated with any existing agricultural use of the land and are instead linked to an unauthorised industrial and storage use. The site is detached from any farmstead or established complex of rural buildings. Although relatively small in scale and partially enclosed by fencing, the site remains visible from neighbouring properties and vantage points, where the engineered surfaces, vehicles, and structures introduce a distinctly utilitarian and industrial character. Consequently, the appeal site results in a form of sporadic industrial development and an isolated incursion into the hamlet and surrounding countryside.
18. The cumulative effect is harmful to the intrinsic character and appearance of the area. The development fails to integrate with its rural setting and does not respect the prevailing landscape character. I am not persuaded that the harm identified could be adequately mitigated by planning conditions, as they would not address the fundamental spatial and contextual conflict of the use.
19. The development therefore fails to comply with Policies SWDPR 03, 28 and 34, which seek, among other things, to ensure that development is of high design quality, an appropriate scale and type that integrates effectively with its surroundings, responds positively to its landscape setting, and avoids causing unacceptable harm to local character or visual amenity. There is also conflict with national policy which requires that development in rural areas incorporates well-designed new buildings, is well-related to its surroundings, and not harmful to the character of the countryside.

Living conditions

20. The surrounding area is characterised by a quiet rural environment with a high degree of residential amenity sensitivity. The unauthorised use comprises activities falling within Use Classes B2 and B8, which are inherently broad in scope and capable of generating noise, disturbance, and activity.
21. Although the appellant suggests that current operations are limited, intermittent, and relatively low-key, the determination of this appeal must be based on the lawful scope of the use proposed, rather than the appellant's personal working practices which are described as involving careful disassembly, restoration, and reassembly of vintage tractors. A permission would allow a full range of B2 and B8 activities, including those with greater intensity, frequency, and associated impacts. Such uses could reasonably be expected to involve vehicle movements, machinery, and repair activities capable of generating noise within a tranquil rural setting.
22. The present situation is likely exacerbated by the fact that activities may occur during evenings or weekends, due to the appellant's main work being his

landscaping business which would likely operate outside of these times. Thus, it is quite possible that activities would occur at the site when background noise levels are lowest and residents are most sensitive to disturbance. The absence of formal complaints does not indicate that the use is acceptable. Rather, it reflects the limited scale of operations to date and does not provide assurance against future intensification.

23. Planning conditions could theoretically impose restrictions, and I appreciate that the appellant has stated his willingness to accept conditions relating to hours of operation and how the site could operate. However, such restrictions would amount to attempting to regulate an essentially unsuitable form of development in this location and would not overcome the fundamental conflict.
24. In this respect, there is conflict with Policies SWDPR 03 and 28. These, among other matters, seek development to complement the character of the area, responding to surrounding buildings or countryside and provide an acceptable level of amenity.

Conclusion on ground (a) and the Deemed Planning Application

25. For the reasons given above, the use is contrary to the development plan when read as a whole. There are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan. I conclude, therefore, that the appeal on ground (a) cannot succeed, and I refuse to grant planning permission on the deemed application.

S A Hanson

INSPECTOR