



Appeal Decisions

Site visit made on 14 April 2026

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2026

Appeal A Ref: APP/B3438/C/25/3364543

Appeal B Ref: APP/B3438/C/25/3364544

Sprinks Farm, Blackwood House Lane, Horton, Leek, Staffordshire ST13 8QE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Dr Edward James Gibson and Mrs Monika Gibson against an enforcement notice issued by Staffordshire Moorlands District Council.
- The notice was issued on 25 March 2025.
- The breach of planning control as alleged in the notice is:
 1. Without planning permission, the erection of a large split level clad building, part single storey with pitched tiled roof and part two storey with basement and flat dormer roof; along with incidental works including, the construction of a concrete access ramp, stone paved steps, concrete hard standings, the erection of metal steps and a metal staircase; a drainage system, including channel drains, a low level brick boundary wall with plastic drainage pipes and a concrete drainage manhole ("the Building").
 2. Without planning permission, the raising, levelling and retaining of land and the construction of a 2-court beach sand volleyball facility, surrounded with concrete boarding and concrete brick retaining walls and steel supports, mesh fencing and a metal gate ("the Beach Volleyball Courts").
- The requirements of the notice are to:

For the purposes of remedying the breach by restoring the Land to its condition before the breach took place:

Remove from the Land all of the following:

 - (i) The metal staircase and metal steps
 - (ii) The Building, including concrete floors, steel support beams, concrete bases, and all of its footings, foundations and any substructures including drainage
 - (iii) All of the hard standings, along with the channel drains, the brick boundary wall and drainage pipes, the concrete manhole, the metal staircase, the concrete access ramp, stone paved steps and any remaining structures.

Shown for the purposes of identification and for the avoidance of doubt outlined in blue on the attached aerial image marked EN03 and shown on the attached photographs marked EN04.

Remove from the Land all of the following:

 - (i) The Beach Volleyball Courts, including the sand and membrane covered base, all the mesh fencing and support posts, the metal gate, all netting along with netting poles, volleyballs and chairs, mobile metal staircase and goal posts;
 - (ii) All of the concrete boarding and concrete brick retaining walls and steel supports and any remaining structures;
 - (iii) All materials, including soil, used to raise and level the ground

Shown for the purposes of identification and for the avoidance of doubt outlined in purple on the attached aerial image marked EN05 and shown on the attached photographs marked EN06.

Following compliance with 5.1 (i), (ii) and (iii) and 5.2 (i), (ii) and (iii) above, remove from the Land all building materials and rubble, all drainage materials, all steel support beams and grass over.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). 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 Act.

Summary of Decision: The appeals are dismissed, the enforcement notice is upheld with a variation, in the terms set out below in the Formal Decision, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The ground (a) appeals and the deemed planning application

Procedural Matters

1. Section 173 of The Town and Country Planning Act 1990 as amended (the Act) states:
 - (1) An enforcement notice shall state:
 - (a) the matters which appear to the local planning authority to constitute the breach of planning control; and
 - (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
2. The enforcement notice (the notice) states the relevant sub section of paragraph 171A(1) of the 1990 Act and so complies with section 173(1)(b). As for compliance with section 173(1)(a), part 3 of the notice states that the matters which appear to constitute the breach of planning control comprise, in summary, the erection of the building and the beach volleyball courts.
3. Section 55(1) of the Act defines an operation (including the erection of a building) or the making of a material change of use of any buildings or other land as development. These are separate acts of development. If breaches of planning control have taken place on land that comprise both the erection of a building and the making of a material change of use, a local planning authority can issue a notice that specifies both as breaches of planning control. However, it need not do so. In this case, the breach of planning control alleged is operational development on its own, and nothing more.
4. The allegation makes no reference to the use taking place within the building. Paragraph 4.1 of the notice states 'The Building has been constructed over 3 floors and has been designed to accommodate various commercial uses, including but not restricted to a butchery section, an area for holding functions and an area for teaching cookery classes'. This introduces ambiguity as it merely refers to what the building is allegedly *designed* for, not how the building is *used*. Moreover, the use of the words 'including but not restricted to' suggests it is alleged the building may have been designed for other purposes too. Accordingly, although the building is in use, the notice only attacks the operational development. This is supported by the header of the notice that states 'ENFORCEMENT NOTICE (Operational Development)'.
5. Section 177(1)(a) of the Act only allows the grant of planning permission in respect of matters stated in the notice as constituting a breach of planning control "whether in relation to the whole or any part of those matters". As the notice does not identify the use of the building, any consideration of the use of the building under the ground (a) appeal would not relate to the matters alleged, whether in whole or in part. Accordingly, I cannot consider the use of the building as a butchery, or any other use, under the deemed planning application.
6. I have considered the provisions of section 75(3) of the Act, which states that 'If no purpose is so specified [for the building], the permission shall be construed as including permission to use the building for the purpose for which it is designed.' I note the appellants contend that the building was designed for use as a butchery as part of the farming enterprise.

