
Appeal Decisions

Site visit made on 26 May 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2026

Appeal A Ref: APP/X3540/C/25/3366348

Appeal B Ref: APP/X3540/C/25/3366349

The Old Golf Shop, Waldringfield Gold Club, Newbourne Rd, Waldringfield IP12 4PT

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (The Act).
 - Appeal A is made by Mrs Julie Kemp and Appeal B is made by Mr Mark Kemp against an enforcement notice issued by East Suffolk Council.
 - The notice was issued on 29 April 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the change of use of the building from a Golf shop to the use as an unauthorised residential dwelling.
 - The requirements of the notice are to: Permanently cease the unauthorised residential use of the building.
 - The period for compliance with the requirement is: 12 months after this notice takes effect.
 - The appeals are proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
 - **Summary of Decision: The appeals are dismissed and the enforcement notice is upheld with a correction and variation in the terms set out below in the Formal Decision.**
-

The Enforcement Notice

1. Section 55 of the Act provides that development, in the context of a change of use, means “the making of any material change in the use of any buildings or other land.” Although the Enforcement Notice (EN) is directed at a change of use, the allegation at paragraph 3 does not specify that the change of use is material.
2. Furthermore, there is no requirement for the notice to identify the previous use of the building. The allegation is therefore corrected to remove the former use and allege the material change of use of the building.
3. The requirement of the EN is to permanently cease the unauthorised residential use of the building. However, the inclusion of the word “permanently” is unnecessary, as the requirement to cease the residential use is sufficient to secure compliance. Moreover, section 181(1) of the Act provides that compliance with any of the requirements contained in a notice does not discharge the notice. The requirements of an EN therefore have an enduring effect. Accordingly, the requirement is varied by deleting the word “permanently”.
4. The correction and variation would not cause injustice to either party, as the amendments do not alter the substance of the alleged breach or the requirements of the notice.
5. The appellant contends that the letter accompanying the EN provides an incorrect justification for issuing the notice, namely to “stop the clock.” However, there is no statutory requirement for the accompanying letter to set out the justification for

issuing an enforcement notice. The validity of the notice must instead be assessed by reference to the statutory test.

6. Section 172(1)(b) of the Act states that the Local Planning Authority may issue a notice where it appears to them that it is expedient to do so, having regard to the provisions of the development plan and to any other material considerations.
7. Section 173(10) of the Act states that a notice shall specify such additional matters as may be prescribed. These additional matters are prescribed in the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 (the ENAR). Regulation 4(a) of the ENAR requires an enforcement notice to specify the reason why the LPA considers it expedient to issue the notice. The EN in this case satisfies this requirement.

Application for costs

8. An application for costs has been made against East Suffolk Council. This is the subject of a separate decision.

Preliminary Matters

9. The address in the banner heading above is taken from the appeal form as this more accurately reflects the location of the appeal site.

The ground (g) appeal

10. An appeal on ground (g) is brought on the grounds that the period specified for compliance falls short of what is reasonable. Specifically, the appellants assert that planning application (DC/25/1111/FUL) under consideration may not be determined within the 12 month period for multiple reasons. It is therefore claimed that imposing a short compliance period, prematurely prejudices the appellants who are actively seeking to regularise the use through proper channels. Accordingly, a 36 month period for compliance is sought.
11. However, 12 months is not a short period, and the Council advises that this compliance period was specified to allow sufficient time for the submitted planning application to be determined, together with any subsequent appeal that might arise. This approach is reasonable given that the application had been submitted prior to my visit, more than a year has passed since the EN was issued and the statutory determination period would fall well within the 12-month compliance period.
12. The appellant disputes this, asserting that the Council has a poor record of timely decision-making and suggesting that the application could be referred to committee, resulting in further delay, and that, if refused, an appeal could follow. However, at the time the EN was issued, the residential use of the building was unauthorised, which constituted a breach of planning control. The planning system does not permit unauthorised development to continue on the basis of a potential future planning permission, and the EN properly requires the cessation of the breach as it existed at the relevant time. I agree that the inclusion of a 12-month compliance period strikes an appropriate balance between allowing the planning process to run its course and ensuring that the unauthorised use does not continue indefinitely.

13. Moreover, the Council has indicated that it would be prepared to exercise flexibility where there is evidence demonstrating a genuine need for additional time to comply with the EN. In such circumstances, the Council could rely on section 173A(1) of the Act to waive or relax the requirements of the EN, including extending the compliance period in accordance with section 173(9). This represents a reasonable and proportionate approach in the context of this appeal, as it allows for responsiveness to changing circumstances without undermining the purpose or effectiveness of enforcement action.
14. On the evidence before me, I am not persuaded that the compliance period is unreasonably short or that an extension to 36 months is necessary. Accordingly, the appeal on ground (g) fails.

Conclusion

15. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the EN with a correction and variation.

Formal Decision

16. It is directed that the EN is corrected by:

- The deletion of the words *“Without planning permission, the change of use of the Building from a Golf shop to the use as an unauthorised residential dwelling”*.

And their substitution with the words:

“Without planning permission, the material change of use of the Building to a residential dwelling”.

And varied by:

- The deletion of the words *“Permanently cease the Unauthorised Residential Use of the Building”*.

And their substitution with the words:

“Cease the unauthorised residential use of the Building” in section 5 of the EN.

17. Subject to the correction and variation, the appeal is dismissed, and the EN is upheld.

V Goldberg

INSPECTOR