



Appeal Decision

Site visit made on 22 June 2026

by **Paul T Hocking BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2026

Appeal Ref: APP/D1265/C/24/3351402

Land known as Coldharbour Farm, Coldharbour, Chickerell, Dorset

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr James Roper against an enforcement notice issued by Dorset Council.
- The notice was issued on 2 August 2024.
- The breach of planning control as alleged in the notice is: Without planning permission: a) The material change of use of the Land from agricultural use to use for storage purposes. b) The siting of metal containers on the Land in association with and in order to facilitate the unlawful change of use of the Land for storage. c) Laying out and construction of a roadway and pillars in association with and in order to facilitate the unlawful change of use of the Land for storage.
- The requirements of the notice are: a. Cease use of the Land for storage purposes. b. Remove from the Land all containers and other items used to facilitate the change of use referred to in requirement a) above. c. Demolish and excavate all roadways, hardstanding and structures including the pillars situated on the Land which are associated with, or which facilitate the use of the Land for storage purposes. d. Remove from the Land all bricks, rubble and other detritus and materials arising from c. above. e. Restore and reinstate the Land to its former agricultural use, by planting and sowing vegetation of similar nature to that which existed prior to the unlawful change of use.
- The periods for compliance with the requirements are 3 months and 12 months respectively.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (e) and (f) 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.

Summary of Decision

1. The appeal is allowed, and the enforcement notice is quashed.

The ground (e) appeal

2. This ground of appeal concerns whether the enforcement notice was properly served on everyone with an interest in the land.
3. Section 172(2) of the Act provides that a copy of the notice shall be served on the owner and occupier of the land to which it relates, and any other person having an interest in the land, including mortgagees, tenants and sub-tenants, being an interest which is materially affected.
4. The term 'owner' is defined in s336 of the Act, but 'occupier' is not; they however may be lessees or licensees by virtue of an oral or written license. Relevant factors will include degree of control, duration of occupation and the nature of the occupancy.
5. Personal service was effected on the owner of the land, and who is the sole appellant, on 2 August 2024, which is not in dispute.

6. Back in October 2022, the appellant responded to a Planning Contravention Notice (PCN) issued by the Council. It stated there to be various occupiers and tenants, albeit no precise details were forthcoming.
7. The notice alleges the use of the land for storage purposes, the siting of metal containers which facilitate that storage use, and a roadway. The PCN response from the appellant then provides evidence that the land was used on a self-storage basis. It is also asserted that the land is used by a further individual for horse keeping.
8. There is also a long history of planning applications relating to the land as well as those on neighbouring land for which the occupiers very likely use the land affected by the notice as a principal means of vehicular access, and for which the notice requires the removal of a roadway.
9. There is little evidence of the Council having issued a more recent PCN. The certificate of service pursuant to the issue of the enforcement notice then only evidences the personal service on the appellant. There is thus very little evidence that the notice was served on other individuals or, perhaps crucially in this case, a copy of the notice displayed at the land affected as a valid means of service, if the Council genuinely believed tenants were unidentifiable. This is particularly so as the title of the land is apparently not available electronically via the Land Registry and the Council had already been made aware of a self-storage use.
10. There are provisions pursuant to s176(5) of the Act that enable me to disregard service. It would nevertheless be the case that substantial prejudice arises to neighbouring occupiers who appear to have access over the land and/or those who rent or use containers on a self-storage basis or who otherwise use part of the land, such as for horse keeping, as being materially affected relevant occupiers of the land to which the notice relates.
11. The notice then affords a period of 3 months for the cessation of the use, amongst other things. No ground (g) appeal has been pleaded, and other relevant occupiers may have wished to do so.
12. On this basis, it would be unjust to proceed further with the appeal even though no specific relevant occupier has come forward to assert a materially affected interest. That may however be because they are unaware of the notice. It however may remain open to the Council under s171B(4) of the Act to issue another notice, pursuant to the second bite provisions. That is however a matter entirely for the Council in the first instance.
13. The appeal on ground (e) therefore succeeds.

Overall Conclusion

14. For the reasons given above, I conclude that the appeal should succeed on ground (e). Accordingly, the enforcement notice will be quashed. In these circumstances the appeal under the various other grounds set out in section 174(2) to the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not need to be considered.

Formal Decision

15. The appeal is allowed, and the enforcement notice is quashed.

Paul T Hocking

INSPECTOR