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## Appeal Decisions

Site visit made on 29 June 2026

by **Ms S Watson BA(Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 July 2026

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**Appeal A Ref: APP/B3438/C/24/3357672**

**Appeal B Ref: APP/B3438/C/24/3357673**

**158 Bagnall Road, Stoke-on-Trent, ST2 7LW**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - Appeal A is made by Mr Stephen Lowndes and Appeal B is made by Mrs Paula Lowndes against an enforcement notice issued by Staffordshire Moorlands District Council.
  - The notice was issued on 19 November 2024.
  - The breach of planning control as alleged in the notice is:
  - “3.1 Without planning permission, the change of use of the land from an equestrian use to a domestic use for the parking and storage of vehicles, equipment and machinery and for the recharging of electrical vehicles (“the Change of Use”).
  - 3.2 Without planning permission, incidental works on the Land that are integral to the change of use described at 3.1 consisting of: (i) the construction of a hard surface on the Land made up of loose stone and tarmac planings and concrete flag stones (“the Hardstanding”), shown for the purposes of identification and for the avoidance of doubt in the attached photographs marked EN02; (ii) the erection of an open fronted 3 bay timber building with a tiled pitch roof, shown for the purposes of identification and for the avoidance of doubt outlined in blue (the “Blue Building”) in the attached photographs marked EN03; (iii) the installation of an electrical outlet for recharging vehicles, attached to the wall of the “Blue Building”, shown for the purposes of identification and for the avoidance of doubt in the attached photograph marked EN04.”
  - The requirements of the notice are to:
    - “5.1 Cease using the land for domestic purposes, including but not restricted to the parking and storage of vehicles, equipment and machinery, and for the recharging of electrical vehicles;
    - 5.2 Remove from the land:
      - (i) all vehicles, equipment and machinery, including but not limited to cars, a mini digger, a ride on lawn mower and metal ladders;
      - (ii) the electrical outlet for recharging vehicles which is attached to the wall of the Blue Building shown on the attached photographs marked EN02;
      - (iii) the open fronted 3 bay timber building with a tiled pitch roof, shown for the purposes of identification and for the avoidance of doubt outlined in blue (the “Blue Building”) in the attached photographs marked EN03;
      - (iv) all of the hardstanding made up of loose stone and tarmac planings and concrete flag stones, shown for the purposes of identification and for the avoidance of doubt in the attached photographs marked EN02;
      - (v) any building materials and rubble arising from compliance with step 2 parts (i) to (iv).
    - 5.3 Restore the land to its condition before the breach took place by levelling the ground and reseeding the land with grass.”
  - The period for compliance with the requirements is: 4 months.
  - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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## Decision

1. The appeals are dismissed and the enforcement notice is upheld.

## Reasons

2. An appeal on ground (c) is that those matters (if they occurred) do not constitute a breach of planning control.
3. It is the appellants' case that the works are permitted development.
4. The appellants have directed me to the Planning Portal which provides advice on householder development for outbuildings. They rely on Article 3 and Schedule 2, Part 1, Class E to The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). This grants permission for outbuildings subject to certain criteria. Class F of the same Part allows hard surfaces incidental to the enjoyment of the dwellinghouse.
5. However, permitted development rights for householders only apply within the curtilage of a dwellinghouse. For land to fall within the curtilage of a building, case law has established that it must be intimately associated with the building. The Technical Guidance<sup>1</sup> describes "curtilage" as "*land which forms part and parcel with the house. Usually, it is the area of land within which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area*" (my emphasis)." This explains, therefore, that not all the land around a house will be part of its curtilage.
6. There is no dispute that the appeal land is in the same ownership as the dwelling at 158 Bagnall Road. However, it is separated from the garden and drive by a low stone wall, which has a break in it to provide access to the site. The area subject to the notice has the appearance of being within a field rather than being within the garden or drive of the house.
7. Furthermore, the planning history of the site does not support it being within the dwelling's residential curtilage. The land was subject to an appeal for a proposed hay and haylage store<sup>2</sup> which was dismissed in June 2023. In that case, on the application form, the existing use of the site was described as "grazing land with on-site storage shed".
8. In that appeal decision, the Inspector described the site as a small part of a much larger field directly to the rear of 158 Bagnall Road. He said that it was not clear what the field was used for, but that it was clearly separated from the domestic curtilage serving the dwelling. He noted what appeared to be jumps within the field, and he also noted that the adjoining field contained a large stable block and paddocks.
9. The Council also point out that planning permission was granted in November 2014 for an equipment storage building on the same field, albeit in a different place on the field. The application form stated that the use of the site was "*Green field (agricultural) with semi demolished stables*". In that application, the Design and Access statement said that there had been stables on the site and that the building was to provide a new fully functioning plant and machinery store along with a

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<sup>1</sup> Permitted Development Rights for Householders Technical Guidance, MHCLG 2019

<sup>2</sup> APP/B3438/W/22/3301452

general store for the upkeep of the farm. In addition, the Planning Officer's Report said that the land was used primarily for grazing and the keeping of horses.

10. Furthermore, the appellants also say in their appeal evidence: "*Red Bank Farm is an equestrian livery and stud farm. We are in the process of changing our farm vehicles to electric powered ones. The wooden garage would be used to recharge these vehicles which should be regarded as "Agricultural Purposes".*" These comments are at odds with their claim that the land is part of the residential curtilage of the dwelling.
11. The appellants say that the previous owner kept chickens and geese on the land. A statutory declaration from Mr Hulson, the previous owner, confirms this. Mr Hulson indicated that the birds were housed in a tin shed of a similar size to the open fronted 3 bay timber building. He said that he regarded the area as garden because he fed and watered the birds daily and used the eggs for personal consumption at the farm.
12. However, the keeping of chicken and geese is an agricultural use, regardless of whether people at the farm consume the produce. The statutory declaration is therefore further evidence that the land is not part of the residential curtilage.
13. I conclude that the land is not part of the residential curtilage and therefore permitted development rights for the building and hardstanding do not apply. Planning permission is required and this has not been granted.
14. In respect of the electric vehicle charger, Article 3 and Schedule 2, Part 2, Class D allows for "*The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.*" Vehicles could be parked there lawfully if they were in connection with a lawful use of the land. Nevertheless, the charger is attached to the building subject of the enforcement notice so if the building is removed, the charger will no longer be mounted on the wall.
15. The appeals therefore fail on ground (c)

## **Conclusion**

16. For the reasons given above, I conclude that the appeals should not succeed.

*Ms S Watson*

INSPECTOR