



Appeal Decisions

Site visit made on 27 May 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2026

Appeal A Ref: APP/P1045/C/25/3375058

Appeal B Ref: APP/P1045/C/25/3375103

Land west of Foxholes Lane, Tansley, Matlock, Derbyshire, DE4 5LF

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Richard Comer and Appeal B by Mrs Samantha Comer against an enforcement notice issued by Derbyshire Dales District Council.
 - The notice was issued on 16 September 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, and within the last 10 years:
 - 3.1 the material change of use from Agricultural land to a Mixed use of Residential, Agricultural and;
 - 3.2 the stationing of two (2) caravans for residential use and the laying of paving slabs to provide a base for said caravans; and;
 - 3.3 the stationing of large box container, a green metal container and fourteen wooden poles creating a circular structure, 2 large septic tanks, the stationing of vehicles associated with the residential use; the stationing of other residential paraphernalia (shown and marked on the attached plan).
 - The requirements of the notice are to:
 - (1) Cease the use of the land for residential purposes.
 - (2) Remove from the land permanently the two static caravans marked A and B on the attached plan.
 - (3) Dig up and remove the paving slabs base permanently from the land used for the unauthorised siting and use of the residential caravans.
 - (4) Disconnect and remove permanently from the land all services connected into the two caravans A and B and remove a set (1) metal steps to caravan A.
 - (5) Dig up and remove permanently 14 wooden poles forming a circular structure marked (c) on the attached plan.
 - (6) Remove all debris and other material including gas bottles, stone blocks, washing line, patio table and chairs associated with the unauthorised residential use, from the land edged red on Plan.
 - (7) Remove all vehicles associated with the residential use from the land.
 - (8) Remove permanently from the land box container marked (D) on the attached plan.
 - (9) Remove permanently from the land Green Metal Container marked (E) on the attached plan.
 - (10) Dismantle and remove permanently from the land septic tanks and associated land services used in association with the unauthorised residential use marked (F) on the attached plan.
 - The period for compliance with the requirements is: 3 months from the date the notice takes effect.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (c) 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.
 - Appeal B is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Decision in Respect of Appeal A:

1. It is directed that the enforcement notice is varied by the deletion of the requirement 5.1(7).
2. Subject to that variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act, as amended.

Decision in Respect of Appeal B:

3. It is directed that the enforcement notice is varied by the deletion of the requirement 5.1(7).
4. Subject to that variation, the appeal is dismissed and the enforcement notice is upheld.

Procedural Matters

5. Where two appellants are named on the appeal form in enforcement appeals, as in this case with Mr and Mrs Comer, a reference number is allocated to each because, technically, two appeals are made. I have referred to the appeal by Mr Comer as Appeal A and Mrs Comer as Appeal B, as set out above.
6. Given that a fee is payable in relation to an appeal on Ground (a) it is common that fee will only be paid by one appellant; Mr Comer in this case. Consequently, the Ground (a) appeal proceeds in relation to Appeal A alone. The respective cases are identical in respect of Ground (c) and I shall deal with both appeals together within my decision letter.

Appeals A & B on Ground (c)

7. An appeal on Ground (c) is that the matters alleged in the enforcement notice do not constitute a breach of planning control. The onus rests with an appellant to demonstrate their case, on the balance of probability.
8. The appellants appear to be unrepresented in the appeal and some of their case is based on a misunderstanding of what amounts to development requiring planning permission. They do not dispute that the twin lodge unit is in use for residential purposes, as was apparent at the time of my site visit, but contend that it is "our lawful welfare accommodation". Whether the unit is required for welfare purposes related to any agricultural use will be a matter for consideration when determining whether to grant planning permission for the use in respect of the appeal on Ground (a).
9. However, such matters do not affect the question of whether planning permission is required. The residential occupation of a caravan on land formerly used as agricultural land amounts to a material change of use of that land to a mixed use of agricultural and residential, as alleged in the notice. The characteristics of such a mixed use with a residential element are undoubtedly different than if the fields were solely in agricultural use. Visually there is an impact in terms of the domestication of the land and there will no doubt be impacts relating to travel patterns and comings and goings associated with the residential element of the use.

