



Appeals Decisions

Site visit made on 9 June 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 25th June 2026

**Appeals Refs: APP/C3430/C/25/3362523 & APP/C3430/C/25/3362527
Land to the north of 12 The Highfields, Wightwick, Wolverhampton
WV6 8DW**

- The appeals are made by Jaymini Patel and Ravindra Ashabhai Patel under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 19/00230/UNCOU) issued by South Staffordshire District Council on 18 February 2025.
- The breach of planning control alleged in the notice as issued is "the material change of use of the Land to domestic residential garden land in association with 12, The Highfields, including to facilitate the material change of use the depositing of gravel to create a hardstanding for the parking of motor vehicles".
- The requirements of the notice are as follows: -
 - "i) Permanently cease the use of the Land as domestic residential garden land in association with 12, The Highfields.
 - ii) Remove the loose gravel parking area used for the parking of vehicles and cease the use of the Land for the parking of cars
 - iii) Restore the Land to its original condition before the breach took place.
 - iv) Plant an evergreen hedge of at least one metre high similar to that which was in place before the unauthorised material change of use took place; or in the alternative erect a minimum three bar wooden fence at least one metre high in the area indicated by a blue line on the Plan so as to physically separate the Land from the curtilage of 12, The Highfields."
- The period for compliance with these requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d) and (f).
- In the absence of an appeal on ground (a), there is no planning application associated with the appeals and the planning merits of the matters alleged in the notice have not been considered in these appeals decisions.

Decisions

1. It is directed that the enforcement notice be corrected as follows: -
 - (a) in the heading, add "and Operational Development" after "Change of Use" and
 - (b) delete paragraph 3 and replace it with the following paragraph 3:
"3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, (a) the material change of use of the northern part of the Land to domestic residential garden land in association with 12 The Highfields and (b) the carrying out of operational development on the southern part of the Land by the depositing of gravel to create a hardstanding for the parking of motor vehicles.”

2. Subject to this direction, the appeals are allowed and the enforcement notice as corrected is quashed.

Reasons for the decisions

Ground (b)

3. The purpose of an appeal on ground (b) is to maintain that the matters alleged in the notice to be a breach of planning control have not occurred as a matter of fact.
4. The appeal site is a large area of land opposite the front of the house, which consists at present of a gravel-surfaced parking area close to the house and a much larger grassed area beyond the parking area. The allegation in the notice that the depositing of gravel to create a hardstanding for the parking of motor vehicles has facilitated the use of the appeal site as domestic residential garden land is unsupportable. As a matter of fact, the gravel was deposited in order to extend the existing parking facilities at the front of the house and not to create garden land. It was a discrete act of operational development which should have been differentiated in the notice from the alleged unauthorised change of use of the appeal site to domestic residential garden land.
5. I am satisfied that I can correct the notice to reflect this conclusion without causing injustice. The correction is in paragraph 1 above.
6. There is no question that the parking area exists as alleged in the corrected notice. The remaining issue for determination under ground (b) is whether the alleged domestic residential garden land also exists as a matter of fact.
7. Looking at the imagery that has been supplied, the appeal site as a whole appears to have been maintained as an open area of mown grass along with other open grassland to the west until sometime between 2013 and 2015, by which time the grass on the appeal site appeared to be neglected and the appeal site appeared to be separated from the other land by boundary planting. It remained like this in the 2018 image, but by 2019 changes had occurred – the gravelled parking area had been created as an extension to the existing parking area and the grassed area appeared to exist as a mown area beyond the extended parking area.
8. I do not consider that splitting off the appeal site from the adjoining land to the west and maintaining a large part of it as a mown-grassed area resulted on its own in its use as domestic residential garden land for planning purposes. More evidence of such a use is required for this to be the case and it does not exist, for the following reasons: -
 - The grassed area contains none of the physical features that could characterise it as domestic residential garden land, such as landscaping, flowerbeds, planted borders, patios, ornaments, bird baths, decking, pathways, steps or paving.

- There are no structures at all on the grassed area, such as domestic sheds, greenhouses, fencing and pergolas.
 - There is no domestic paraphernalia on the grassed area, such as clotheslines, seating or barbecue equipment.
9. The appeals have therefore succeeded on ground (b) as respects the alleged use as domestic residential garden land.

Ground (d)

10. The purpose of an appeal on ground (d) is to demonstrate that, at the date when the notice was issued, no enforcement action could be taken. The '4-year rule' applies to the operational development carried out to provide the parking area, that is four years beginning with the date on which the operations were substantially completed.
11. The Council's evidence includes aerial imagery which shows that the parking area was completed sometime between June 2018 and May 2019. The 'cut-off' date for the issue of an enforcement notice relating to the parking area was therefore May 2023 at the latest but the notice was not issued until February 2025, by which time it was too late.
12. The appeals have therefore succeeded on ground (d) as respects the depositing of gravel to create a hardstanding for the parking of motor vehicles.

Ground (c) and ground (f)

13. In view of the success of the appeals on grounds (b) and (d) the corrected enforcement notice has been quashed. Grounds (c) and (f) no longer fall to be considered.

D.A.Hainsworth

INSPECTOR