7. However, the butchery only occupies a small part of the building; less than half of the ground floor. The other parts of the building are used as storage for various items, including food, catering equipment, large speakers and the upper floor was used as an office and a large, open plan, furnished living area with fully fitted kitchen and shower room. Taken together, I do not consider that a single designed purpose can be identified. The building contains disparate elements and is not predominantly arranged for any coherent use. Accordingly, s75(3) cannot resolve the absence of a specified use in the allegation.
8. Whilst I note the appellants' argument that the butchery is part of the agricultural use of the wider site, much of the building is not used as a butchery or for any agricultural use and has clearly not been designed for such a use. Taken as a whole, the generic design of the building means that it could be put to any number of different purposes. Granting planning permission for the building alone, with no specified use, would result in a significant degree of ambiguity as to what the building's lawful use would be.
9. I have considered the possibility of determining the deemed planning application on the basis of the building being used for the same purpose as the lawful use of the land on which it sits. However, it is not explicitly clear from the evidence submitted what the lawful use of the appeal site is. Based on the observations I made during my site visit, it appears that the overall site is in a mixed use comprising agriculture and residential.
10. On this basis, the overall layout of the building does not lend itself to an agricultural use. Moreover, the layout of the upper floor is akin to a self-contained residential use. Therefore, if I were to allow the appeal there would be uncertainty as to what the approved use of the building would be for. The use of the building could not be controlled via the imposition of a condition as this would go beyond the matters alleged in the notice.
11. Part of the building is in use as a butchery that the appellants contend is ancillary to the agricultural activities taking place on the wider site. Only livestock reared on the appellant's farm and nearby farm are butchered on the site. There is no evidence that the processed meat is sold directly to the public from the butchery. However, the butchery only forms a relatively small part of the overall building. There is no evidence before me that the remaining parts of the building are used ancillary to the farm. Therefore, if I were to allow the appeal on the basis that the building could be used as a butchery ancillary to the agricultural use, there would be significant ambiguity as to what the remaining parts of the building would be in use for.
12. In light of the above, I can only determine the deemed planning application for the operational development, without having regard to any use to which the building has been put; any proposed use; or a use in accordance with the lawful use of the site.
13. The appellants confirm that they seek deemed planning permission for the building only and that the Beach Volleyball Courts will be removed. However, section 174(2)(a) states that 'An appeal may be brought on any of the following grounds— (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.'

Therefore, a ground (a) appeal is that planning permission ought to be granted for the breach of planning control as alleged in the notice. The appellant cannot redefine the breach of planning control.

14. Notwithstanding the above, Section 177(1)(a) of the Act allows the grant of planning permission in respect of matters stated in the notice as constituting a breach of planning control “whether in relation to the whole or any part of those matters”. Therefore, it is open to me to grant planning permission for the building only and not the Beach Volleyball Courts as that would be part of the matters alleged in the notice and therefore can be considered under s177(1)(a). Accordingly, for the purpose of the ground (a) appeal, I will focus on the matters in dispute, ie the building.

Main Issues

15. The main issues are:

- Whether the development would be inappropriate development in the Green Belt;
- The effect of the development on the openness of the Green Belt;
- Whether the development is located within a suitable location, having regard to the development plan;
- The effect of the development on the character and appearance of the area; and,
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether or not inappropriate development

16. The appeal site is located within the Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) confirms development in the Green Belt should be regarded as inappropriate unless it complies with one of the exceptions listed. Policy SS10 of the Staffordshire Moorlands Local Plan 2020 (the LP) states strict control will be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy, ie the Framework.
17. Many of the exceptions identified in paragraph 154 of the Framework rely on the nature or use of the development. As I cannot consider the use of the building, none of these exceptions are applicable.
18. Exception c) relates to extensions or alterations of a building. However, the evidence before me indicates the building was a newly erected building, not the extension or alteration of a pre-existing one. Accordingly, exception c) is not applicable.
19. Exception d) allows the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. However, there is no evidence before me that this exception is applicable either.

