



Appeal Decision

Site visit made on 27 May 2026

by **Peter Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

Appeal Ref: APP/P4415/C/25/3373896

Stevenage, West Lane, Aughton, Rotherham S26 3XS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Nancy Bernard against an enforcement notice issued by Rotherham Metropolitan Borough Council.
 - The notice was issued on 17 September 2025.
 - The breach of planning control as alleged in the notice is Without the required planning permission, the change of use from a dwellinghouse (Use Class C3) to a short-term holiday let (Use Class Sui Generis).
 - The requirement of the notice is to permanently cease the use and any trading of the property as a short-term holiday let.
 - The period for compliance with the requirement is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice be corrected by the deletion of '(Use Class Sui Generis)' from Section 3 (The breach of planning control alleged). Subject to that change, the appeal is dismissed and the enforcement notice is upheld.

The Enforcement Notice

2. Section 3 of the enforcement notice suggests that use as a short-term holiday let falls within 'Use Class Sui Generis'. There is no such use class. Rather, the Latin term *sui generis* is used to denote a use which does not fall within any planning use class. This minor inaccuracy is easily corrected without changing the effect of the notice in any way or causing injustice to any party.

Ground (f)

3. The appeal on ground (f) concerns the requirements of the notice. The appellant proposes that, rather than requiring the use to cease, the notice could instead seek to limit the number of guests allowed at the property. It is argued that a reduction to 15 would result in a reduction in noise levels such as to address the Council's concerns. Before coming to that, it is first necessary to consider the purpose of the notice.
4. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. In this case, the allegation concerns the use of a building and the notice requires the complete cessation of that use. This is consistent with remedying the

breach of planning control in accordance with s173(4)(a). It does not appear to me that the breach of planning control could be remedied in any other way. Consequently, I do not regard the requirement as excessive.

5. It may well be, as the appellant suggests, that reducing the number of guests would reduce noise arising from the property. I have also noted the suggestion that there could be an on-site manager. However, such measures would not result in the cessation of the use targeted by the notice. Consequently, the purpose of remedying the breach of planning control would not be achieved. In any event, there is no appeal on ground (a) and no deemed planning application. Consequently, the planning merits of the use – whether in its current form or in the reduced form advanced by the appellant – are not before me, and it is not open to me to make a planning judgement about the appellant's proposals.
6. The Council refers to the possibility of the property changing use to a Class C4 House in Multiple Occupation. However, such a use would be different from both the use enforced against and the previous lawful use and is not a proposal advanced by the appellant. Consequently, I see no relevance to this appeal.
7. I have noted the appeal decision referred to by the Council¹, but that concerned a refusal of planning permission and has no bearing on my decision, which is made on the facts of this case.
8. For these reasons, the appeal on ground (f) fails.

Ground (g)

9. The appellant seeks a compliance period of 12 months because, it is said, bookings are made many months in advance. I am told that compliance within 3 months is impractical as it would necessitate the cancellation of multiple bookings, leading to the appellant incurring significant financial hardship.
10. There is insufficient evidence before me to establish the detail of this very generalised case. I have no details of the extent of bookings to give any indication of how many are made more than 3 months in advance. Nor is there any attempt to quantify the extent of the financial hardship that is claimed. Overall, the claims are vague and not adequately supported by the evidence.
11. Furthermore, while I do not doubt that compliance with the notice within 3 months will have significant financial implications for the appellant, that must be balanced against the desirability of ensuring compliance with the notice without undue delay. The appellant suggests that the use does not cause excessive noise. However, the planning merits of the use are not before me, and I cannot make a judgement that the compliance period should be extended because there is no or limited harm arising from the use. Rather, the question is whether 3 months falls short of what should reasonably be allowed. In this case, I cannot see a clear reason for any longer period.
12. I am told 12 months would allow for the preparation and determination of a fresh planning application to address the points raised by the inspector who determined a previous appeal relating to the site². However, I do not see any reason to extend

¹ APP/N1350/W/25/3369312

² Appeal Ref: 6000996

the compliance period on that basis; a planning application can be prepared irrespective of when the notice has to be complied with.

13. I conclude that 3 months is a reasonable compliance period in all the circumstances of the case. Consequently, the appeal on ground (g) fails and the compliance period will remain unchanged. I have noted the appeal decision referred to by the Council³, but cannot see that it establishes any principle relevant to the case before me, which I have considered on its own merits.

Conclusion

14. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice as corrected.

Peter Willows

INSPECTOR

³ APP/G3110/C/3335859