10. There is no doubt that planning permission is required for such a change of use and no such permission has been granted. Consequently, the residential use of the twin lodge unit undoubtedly represents a breach of planning control.
11. The appellants assert that the other static caravan is not used for residential purposes but is a welfare unit for workers and contractors and office linked to the operation of the agricultural use. However, little evidence is submitted in support of that claim. The agricultural use appears to be on a very small scale, with a limited number of livestock and birds. Beyond the appellants it is not clear that anyone else works at the farm. Consequently, why a welfare unit separate from the sizeable twin-lodge home would be necessary is not clear.
12. Like most static units of the type in question it contains a living area with built in kitchen, a bathroom and a separate bedroom. There were some clothes stored in the cupboards and some cups and cutlery in the kitchen but it did not appear to be lived in at the time of my visit and it does seem as though the appellants generally live in the twin-lodge.
13. Nonetheless it does have a domestic design and appearance and appears to function as extra space, almost as an annex to the twin-lodge as much as having any obvious agricultural function. Therefore, on the balance of probability I find that the static does have a domestic rather than agricultural function and its siting and use contribute to the material change of use alleged. No planning permission exists for that material change of use and the use of both caravans represents a breach of control.
14. The same is true of the box container and the green metal container (shown as D & E on the plan attached to the notice). Given their size and degree of permanence it seems to me that the two structures amount to operational development. Whilst the appellants claim they are used for storage in association with agricultural use, the items stored were indicative of the mixed use of agriculture and residential. There was some animal feed but also domestic freezers with food for the appellants and what was effectively a larder stocked with every-day foodstuffs. The metal container houses various tools, some feed but also personal items of a more domestic nature.
15. The wooden circular structure (C) does not appear to have any obvious function. The appellants suggest it was initially intended as a framework for a polytunnel which previously received planning permission. No evidence to support that has been provided in terms of any approved plans and the shape of the structure does not give that impression. Consequently, the argument that it has an agricultural function is not made out.
16. The only items which have a clear agricultural use are the septic tanks (F) which have been recycled and used as shelters for pigs, as can be seen in photographs provided. Thus, they do not have a domestic function. The tanks are small structures and eminently movable, befitting their purpose. As such they are not building operations and their use is agricultural, such that they do not represent a breach of control, nor have they facilitated the residential use of the site. Consequently, I shall vary the terms of the notice to delete the requirement to remove them.
17. Beyond that it is clear that the material change of use to a mixed use of agricultural and residential use is unauthorised and that the siting of caravans and other

structures have facilitated that material change of use. Those matters represent a clear breach of planning control and the appeals on Ground (c) must fail.

Appeal A on Ground (a)

18. The main issues in respect of the appeal on Ground (a) are:

- i) The effect of the development on the character and appearance of the area; and
- ii) Whether there is a justified need for the residential use of the site having regard to the agricultural use of the unit.

Character and Appearance of the Area

19. The appeal site occupies an elevated position within the countryside to the north of Tansley, accessed from Foxholes Lane which rises up steeply from the village. It is an extremely attractive, hill farming, landscape with pastoral fields enclosed by ubiquitous dry stone walls and isolated farmhouses and barns constructed from the same local stone. The area is on the fringes of the Peak District National Park and the Lower Derwent valley.
20. The woodland to the rear provides a verdant backdrop against which the development at the site is clearly visible. By any means, the collection of caravans, containers and other structures is unsympathetic when set against the established character of the landscape. The modern materials of the caravans jar against the traditional materials of surrounding walls and houses. Moreover, the caravans containers and paraphernalia are scattered around the site, almost at random, which gives the site a cluttered appearance. In contrast to the former undeveloped paddocks and fields, which would have been a characteristic part of the landscape, the haphazard form of development is extremely unsympathetic.
21. It is also prominent given the hillside location, being visible from the road and also the public footpath which runs past the site. Little attempt has been made to assimilate the various structures into the landscape. Whilst it may be possible to mitigate the harm to some extent, perhaps by cladding or painting the structures in a less conspicuous colour, such conditions would not overcome the harm associated with the incursion of built form and clutter into the established landscape of upland pasture which is generally free of such structures, beyond the vernacular barns other structures which tend to be clustered around farmsteads as opposed to scattered within the fields.
22. For those reasons the development has caused harm to the character and appearance of the area and is contrary to the aims of Policy S4(k) of the Derbyshire Dales Local Plan (2017) (the Local Plan), which seeks to ensure that development preserves or enhances the distinctive character and appearance of the local landscape. It also contravenes the design related aims of Policy PD1 of the Local Plan which, amongst other things, requires development to be of high-quality design which reflects the character and identity of the landscape and that it responds positively to character, history and identity on account of scale, layout, design and materials.
23. For the same reasons, the development fails to respect the intrinsic character of the landscape, contrary to the aims of Policy PD5 of the Local Plan.

