



Appeal Decision

Site visit made on 23 June 2026

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 6 August 2026

Appeal Ref: APP/X4725/C/25/3363754

Land at Greenfield Road, Normanton, WF6 2JD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Neil Chambers against an enforcement notice issued by Wakefield Metropolitan District Council.
- The notice was issued on 28 February 2025.
- The breach of planning control as alleged in the notice is Without planning permission, a material change of use of the Land from agricultural to residential use including the siting of a residential caravan, timber shed and a shipping container, a children's adventure play swing and slide, a trampoline and the operational development of erecting an extension to the caravan, including fences and a gate, a dog pen, installation of an oil tank, and the formation of a flagged patio and a rubble hard surface on the Land.
- The requirements of the notice are to:
 1. Cease the residential use of the Land.
 2. Demolish and / or remove the caravan extension, fences, gate, dog pen, oil tank and children's adventure play swing and slide, trampoline, flagged patio and rubble hard surface, from the Land.
 3. Remove from the Land the caravan, shipping container, timber shed.
 4. Remove any demolition materials or articles resulting from step 2 and step 3.
 5. Restore the Land to the condition prior to the development taking place.
- The period for compliance with the requirements is within 9 months of the date on which the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal succeeds in part and the notice is corrected to replace the plan, but otherwise the appeal fails, and the enforcement notice as corrected is upheld, as set out below in the formal decision.

The Enforcement Notice

1. Section 176(1) of the Act states that, on appeal, the Secretary of State may (a) correct any defect, error or misdescription in the enforcement notice; or, (b) vary the terms of the enforcement notice, if they are satisfied that the correction will not cause injustice to the appellant or the LPA.
2. There is a typographical error in the requirement to “Restore the Land to the (my emphasis) condition prior to the development taking place”. This should be replaced with “Restore the Land to its condition before the breach took place.”
3. I am satisfied that I can make this correction without injustice to the appellant or the Council.

Preliminary Matters

4. The appellant failed to attend the scheduled accompanied site visit. However, the Council officer was able to contact the appellant by telephone, and he gave me oral consent to enter the site and carry out the site visit unaccompanied.
5. Although the appeal was initially made solely under the ground (f) and (g) headings, the appellant's written submissions also raised points of relevance to ground (b)-i.e., that those matters stated in the enforcement notice have not occurred. Therefore, I shall deal with the appeal as if it had been made on ground (b), as well as grounds (f) and (g). There would be no unfairness, as the Council has already been given the opportunity to address this in its written submissions.

Appeal on ground (b)

6. An appeal on ground (b) is made on the basis that those matters stated in the notice as constituting a breach of planning control have not occurred. The burden of proof rests with the appellant, with the standard of proof being the balance of probability. In order to succeed the appellant would need to demonstrate that on the balance of probability the alleged development had not occurred.
7. The appellant contends that the alleged breach has not occurred within all of the area identified by the Council in the plan attached to the notice. The land to which the notice relates is shown edged red on the attached plan.
8. The Council does not dispute that when the development commenced, the field was split with a dividing fence. It considers it to be reasonably necessary to encompass the whole of the original planning unit (the agricultural field) within the edged red line of the notice boundary to prevent the unauthorised residential use spreading to other parts of the site.
9. However, the appeal site should only comprise the land in which the alleged breach is taking place. It would not be appropriate for the Council to seek to enforce against a possible anticipated breach of planning control. My site observations confirmed that the appellant has only utilised the western end of the land edged red on the attached plan for residential use. The agricultural use, namely the keeping and grazing of horses, has been retained on the remainder of the appeal site. These respective uses are separated by a fence, creating a dividing line. The distinct uses can also be seen as establishing two separate planning units.
10. As such, I concur with the appellant's view that, on the balance of probabilities, the matters stated in the notice as constituting a breach of planning control have not occurred on a large proportion of the site.
11. My duty to ensure that the notice is in order allows me to correct the plan where no injustice would be caused to the parties. The Council has been made aware of this issue through the appellant's written submissions and has been given the opportunity to respond. As such, I am satisfied that no injustice would occur through correcting the plan, by substituting the aerial photograph annexed to this decision, to indicate more accurately the land to which the notice relates. A consequential correction will be made to the wording of Section 2 of the notice.
12. To this extent, the appeal on ground (b) succeeds.

