



Appeal Decisions

Site Visit made on 14 July 2026

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th July 2026

Appeal A Ref: APP/E2001/C/26/3378211

Appeal B Ref: APP/E2001/C/26/3378212

Appeal C Ref: APP/E2001/C/26/3378213

Land North of Level Crossing, (Station View Field), Broomfleet, East Riding of Yorkshire HU15 1RQ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mrs Claire Mavis Young (Appeal A), Mr Paul Cyril Parker (Appeal B) and Mr David Robert Young (Appeal C) against an enforcement notice issued by East Riding of Yorkshire Council.
- The notice was issued on 19 January 2026.
- The breach of planning control as alleged in the notice is, without planning permission, material change of use of agricultural land to a mixed use consisting of equestrian use and residential use facilitated by the siting of caravans and associated siting of lorry body containers to facilitate the mixed use of the Land AND associated operational development on the Land to facilitate the mixed use, namely: the erection of a stable block, timber outbuildings, wind turbine, timber picket fencing and installation of solar panel array.
- The requirements of the notice are:
 1. Cease the use of the land for equestrian use and residential use; AND
 2. Remove from the Land all caravans and lorry body containers (the location of the lorry body containers is identified in the attached images labelled 'A' and 'C') AND
 3. Remove from the Land the stable block, timber outbuildings, wind turbine, timber picket fencing and solar panel array (as identified in the attached image labelled 'B'); AND
 4. Remove from the Land all goods, paraphernalia and chattels which facilitate the residential and equestrian uses of the Land; AND
 5. Upon completion of Steps 1 through to 4, restore the Land to its previous condition of grassland that existed prior to the breach occurring.
- The period for compliance with the requirements is: 12 months.
- The appeals are proceeding on the grounds set out in section 174(2)(b), (c), (d), (g) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. The appeals are allowed and the enforcement notice is quashed.

Preliminary Matters

2. The appeals were brought under the Hearings procedure. However, following a review by the Planning Inspectorate, it was deemed that the Written Representations procedure would be most appropriate and the appeals have been determined accordingly.
3. The appeals were also brought on ground (a) of S174(2) of the Act, that being that planning permission ought to be granted for the matters stated in the notice as constituting a breach of planning control. However, the Planning Inspectorate wrote to the appellant on 26 March 2026 indicating that the ground (a) appeals were “barred” under the provisions of S174(“A) of the Act, because the notice was

issued within the two-year period after a related planning application ceased to be under consideration. The appeals do not therefore proceed on ground (a).

Appeals on ground (b)

4. An appeal on ground (b) is brought on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, that those matters have not occurred.
5. The notice alleges two separate aspects of the breach, namely the alleged material change of use of the Land to a mixed use of residential and equestrian, and associated operational development.
6. The concept of a mixed use is one of two or more primary uses existing within the same planning unit. One is not incidental to the other. The planning unit is a concept which has evolved as a means of determining the most appropriate physical area against which to assess the materiality of change in cases relating to material changes of use. In *Burdle*¹, the Court established that the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes.
7. In this instance the notice is targeted against the alleged material change of use of the entirety of the Land as identified edged red on the plan attached to the notice. The red line correlates to the extent of the ownership of the appellants and the area of Land which they occupy. Whilst there is some minor physical delineation in the form of low height fencing, it is clear the appellants occupy and manage the Land in its entirety. Whilst different activities may be carried out on the Land, there is no evidence of any functional separation in the manner in which they do so. There is no dispute between the parties the Land comprises a single planning unit and I see no reason to conclude otherwise.
8. The appellant argues that no equestrian use has been carried out on the Land. It is said that rescue horses have been brought onto the Land, initially 13 in number, however, that has now reduced to one. I observed a single horse on the Land at my site visit. The appellant's case is that the horses that have been on the Land have been solely involved in grazing. In making that case, the appellant says that what has occurred is agricultural use, within the definition of S336(1) of the Act rather than equestrian, which would be the keeping of horses for recreational purposes. The definition of agriculture within S336(1) of the Act includes the use of land for grazing land. However, it does not include the breeding and keeping of horses, which involves activities other than just putting the horses out to graze.
9. The appellant accepts that the horses are on the Land all year round and this is facilitated by the stable block in which the horses are housed from time to time. I was also able to see from my site visit that part of the stable block is used for the storage of hay for feed as well as other items needed to care for them.
10. However, whilst the supplementary feeding and care of the horses could support the LPA's proposition that they were being kept on the land rather than merely grazing, to my mind, the evidence points towards the primary purpose of the horses being on the Land is for grazing. In that sense, it is no different to the

¹ *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207

grazing of any other animal on agricultural Land which may from time-to-time require some degree of care. The Land is grazed on rotation by the horse or horses. The appellant submits that no commercial riding has been undertaken. No jumping or dressage, or private leisure riding has taken place, whilst the horses are not hired out or used for any competitive or recreational riding. There is no contrary evidence from the LPA on that matter. Indeed, there is no substantive evidence that any recreational activity involving horses is carried out on the Land. Moreover, beyond that, I was able to see from my site visit that large parts of the Land are clearly put to grazing Land. A tractor was also present on the Land and hay had been partially collected. To my mind the character of the Land is one of a mixed use of residential and agriculture. There is little substantive evidence to the contrary that was not the case at the time the breach is alleged to have occurred. As a result, I find that the alleged mixed use of residential and equestrian has not occurred.

11. I have considered whether I am able to correct the notice accordingly. S176(1) of the Act makes clear I am only able to do so where I am satisfied it would not cause injustice to the appellant or the LPA.
12. It seems to me that changing the description of the alleged breach of planning control could lead to the situation where the ground (a) appeal would no longer be barred, because granting planning permission in respect of the matters specified in the enforcement notice as corrected would no longer be a related development within the meaning of S174(2AA) of the Act. I note the two related applications were for the siting of a static caravan and the change of use of land for the grazing and rearing² of horses and livestock. Neither appear to relate to the material change of use of the Land to a mixed use of residential and agriculture. The appellant would therefore suffer injustice by not being able to pursue a ground (a) appeal.
13. Moreover, and in the alternative, had the breach been correctly characterised with the inclusion of agriculture as a component part of the mixed use, then the appellant could have pursued a different argument on ground (c) to the one they have in respect of all aspects of the alleged breach. Ultimately, I cannot be sure that wouldn't have been the case.
14. As a consequence, in the circumstances, I am not satisfied that the correction of the alleged breach would not result in injustice to the appellant. It is not therefore open to me to use the powers under S176(1) of the Act to correct the notice.
15. The appeals on ground (b) therefore succeed. In light of the success of ground (b), the enforcement notice will be quashed. In those circumstances, the appeals on grounds (c), (d) and (g) do not fall to be considered.

J Whitfield

INSPECTOR

² My emphasis