



Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2026

Appeal Ref: APP/R1010/C/25/3369677

Bondhay Golf Club, Bondhay Lane, Whitwell Common, Worksop S80 3EH

- 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 Craig Dulieu against an enforcement notice ("EN") issued by Bolsover District Council.
 - The EN was issued on 12 June 2025.
 - The breach of planning control as alleged in the EN is: Unauthorised use of the land for the siting of caravans for residential use and associated operational development comprising hardstanding, a large wooden outbuilding and decking area.
 - The requirements of the EN are to:
 - a) Permanently cease the use of the land for stationing of static caravans for residential use.
 - b) Permanently remove the static caravans, hardstanding, decking area and wooden outbuilding from the land.
 - The period for compliance with the requirements is: 6 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 within section 3:*

"Unauthorised use of the land for the siting of caravans for residential use and associated operational development comprising hardstanding, a large wooden outbuilding and decking area."

and their substitution with the words:

"The unauthorised material change of use of the land for the siting of caravans for residential use and associated operational development comprising hardstanding, an outbuilding and decking."; and

- *the deletion of the words within section 5:*

"a) Permanently cease the use of the land for stationing of static caravans for residential use.

b) Permanently remove the static caravans, hardstanding, decking area and wooden outbuilding from the land."

and their substitution with the words:

"a) Permanently cease the use of the land for the siting of caravans for residential use.

b) Permanently remove the caravans, hardstanding, decking and outbuilding from the land.”

2. Subject to the corrections and variations, the appeal is dismissed and the EN is upheld.

Matters Concerning the Notice

3. The breach of planning control is the *“Unauthorised use of the land for...”*. 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 unauthorised material change of use of the land for...”* (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. The EN’s requirements refer to *“static caravans”* and *“...the stationing of...”* where-as the breach of planning control refers to *“caravans”* and *“...the siting of...”*. It is necessary for the requirements and the breach to align and therefore, I have varied the steps accordingly. As these variations are for precision, I am satisfied that no injustice would be caused to either main appeal party.
5. There is no need for materials, size or location to be identified in the breach of planning control. Therefore, I have deleted reference to *“large wooden”* and *“area”* within section 3 of the EN. As it is necessary for the requirements and the breach to align, I have also deleted *“wooden”* and *“area”* from step b) of the requirements. As these corrections and variations are for precision, I am satisfied they do not cause injustice to the main appeal parties.

Preliminary Matters

6. The appellant originally appealed the EN under ground (a). However, planning permission¹ was refused on 20 August 2024 to retain the breach. The EN was issued on 12 June 2025 and therefore, it follows that ground (a) is barred under s174(2A) of the 1990 Act. The appellant therefore requested that the appeal proceed under ground (g). I have therefore determined the appeal on this basis.
7. 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.

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 six months. The appellant asserts that they want to submit a planning application for a permanent manager’s residence at the golf club and considers 6 months to be insufficient. Therefore, they have requested a period of 12 months. The remainder of the appellant’s case raises matters that would be considered under a ground (a) appeal rather than ground (g).

¹ Planning Ref 24/00203/FUL

10. The EN was issued on 12 June 2025. As such, the appellant has had a significant timeframe to submit a planning application for a permanent manager's residence. However, I have not been directed by either main appeal party that a planning application has been submitted to the Council for the proposed development.
11. Even if the appellant still wishes to submit a planning application, six months is a sufficient length of time for this to be done and for it to be determined by the Council. Consequently, I do not agree that the 6 month compliance period falls short of what is reasonable.
12. I am mindful that compliance with ground (g) will lead to the appellant having to vacate their home. However, on 4 August 2025 the appellant confirmed that the appeal would be proceeding only on ground (g). Therefore, they have been aware since this date that they would have to comply with the EN's requirements to cease the occupation of the caravans for residential purposes at a future date.
13. It is necessary for me to consider the time that has elapsed when deciding what period of compliance is reasonable. Since confirming their appeal would be proceeding only under ground (g), the appellant has benefitted from nearly 12 months to find alternative accommodation. To afford the appellant a further 12 months from the determination of this appeal would be akin to granting temporary planning permission, which would be a considerable time for the harm identified in the EN to persist.
14. Accordingly, I find that the six month compliance period afforded by the EN is proportionate in the circumstances and does not fall short of what is reasonable. The appeal under ground (g) therefore fails.

Conclusion

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

A Berry

INSPECTOR