



Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2026

Appeal Ref: APP/K0235/C/24/3357700

Land Rear 3 Great North Road, Chawston, Bedfordshire MK44 3BD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Robert Clancy against an enforcement notice ("EN") issued by Bedford Borough Council.
 - The EN was issued on 14 November 2024.
 - The breach of planning control as alleged in the EN is: Without planning permission, the change of use of land to car sales (Sui Generis), the siting of a mobile office, the creation of a new access, the laying of hardstanding and the erection of fencing and gates.
 - The requirements of the EN are:
 - i) Cease the use of the land outlined in red on the attached plan A for car sales (Sui Generis).
 - ii) Remove all vehicles permanently from the land outlined in red on the attached plan A.
 - iii) Remove permanently from the land the temporary office building outlined in blue on the attached plan A.
 - iv) Remove permanently from the land outlined in red on attached plan A all gravel and hardstanding.
 - v) Remove permanently from the land the close boarded fencing and gates shown in the location marked in purple on attached plan B.
 - vi) Remove all waste and materials resulting from (i) – (iv) permanently from the land.
 - The periods for compliance with the requirements are: i) – v) Two months; vi) Three months
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected and varied by:
 - *the deletion of the words "...the change of use of land..." and their substitution with the words "...the material change of use of land..." in section 3;*
 - *the deletion of the words "iii) Remove permanently from the land the temporary office building outlined in blue on the attached plan A" and their substitution with the words "iii) Remove permanently from the land the mobile office outlined in blue on the attached plan A" in section 5; and*
 - *the deletion of the words "iv) Remove permanently from the land outlined in red on attached plan A all gravel and hardstanding" and their substitution with the words "Remove permanently from the land outlined in red on attached plan A all hardstanding" in section 5.*
2. Subject to the correction and variations, the appeal is dismissed and the EN is upheld.

Matters Concerning the Notice

3. The breach of planning control is “...*the change of use of land to...*”. For a change of use to amount to development there must be a material change in the character of the use that the land is being put to. Therefore, section 3 of the EN must be corrected so that the allegation comprises, “...*the material change of use of land to...*” (my emphasis). The Council’s case is based on the allegation amounting to development and the appellant has not disputed this. Consequently, no injustice would arise from this correction.
4. Step iii) of the EN’s requirements refers to “*the temporary office building*” where-as the breach of planning control refers to “*a mobile office*”. Step iv) refers to the removal of “*all gravel and hardstanding*” where-as the breach of planning control refers solely to the “*laying of hardstanding*”. It is necessary for the requirements and the breach to align and therefore, I have varied Steps iii) and iv) accordingly. As these variations are for precision, I am satisfied that no injustice would be caused to either main appeal party.

Preliminary Matters

5. The appellant formally appealed under ground (f). However, on reading the appellant’s case, they are requesting that the time limit to comply with the EN is delayed for six months. This is a matter that falls under ground (g) rather than ground (f) and therefore, it amounts to a “hidden” ground (g) appeal. As the Council has had the opportunity to respond to this matter, injustice would not arise from considering this appeal under ground (g), rather than ground (f).
6. The planning merits of the development are not relevant to an appeal under ground (g). As such, a site visit would not help me reach a decision. Consequently, I advised the main appeal parties of my intention to determine the appeal without a site visit.
7. I acknowledge the representation received from an interested party. However, as I do not have a ground (a) appeal before me, I am unable to consider these matters.

Appeal on Ground (g)

8. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed.
9. The period for compliance is two months to cease the use of the land for car sales and to remove all vehicles, the mobile office, hardstanding, fencing and gates from the land. A compliance period of three months is given for the removal of all waste and materials resulting from these matters.
10. The appellant seeks a six month compliance period to afford them time to submit a planning application to overcome the shortcomings that were identified in a dismissed appeal¹ for the retention of the breach of planning control. They assert that if that case still fails then all parties concerned will have done their very best to ensure the EN’s outcome is justified.
11. I have not been informed by either main appeal party whether a planning application was submitted in the intervening period since the appeal against the

¹ Appeal Ref APP/K0235/W/24/3340818

EN was made or whether a decision is awaited. Notwithstanding this, the EN was issued on 14 November 2024. Therefore, the appellant has had substantially more time than the requested six months to submit a planning application and for it to be determined by the Council.

12. The appellant has not provided any reasons why the EN's steps cannot be adhered to within the specified time periods. Accordingly, I do not find that the compliance periods afforded by the EN fall short of what is reasonable. Therefore, the appeal on ground (g) fails.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a correction and variations.

A Berry

INSPECTOR