



Appeal Decision

Site visit made on 27 May 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2026

Appeal Ref: APP/P1045/C/25/3372863

Land to the northeast of Blackwall Grange, Blackwall Lane, Kirk Ireton, DE6 3LN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr David Taylor against an enforcement notice issued by Derbyshire Dales District Council.
 - The notice was issued on 5 August 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised change of use of agricultural land to a mixed use of agricultural and leisure use and for the operational development to erect and siting of a wooden shed.
 - The requirements of the notice are to: (a) Permanently remove a wooden shed from the land edged red on the enclosed plan; and (b) Permanently remove the concrete slab base from the land edged red on the enclosed plan.
 - The period for compliance with the requirements is 30 days from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The Appeal on Ground (c)

2. An appeal on ground (c) is made on the basis that the matters alleged in the notice do not constitute a breach of planning control.
3. In terms of the use of the land, the field is generally laid to pasture and the appellant maintains that the grass is grown for hay. The Council does not dispute that and I have no reason to doubt that the agricultural use continues to that extent.
4. However, the shed that has been erected in the corner of the field, adjacent to the steeply-sided wooded slopes, has a distinctly domestic appearance. It measures 2.4m by 2.4m, with timber sides and a glazed front, being typical of many garden sheds. It has no obvious agricultural function. At the time of my visit, I could see a couple of chairs by the viewing window looking out onto the woods and bird feeders, a birdwatching wallchart, bird feed, some mugs and walking poles.
5. Whilst the appellant maintains it has been used to propagate seeds as part of a rewilding project there is no real evidence that it has an agricultural function. It appears as what it is which is a shelter from the weather and a nice place to spend time birdwatching and enjoying the tranquil location. The artificial turf just outside adds to the domestic feel. Thus, its function appears to be based around leisure use as opposed to any agricultural activity.

6. Although it is small in scale it is visible from the roadside and the domestic appearance is notable. Consequently, overall, I find that the leisure use has altered the character of the former agricultural field visually and functionally to the extent that a material change of use to the mixed use of leisure and agriculture has occurred. No planning permission has been granted for that material change of use which accordingly, represents a breach of planning control.
7. Nor do I have any doubt that the structure amounts to a building having regard to the tests laid down by established caselaw. Although not large, it is the type of structure commonly accepted to be a building in a domestic setting and would have required a degree of construction to assemble and erect the constituent parts. It is on a solid base – seemingly a mix of hardcore and concrete flags, which gives the impression of a degree of permanence. It is unlikely to be moved around the field and, although not anchored to the base it rests upon it due to its own weight.
8. Overall, it clearly amounted to a building operation. No permitted development rights apply to the construction of a leisure building within a field and planning permission has not been granted. Thus, it represents a breach of planning control.
9. For those reasons the appeal on ground (c) fails in respect of both the use and the building.

The Appeal on Ground (f)

10. The appellant maintains that the steps are excessive on the basis that the removal of the base is unnecessary due to the fact that it would be indistinguishable from typical hardcore surfaces used commonly on farmland.
11. However, when dealing with an appeal on this ground it is necessary to understand the purpose of the notice. The question is whether the required steps go further than is necessary to remedy the breach of planning control or any injury to amenity as the case may be. In this case, the Council is clearly seeking to remedy the breach of control and not simply any injury to amenity.
12. The base forms an integral part of the construction of the shed. It was not laid for any other purpose and did not have an agricultural function. Consequently, its removal goes no further than is necessary to remedy the breach of control and the appeal on ground (f) must fail.

The Appeal on Ground (g)

13. The appellant considers that the 30 day period is shorter than should reasonably be allowed, given that contractors may not be available. A period of 6 months to carry out the work is requested.
14. However, the shed is small in scale and could be demolished readily without the need to engage a contractor. It could be carried out by any competent person and the remains and hardcore could be reduced in size and removed from site within the boot of a reasonably sized car or certainly the back of a van, as could the paving slabs and hardcore.
15. Given the domestic scale I find that the 30-day period given within the notice is reasonable and the appeal on ground (g) fails.

Conclusion

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

Chris Preston

INSPECTOR