20. Notwithstanding the above, paragraph 155 of the Framework states 'The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where: a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) There is a demonstrable unmet need for the type of development proposed; (c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and, (d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.' The development must satisfy all these criteria for it to be not inappropriate development in the Green Belt. Criterion (d) is not applicable in this instance as that only relates to major development.
21. Grey belt land is defined in the Glossary to the Framework as 'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.' There is no dispute that the appeal site could be considered to be grey belt land, and I find no reason to conclude otherwise.
22. Having regard to criterion (a) of paragraph 155, the historical maps and aerial photographs of the site show the farm's evolution over time. There have been a number of buildings erected and subsequently demolished on the site over the years. However, none of the buildings that have since been demolished extended the farm building complex as far north, onto what was otherwise largely undeveloped land, as the appeal building. Accordingly, the appeal development conflicts with Green Belt purpose c) of safeguarding the countryside from encroachment.
23. Notwithstanding the above, the assessment under criterion (a) of paragraph 155 is not restricted to the appeal site and its immediate surroundings nor to a single Green Belt purpose. Although there is some conflict with purpose c), the effect of this encroachment is so modest that it does not fundamentally undermine the purposes of the remaining Green Belt when taken as a whole. Therefore, criterion (a) is satisfied.
24. Notwithstanding the above, criterion (b) and (c) must also be satisfied. In the absence of any specified or assessable use, there is no evidential basis upon which a need for the development can be identified. Therefore, criterion (b) is not satisfied.
25. With regard to criterion (c), the appeal site has poor transport links and therefore is heavily reliant on private transport. As the use of the building is not a consideration, there would be no staff, visitors or other users requiring access. However, even in the absence of a specified use, the site's reliance on private transport and lack of realistic alternative modes indicate that it would not represent a sustainable location for development in general terms. As such, it fails to satisfy criterion (c).
26. Given the above, whilst the site may be regarded as grey belt land and criterion (a) is satisfied, the failure to meet criteria (b) and (c) means the development does not benefit from the exception in paragraph 155 of the Framework.
27. Under the ground (f) appeal, the appellants provide an alternative scheme to the building that is the subject of the notice. This alternative would include the

removal of the flat roof element on the rear of the building; the removal of the external staircase; the replacement of the timber cladding with green coloured metal profiled sheeting; and, regrading the land to the rear of the building, thus screening much of the lower ground floor. However, for the same reasons as the current form of the building, the altered building would also fail to meet the requirements of paragraphs 154 and 155 of the Framework.

28. I find therefore, the development, including the alternative scheme under the ground (f) appeal, is inappropriate development in the Green Belt, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 153 of the Framework substantial weight must be given to this harm.

Openness

29. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
30. The building is a split-level, 2/3 storey building located within a small complex of buildings, including the stone farmhouse and another large stone building, all sited within a concrete yard. Due to the topography of the site, the south elevation of the building appears as a one-and-a-half storey building whereas the north elevation is largely three-storeys due to the land sloping down towards the north.
31. On approach to the site along the lane, the building is largely screened by the farmhouse. However, due to its size and elevated position, the building is a prominent feature within the landscape, particularly when viewed from the public footpath to the west of the site.
32. This prominence is exacerbated by the design of the building. The large, flat roof, three-storey element on the rear elevation combined with the domestic/commercial alignment and regularity of the windows in this rear elevation, gives the building a commercial appearance that starkly contrasts with the traditional design of the adjacent buildings.
33. Accordingly, in terms of the visual dimension of openness, the building represents a significant visual intrusion.
34. In terms of the spatial dimension of openness, the erosion of three-dimensional space arising from the introduction of a large building on the site results in a significant erosion of openness.
35. The appellants contend that the building has a smaller floor area than the total floor space of a number of buildings around the wider site that have been demolished over the years. However, whilst the details of these smaller buildings are limited, it appears as though they were spread out across the wider site far from each other and therefore would likely have had a smaller effect on openness than the consolidated, single large building. Accordingly, I do not find that the demolition of the smaller buildings justifies the impact the building has on the openness of the Green Belt.