Appeal on ground (f)

13. The appeal on ground (f) is brought on the grounds that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters stated in the notice or, as the case may be, remedy any injury to amenity which has been caused by such breach.
14. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. Section 173(4) of the 1990 Act states that the purpose of an enforcement notice is to (a) remedy the breach of planning control, or (b) remedy any injury to amenity which has been caused by the breach. The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.
15. In this case, the requirements of the notice include ceasing the residential use of the land, demolishing or removing the extensions and domestic paraphernalia, and removing the caravan, shipping container and timber shed from the land. The notice also requires the removal of any resultant materials and articles, and the restoring of the land to its condition prior to the development taking place. Accordingly, the purpose is clearly to remedy the breach of control.
16. I have already covered the appellant's argument in respect of the land identified in the enforcement notice under ground (b) of the appeal. It has also been put to me that as the shipping container and timber shed can be used for agricultural purposes it would be unreasonable to remove them. I am mindful that an enforcement notice cannot require the removal of works that were undertaken for a different and lawful use, and which could be utilised in that other lawful use if the unauthorised use ceased. However, there is no evidence to show that the shipping container or shed was in situ and used for agricultural purposes before the unauthorised change of use occurred.
17. It is well established in case law that a notice can legitimately require the removal of ancillary works integral to and solely for the purpose of facilitating an unauthorised use. In my view, the intent behind the notice can only be achieved by ceasing the unauthorised use and removing all the facilitating works referred to above that enable the residential use of the land. No lesser steps would achieve the purpose to remedy the breach and the steps required are therefore proportionate. The appeal on ground (f) therefore fails.

Appeal on ground (g)

18. The appeal on ground (g) is made on the basis that the period specified in the notice falls short of what should reasonably be allowed. The period for compliance is 9 months as set out in the header of this decision.
19. Personal statements have been submitted with the appeal which set out the appellant's and his wife's personal and farming background. The statements also refer to previous instances of vandalism and the need for them to reside near to their farming business, which is their primary source of income, to ensure the safety of their stock, machinery and equipment.

20. The appellant seeks a compliance period of 24 months. This was originally to allow sufficient time to make an application for and to complete a conversion and associated works under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). As an alternative, it is also argued that this period is required to find and relocate to a nearby property that offers a reasonable level of protection for the appellant's agricultural assets.
21. Nonetheless, I have been informed that the appellant no longer seeks to pursue a conversion under Class Q of the GPDO and that this is not an option. I appreciate that alternative arrangements will have to be made in regard to finding new accommodation. However, no records of any incidents have been provided to substantiate the security risk, and there is no evidence of a diminishing supply and number of available properties in the Altofts area.
22. The enforcement notice, which will be upheld, will interfere with the appellant's rights under Article 8 of the Human Rights Act 1998, which states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. I conclude, taking into account the Council's reasons for issuing the notice and the aforementioned considerations, that the 9 month period available to the appellant to seek alternative accommodation would be reasonable and would not result in a disproportionate burden.
23. On that basis, a compliance period of 24 months, which would be tantamount to a grant of temporary planning permission, is not justified. The appeal on ground (g) therefore fails.

Conclusion

24. For the reasons given above I conclude that the appeal should succeed in part only, and the notice is corrected to replace the plan, but otherwise I will uphold the notice with corrections.

Formal Decision

25. It is directed that the enforcement notice is corrected by:
 - The substitution of the aerial photograph annexed to this decision for the plan attached to the enforcement notice.
 - The deletion of the words "on the attached plan ("The Land")" and the substitution of the words "on the attached aerial photograph ("The Land")" in section 2.
 - The deletion of the wording in section 5.5 in its entirety and the substitution of the following wording instead:

"Restore the Land to its condition before the breach took place."

26. Subject to the above corrections, the appeal on ground (b) is allowed insofar as it relates to the site area. Otherwise the appeal is dismissed, and the enforcement notice is upheld, as corrected.

Mark Caine

INSPECTOR

Aerial Photograph

This is the aerial photograph referred to in my decision dated: 6 August 2026

by **Mark Caine BSc (Hons) MTPL MRTPI LSRA**

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Reference: APP/X4725/C/25/3363754

Scale: Not to scale

