



Appeal Decisions

Site visit made on 16 June 2026

by **M Savage BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2026

Appeal Refs: APP/Y3425/C/25/3374595 (Appeal A) & 3374596 (Appeal B) 7 High Chase Rise, Little Haywood, Stafford, Staffordshire ST18 0TY

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Gareth John Johnson (Appeal A) and Mrs Samantha Jane Johnson (nee Logan)(Appeal B) against an enforcement notice issued by Stafford Borough Council.
- The notice was issued on 10 September 2025.
- The breach of planning control as alleged in the notice is Without planning permission, the operational development consisting of the following:
 - (i) engineering operations on the Land consisting of changing the rear garden ground levels including the erection of the retaining wall in the approximate position shown shaded green on the attached Image B, and
 - (ii) the erection of the outbuilding on the Land in the approximate position shown shaded yellow on the attached Image B, and
 - (iii) the erection of a fence in excess of 1 metre in height adjacent to the highway in the approximate position shown shaded blue on the attached Image B.
- The requirements of the notice are to:
 - (i) Remove the outbuilding shaded yellow on Image B from the Land;
 - (ii) Remove the concrete block wall shaded green in Image B;
 - (iii) Remove the fence shaded blue in Image B, including the fence panels, concrete posts and supporting concrete base gravel boards from the Land;
 - (iv) Reinstate the rear garden ground levels to:
 - a level not exceeding the height of any part of the existing brick wall indicated in the position A-B-C in Image B.
 - a level not exceeding the height of the concrete block wall indicated in the position D-E in Image B.in accordance with Drawing No 24-06-02 'Site Plan as Previous' dated April 2024 (drawing forming part of planning application to Stafford Borough Council reference 24/39281/HOU) attached to this Notice ('Drawing A' annotated for this Notice by Stafford Borough Council) and shown on Google Streetview image dated approximately 2009 (attached to this Notice ('Streetview Image 'A'))
 - (v) Remove from the Land all waste materials and arisings as a result of the completion of steps (i) to (iv) above
- The period for compliance with the requirements is: Eight (8) months after this Notice takes effect.
- The appeals are proceeding on the grounds set out in section 174(2)(c) and (f) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. The enforcement notice is quashed.

Matters concerning the Notice

2. During my visit, I saw that the dwelling is located at an elevated position relative to the parking area towards the rear. The land steps down, with a split level garden leading to the parking area beyond. The enforcement notice alleges the erection of an outbuilding, however, that structure had been removed by the time of my visit and so it was just the resultant engineering operations on the land, a retaining wall and fence which remained *in situ* at the time of my visit.

3. The Notice alleges engineering operations on the land consisting of changing the rear garden ground levels including the erection of the retaining wall in the approximate position shown shaded green on the attached Image B. From the evidence, it seems the land was previously elevated and that a shed was located towards the boundary with No 8. The Notice identifies a section of wall but does not identify where else within the rear garden ground levels have changed.
4. I raised with the parties whether it is sufficiently clear from the four corners of the Notice how the rear garden ground levels have changed and which ground levels the Council is concerned with. To assist in understanding what ground levels are attacked by the Notice, I have considered whether the requirements provide any clarity in this regard. Requirement (iv) includes reference to a drawing, No 24-06-02 'Site Plan as Previous' dated 2024 and a Google Street View image dated approximately 2009.
5. However, there are other parts to Requirement (iv), which include reinstating the ground to a level not exceeding the height of the 'existing' brick wall, or the height of the concrete wall. These parts of the requirement are contradictory. The wording, which includes '**any part**' would mean that the appellants would be required to reduce the ground level to a level not exceeding the height of the lowest part of the brick wall. This is substantially lower than the evidence shows that the previous ground levels were.
6. Even if the Council's intention was to require the appellants to step the land levels down in line with the brick wall, the evidence also shows that the garden towards the boundary with No 8 was higher than the corresponding section of brick wall opposite. Requiring the appellants to lower ground levels in this way would be wholly excessive, particularly given that the requirement would apply to the whole of the rear garden.
7. There are similar problems with the second bullet in requirement (iv), which requires the appellants to reinstate the rear garden ground levels to a level not exceeding the height of the concrete block wall indicated in the position D-E in Image B. This height is even lower than the brick wall, and so would require the appellants to reduce the ground levels further. Both of these parts of requirement (iv) would contradict the requirement to reinstate the rear garden ground levels in accordance with Drawing No 24-06-02 and the image shown on Google Streetview.
8. Given the penalties for non-compliance with an enforcement notice, it is essential that there is no ambiguity regarding the breach that has occurred and the steps that are required to remedy it. I queried whether it is sufficiently clear from the four corners of the Notice how the rear garden ground levels have changed and which ground levels the Council is concerned with. The appellants' position is that it is not clear.
9. I also queried whether correcting the notice to delete the first two bullets from requirement (iv) and amending the requirement to require the appellants to *'Reinstate the rear garden ground levels to those which existed before the breach took place, in accordance with Drawing No 24-06-02 'Site Plan as Previous' dated April 2024 (drawing forming part of planning application to Stafford Borough Council reference 24/3928/HOU) attached to this Notice ('Drawing A', annotated for this Notice by Stafford Borough Council) and shown on Google Streetview*