36. The alternative scheme under the ground (f) appeal would have a reduced effect on the openness of the Green Belt, by reason of its smaller size. Nevertheless, it would still be a large, prominent building. Although its proportions would be more sympathetic, its fenestration would still have an incongruous commercial appearance.
37. I have also considered the hardstanding that the notice seeks the removal of. Although the hardstanding is low level, it nevertheless occupies three-dimensional space and therefore erodes the openness of the Green Belt.
38. I find that the visual intrusion of the building and the erosion of three-dimensional space arising from it, results in the erosion of openness, which conflicts with paragraph 142 of the Framework which identifies openness as an essential characteristic of Green Belts. In addition, it would conflict with the purposes of including land within it, in particular safeguarding the countryside from encroachment, as set out in paragraph 143 of the Framework. Although the alternative scheme's effect would be less, it would still be harmful to the openness of the Green Belt.

Location

39. Policy SS10 of the LP sets out the strategy for development within the countryside and the green belt outside of the development boundaries of the towns and larger villages and the open countryside surrounding the smaller villages. This policy restricts development in the countryside other than where it meets housing requirements and specific needs; sustains the rural economy; enhances and conserves the quality of the countryside; regenerates underused major developed areas in the countryside; and/or, enhances tourist opportunities.
40. There is no dispute the appeal site is located within the countryside. Although Policy SS10 supports development in the countryside, none of the exceptions within it offer support for the erection of a building without any specified use.
41. The building is not readily accessible by alternative forms of transport to the private car. Nevertheless, as the building is considered on the basis of having no specified use, there would be no staff, visitors or any other users of the building that would need to access it. Therefore, the lack of accessibility by alternative modes of transport to the car is attributed very limited weight. However, this does not overcome the fundamental lack of policy support for a building with no specified use within Policy SS10.
42. I find therefore that the building is not in a suitable location as envisaged by Policy SS10 of the LP and therefore undermines the growth strategy of the development plan. The alternative scheme under the ground (f) appeal would be equally harmful in this regard.

Character and appearance

43. The site is located within the countryside for the purposes of the development plan. The surrounding area comprises open agricultural fields interspersed with sporadic pockets of residential and agricultural development, creating a verdant, pastoral landscape.
44. The Council confirms that the appeal farm is identified on the Staffordshire Inventory of Historic Farmsteads and that due to its age, vernacular stone-work

and detail it is a non-designated heritage asset. The appellants do not dispute this. I consider that its significance derives from its architectural and historic context as a good example of a traditional Moorland farmstead.

45. The appeal building has a timber-clad exterior and tile roof. The other buildings within the farm complex are generally traditional stone buildings. Whilst there are some examples of timber cladding on buildings within the complex, these are very much of a subordinate nature and not of the same scale of the building. Timber is a natural material and is often used in agricultural settings. However, in this instance, the timber cladding on such a large building appears incongruous in comparison to the adjacent large traditional stone buildings.
46. Whilst the site is not within a conservation area, the development should nevertheless reflect and be sympathetic to the surrounding development, particularly due to the historic context of the non-designated heritage asset. The building utilises PVC windows and composite doors, which starkly contrast with the more traditional timber fenestration of the adjacent buildings. Moreover, they emphasise the commercial appearance of the building, further exacerbating its incongruity. I note there are examples of non-timber glazing found within the adjacent buildings. However, these are large, glazed features that compliment the historic architecture of the buildings.
47. In addition, the scale of the three-storey height of the building when seen from the north of the site, most notably from the adjacent public footpath, creates an unduly prominent feature within the landscape that results in the building dominating the wider site, rather than appearing subordinate to the adjacent residential buildings. The fenestration, including its uniform alignment and unsuitable materials, and the vast extent of timber cladding exacerbate its incongruity.
48. The alternative scheme under the ground (f) appeal, would be less prominent, by reason of its smaller size. Nevertheless, it would still be a large, unduly prominent building. Although its proportions would be more sympathetic, its fenestration would still have an incongruous commercial appearance that would fail to respect the historic agricultural context of the site and non-designated heritage asset.
49. I find therefore, the development, as well as the alternative scheme under the ground (f) appeal, significantly harms the character and appearance of the area, including the non-designated heritage asset contrary to Policies DC1, DC2 and DC3 of the LP, which seek to ensure that all development is well designed and reinforces local distinctiveness; conserves and enhances heritage assets; and, does not lead to prominent intrusion into the countryside.

Other considerations

50. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from the inappropriate development in the Green Belt and the erosion of openness; the harm to the character and appearance of the area including the non-designated heritage asset; and, the unsuitable location so as to provide the very special circumstances required to justify a grant of planning permission.

