



Appeal Decisions

Site visit made on 6 August 2026

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2026

Appeal A Ref: APP/B3438/C/26/3377456

Appeal B Ref: APP/B3438/C/26/3377457

Sprinks Farm, Blackwood House Lane, Horton, Leek, Staffordshire, ST13 8QE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Dr Edward James Gibson and Mrs Monika Gibson against an enforcement notice issued by Staffordshire Moorlands District Council.
- The notice was issued on 16 December 2025.
- The breach of planning control as alleged in the notice is:
 - 3.1 Without planning permission, the material change of use of the Land from agriculture to residential domestic garden ("the Change of Use") in connection with the adjacent dwellinghouse which was granted under a Class Q conversion (DET/2018/0041).
 - 3.2 Without planning permission, incidental works on the Land that are integral to the Change of Use described at 3.1 above consisting of the construction of a raised patio, the erection of a pergola building and the laying of hardstanding.
- The requirements of the notice are for the purposes of remedying the breach by restoring the Land to its condition before the breach took place:
 - 5.1 Cease using the Land as a residential domestic garden.
 - 5.2 Remove from the Land:
 - i. the Patio including all of its footings, foundations and any substructures
 - ii. the Pergola, including all of its footings
 - iii. the Hardstanding, including any substructure
 - iv. all domestic vehicles and caravans
 - v. all paraphernalia, including but not restricted to, washing lines, garden furniture, patio heaters, hot tubs, barbecues and wood piles.
 - 5.3 Following compliance with 5.2 (i) to (iii) above remove from the Land all building materials and rubble.
 - 5.4 Following compliance with 5.2 (i) to (v) and 5.3 above grass seed the Land.
- The period for compliance with the requirements is 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f), (g) of the Town and Country Planning Act 1990 (as amended). Appeal B is proceeding on the grounds set out in section 174(2), (b), (c), (d), (f), (g) of the Town and Country Planning Act 1990 (as amended).

Summary of decision: The appeals are allowed.

The appeals on ground (b)

1. The ground of appeal is that the alleged breach of control alleged in the enforcement notice has not occurred as a matter of fact. The appellants suggest that a "garden" is "*a piece of ground adjoining a house in which grass, flowers and shrubs may be grown*". I consider that cultivation is an important part of what defines a garden; that being the preparation of soil and its use for crops or gardening.
2. The appellants do not dispute that some of the land may have been used to extend to adjacent dwelling's curtilage. However, "curtilage" is not a land use itself. In response, the Council argues that a modern garden is commonly found to include extensive hard surfaces, including among others raised decking and lawns made of

artificial or plastic grass and that gardening activity can often be limited though it would not be unusual to find potted or container plants. In addition, the Council acknowledges that the land given over to growing is limited and that it would not object to the area being described as “*domestic outdoor space or garden*”.

3. I observed at my visit that a change of use of former agricultural land appears to have taken place and items such as a raised patio and pergola have been erected. Other items such as tables, chairs and dog toys were also present on the raised decking, and a hot tub has been located under the pergola. However, as a matter of fact and in my judgement, to describe the development as a “*residential domestic garden*” does not accurately describe what has occurred. I understand that some of the items present and some of the activities taking place may be typical of what may be found in a “garden” but the absence of any specifically cultivated grass, flowers, shrubs or fruit trees associated with the adjacent dwellinghouse indicates to me that a “garden” not been created.
4. I have taken account of the Council's evidence and the suggestion that the wording “*domestic outdoor space*” could be used, but to correct or vary the Notice to accurately describe the breach where there are otherwise successful appeals on ground (b) would cause injustice to the appellants.
5. Therefore, for the reasons I have set out above, the appeals on ground (b) succeed. The enforcement notice will be quashed. In these circumstances, the appeals on grounds (c), (d), (a), (f) and (g) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) do not fall to be considered.

Formal decision

6. The appeals are allowed and the enforcement notice quashed.

A A Phillips

INSPECTOR