image dated approximately 2009 (attached to this Notice (Streetview Image 'A'))' would address concerns identified above.

10. The Council advise that its interpretation of the description [sic] (the allegation) is 'that it encompasses the wall and the associated engineering operations within the area shaded in green on the attached Image B...this accurately reflects the extent of the level changes, including those to the side of the raised area as highlighted in green.' However, instead of providing clarity, this introduces further confusion. Image B identifies part of a breeze block wall which is shown shaded in green, rather than other parts of the rear garden, whereas the allegation is, amongst other things, 'changing the rear garden ground levels'.
11. From my inspection of the site, and a comparison with the Streetview Image A and drawing No 24-06-02, it seems likely that the ground levels within the rear garden have changed beyond the area shaded green on Image B. The garden extends from the rear of the dwellinghouse, with a grassed area and patio and then steps down, with a modest retaining wall and steps, leading down to a grassed area, which then leads to a slightly raised area, which is partly slabbed, upon which the outbuilding would have been located. Towards the highway, the land steps down again, with a modest retaining wall, raised beds and an area laid with slate chips.
12. It is not clear from the four corners of the notice, or from the Council's comments, what its concerns are with respect to the rest of the rear garden, if any. However, were I to uphold the Notice as suggested by the Council, the appellant would be required to remove these features and return the entire garden to the levels as shown in drawing No 24-06-02, which appear to comprise a sloping grassed area.
13. The Council suggests that it could reasonably be argued that an additional plan may have been beneficial, perhaps incorporating a hatched area to exclude the outbuilding while clearly annotating the extent of the identified engineering operations. The Council explains that this approach has not been pursued as such an amendment would not be advantageous to the Council, as it would involve altering the description of the breach and introducing new evidence that is unlikely to be accepted and invites me to delete the first two bullets from requirement (iv) of the Notice.
14. However, given the Council's response to my query, I have real concerns about making the correction as suggested. It remains unclear whether the Council's concerns relate to the works to create the stepped sections with modest retaining walls in the rear of the garden (described above) as well as the construction of the breeze block wall and engineering operations associated with that construction.
15. Although it would be possible to correct the notice as suggested above, the appellants have clearly not understood exactly what the Council's concerns are and, despite seeking clarification on this matter, neither do I. Upholding the Notice with the correction identified above is likely to cause the appellants injustice as they may have decided to make other grounds of appeal, such as ground (a) or advanced other arguments under the grounds pleaded. Moreover, it is simply unclear whether the Council is even concerned with ground level changes in the site (other than in the area shaded green).
16. While I am satisfied that the enforcement notice is not a nullity, because the allegation and requirements are broadly stated, for the reasons set out above, in

my view the notice is invalid beyond correction because injustice would be caused were I to correct the Notice.

Conclusion

17. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control or the steps required for compliance. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
18. In these circumstances, the appeals on the grounds set out in section 174(2)(c) and (f) of the 1990 Act (as amended) do not fall to be considered.

M Savage

INSPECTOR