51. The appellants contend that there is a need for a butchery on the site due to the specific requirements of the deer farm. Notwithstanding that the building is not solely in use as a butchery, I cannot consider the use of the building under the ground (a) appeal. Therefore, I cannot attribute these matters any weight in favour of the ground (a) appeal.

Planning Balance

52. The development has harmful implications for the Green Belt and the erosion of openness; the character and appearance of the area including the non-designated heritage asset; and, its unsuitable location undermines the Council's growth strategy.
53. It has not been sufficiently demonstrated that there are circumstances that represent the very special circumstances required to clearly outweigh the harm to the Green Belt and the other harms I have found. Consequently, the proposal conflicts with the objectives of the Framework to protect the Green Belt and Policy SS10 of the LP and the Framework.

Conclusion on the ground (a) appeals and the deemed planning application

54. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that planning permission should not be granted in response to the ground (a) appeals against the notice and deemed planning application.

The ground (f) appeals

55. This ground of appeal is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
56. The purposes of an enforcement notice are set out in s173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). The notice requires that the land shall be returned to its condition before the breach of planning control took place through the removal of all of the components of the breach of planning control. The purpose of the notice is therefore clearly to remedy the breach of planning control rather than remedy the injury to amenity.
57. I have considered the appellants' alternative scheme and have found that it would not overcome the harm identified. In those circumstances, the retention of any part of the operational development would fail to remedy the breach of planning control. Accordingly, its removal, as required by the notice, does not exceed what is necessary to remedy the breach of planning control.
58. The appellants also contend that the building has been constructed on the footprint of the previous garage/dairy building and therefore the hardstanding should not be required to be removed. However, the floor of the previous building is not considered to be a hardstanding and therefore does not justify the retention of the existing hardstanding. The current hardstanding is clearly a new development, whether or not it replaced the floor of the previous building. As I have found above, the hardstanding harms the openness of the Green Belt. Therefore, as the

hardstanding forms part of the unauthorised operational development, its removal is necessary in order to restore the land to its former condition.

59. The low level brick wall, by itself, may have been permitted development under the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). However, it clearly formed part of the overall development and therefore cannot be considered in isolation as permitted development. Works cannot be disaggregated such that any one element benefits from permitted development rights. Permitted development rights apply at the time the development is carried out and cannot be relied upon to regularise unlawful development retrospectively, particularly where works form part of a wider unauthorised scheme. Accordingly, the low level brick wall is part of the development that constitutes the breach of planning control and therefore its removal does not exceed what is necessary to remedy the breach.
60. With regard to the manhole and channel drains, the appellants contend that these are replacements of previous drainage arrangements. However, there is no evidence of this before me. Nevertheless, as they serve the wider farm, their removal would be excessive. Accordingly, I shall vary the requirements of the notice to omit the reference to the removal of them.
61. The materials resulting from the removal of the operational development could be reused on the farm. However, there is no indication of how exactly the materials would be reused. There is no evidence of any imminent repair or maintenance works that need to be carried out. Therefore, it is reasonable to conclude that there could be a substantial amount of building waste stored on site for an indefinite period of time. This in itself would likely be harmful to the Green Belt and the character and appearance of the area. As such, the removal of the material does not exceed what is necessary to remedy the breach of planning control.
62. For the reasons set out above, and with the exception of the channel drains and manhole, the requirements of the notice do not exceed what is necessary to remedy the breach of planning control. I find therefore, the ground (f) appeals succeed insofar as they relate to the manhole and channel drains. However, in all other respects, the ground (f) appeals fail.

The ground (g) appeals

63. This ground of appeal is that the period for compliance is unreasonably short.
64. The period for compliance with the requirements of the notice is 6 months. The appellants contend that this is insufficient and that a further 6 months is required. The Council confirms that they consider this extension to be acceptable. I find no reason to conclude otherwise.
65. The ground (g) appeals therefore succeed and I shall vary the time for compliance with the requirements of the notice from 6 months to 12 months.

Formal Decision

Appeals A and B

66. It is directed that the enforcement notice is varied by:

- i. The deletion of the words “the channel drains,” and “the concrete manhole,” in paragraph 5.1(iii) of the notice.
- ii. The deletion of the words “6 months,” under paragraph 6 of the notice and their substitution for the words “12 months”.

67. Subject to the variations, the appeals are 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 1990 Act as amended.

A Walker

INSPECTOR