Location of the Site and Agricultural Need

24. The site is located within the open countryside, some distance from Tansley and the closest shops and services. In line with Policy S4(i) of the Local Plan, it is not a location that is considered suitable for new residential unless it meets one of the specified exceptions. One of those exceptions relates to housing which meets the essential requirements of agriculture, forestry or other rural based enterprises, in line with Policy HC13 of the Local Plan.
25. Policy HC13 supports proposals for the provision of dwellings to meet such requirements subject to a number of criteria (a to g). Again, I am mindful that the appellant is unrepresented, but the level of information provided is significantly short of that which would be necessary to demonstrate compliance with those criteria.
26. Subsections (a), (b) and (c) require that there is a clearly established functional need for a full-time worker and that the enterprise has been established for at least 3 years being profitable for at least one and that it is financially sound, with a clear prospect of remaining so. No financial accounts or balance sheets have been submitted. I note correspondence with alpaca and pig breeders regarding timelines and gestation periods but that does not indicate that the proposals would be commercially viable.
27. Similarly, the business plan submitted only indicates projected income from the business which is predicted to be approximately £18600 by year 3. That income is modest and would seem insufficient to support or justify a full-time employee. Moreover, no costs are included within the plan so it is not possible to determine how much profit, if any, is anticipated. Nor is it clear how the anticipated income has been derived in terms of numbers of sales or likely stock values, egg prices etc so it is hard to assess whether the figures are realistic. Whether there is a likely market for the produce is also unclear. There is reference to a local butcher called "John" who may be interested in taking some rabbits but details are scant.
28. The information is insufficient to demonstrate that there is a functional need for a full-time worker. At the time of my visit there were 3 female pigs with one boar on hire, 3 other pigs not being bred, 3 alpacas and 53 rescue hens. It is a small-scale operation, almost akin to hobby farming and there is nothing to indicate why a full-time on-site presence is required to look after such a small number of animals. Given the limited amount of land available it seems unlikely that the scale of operations could be increased significantly. No doubt at times of birthing some greater supervision will be required but that does not justify year round occupation of the site.
29. In the absence of a functional need the appellant and his wife could continue to run the agricultural enterprise whilst living off site. Certainly, the information before me is not enough to demonstrate why that would not be possible.
30. Accordingly, the appellant has not demonstrated that the residential use complies with the terms of Policies S4 and HC13 of the Local Plan. In the absence of a clearly defined agricultural justification, the location of the site is unsuitable for residential development and in an unsustainable location in respect of its accessibility to local shops and services, contrary to the aims of Policy S1 of the Local Plan.

Other Matters

31. Whilst not a matter raised by the appellant, a decision to refuse to grant planning permission and to uphold the enforcement notice would have significant implications for the home life of Mr and Mrs Comer by requiring them to cease living at the site, such that they would need to find accommodation elsewhere. It is clearly a case where Article 8 Convention Rights are engaged¹.
32. Rights under Article 8(1) are qualified rights and, in appropriate circumstances, interference may be justified in the public interest. Regulation of land use through development control measures is recognised as an important function of Government and is necessary to ensure the economic well-being of the country. In that sense, the regulation of development for legitimate planning aims can be said to be in the public interest. The aim is to strike the right balance between the general interests and rights of the wider community and the requirement to protect an individual's private rights. Central to the principle of a fair balance is the doctrine of proportionality.
33. The effect of the notice would be to remove the appellant's current place of residence. However, there is no indication that they would be rendered homeless or unable to secure alternative accommodation. Furthermore, I am satisfied that the couple could continue to attend to their livestock whilst living off site.
34. Given the clear and flagrant breach of planning policy and the associated harm arising I find that interference with the Human Rights of the appellant and his wife would be proportionate in this case. Consequently, that is not a matter that outweighs the harm identified and the conflict with the development plan.
35. Interested parties have referred to matters of highway safety in terms of the increased use of the access to the site. However, given the small scale of operations and the fact that there is good visibility from the point of access/ egress that is not a matter that weighs against the development. I also note that signage has been erected to avoid confusion over vehicles going to the wrong address.

Conclusion in Respect of Appeal A on Ground (a)

36. For the reasons set out above, the development is clearly contrary to the relevant policies of the development plan. No material considerations have been put forward that would justify a decision other than in accordance with the development plan and it follows that the appeal on ground (a) should fail and that planning permission should not be granted for the breach of control described in the notice.

Overall Conclusion in Respect of Appeals A & B

37. For the reasons given above, I conclude that the appeals should not succeed, except to the limited extent with reference to the septic tanks which have been utilised for an agricultural purpose. I shall uphold the enforcement notice with a variation in that regard and refuse to grant planning permission in respect of Appeal A on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Chris Preston

¹ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998

INSPECTOR