



Appeal Decision

Site visit made on 4 August 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 September 2026

Appeal Ref: APP/W3520/C/24/3344278

Walnut Meadow, Back Lane, Baylham, IP6 8LE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Karl Gough against an enforcement notice issued by Mid Suffolk District Council.
 - The notice was issued on 25 April 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the change of use of land from agricultural use to residential use, involving the use of a cabin for occasional overnight stays..
 - The requirements of the notice are to cease the use of the land and buildings on the land for residential overnight stays,
 - The period for compliance with the requirement is one month from the date this notice takes effect..
 - The appeal is proceeding on the grounds set out in section 174(2)(b) and (c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is allowed and the enforcement notice is quashed.

Background

2. The land is an agricultural holding that contains a relatively large barn which was granted planning permission in 2019. The barn's purpose was to support the agricultural use and a condition was imposed on the permission which requires that the barn be used only for the storage of machinery, animal feed and hay. The development was subsequently implemented.
3. The Council's representations say that, in early 2024, following a complaint received regarding a building at the site being illuminated during night time on regular occasions, a site visit took place to assess the planning position. The barn was inspected whereby it was noted that at ground floor level there was a tractor stored, a touring caravan, containers and also some tools. A mezzanine floor had been constructed which apparently accommodated a desk, cabinets, chairs, a sofa, other residential paraphernalia, and also a rolled-up carpet.
4. The Council also mentions that at the site other smaller buildings were identified, one of which the current appellant – who was present at the visit - referred to as 'the cabin'. He said that he occasionally stayed in this building overnight for the purpose of animal care. Apparently, the Council official did not enter the cabin to inspect its interior at the time, but the appellant, more specifically, said that the overnight stays numbered no more than *'twice a year for 3 or 4 nights when one of my dogs comes into season and we need to separate the dogs'*. He also said that the cabin had no connected utilities.

5. In the circumstances, despite the claim of sporadic, and very limited, overnight stays, and notwithstanding the absence of any running water within the building, the Council came to the view that the cabin was being unlawfully used for residential purposes and saw it expedient to issue an enforcement notice to secure the alleged residential use's cessation.

The enforcement notice, the subject of this appeal

6. I have concerns about the enforcement notice, as issued. The plan attached to the notice rings the site in its entirety, but annotates the footprints of the barn, the cabin, and the other small buildings on the land. The allegation then states '*the change of use of land from agricultural use to residential use, involving the use of a cabin for occasional overnight stays.*'
7. I find this allegation to be flawed. Irrespective of whether or not a breach of planning control had actually occurred, given the continuation of the agricultural use, the allegation should, instead, have referred to a material change to a mixed use of agricultural and residential. As the enforcement notice failed to do this it suggests that the whole site is being used for residential purposes. Yet, only the cabin building is being specifically targeted in the allegation.
8. Despite its obvious limited size if the cabin was found to be in residential use, which the Council is effectively saying is the primary use of the wider area of land ringed in the enforcement notice, then I am unclear how the cessation of the cabin's residential use would effectively regularise the planning position. I acknowledge that the compliance step refers to '*the land and buildings on the land*', and, given this, I cannot understand why the barn building – and the sheds shown – are not named in the allegation. I would envisage this was because the Council considered that the findings of the 2024 were inconclusive as to the barn's suspected residential use at that time, but it was nevertheless mentioned in the compliance step's wording as a safeguard.
9. Whatever the Council's reasoning on this the allegation and the required step are clearly inconsistent.
10. The Council's written statement defending its decision to issue the enforcement notice, indicates, or at least alludes to, concerns regarding the use of the barn. Surprisingly, though, despite the said site visit's findings and the acknowledgement that the cabin building's interior was not inspected by Council officials, formal enforcement action followed, regardless.
11. On the face of it, therefore, it could be argued that the enforcement notice's construct fails to address the considered irregularity in the planning position at the time and, at worst, the notice is invalid. Nonetheless, for simplicity, I will consider the grounds of appeal lodged.

The appeal on ground (b)

12. An appeal made under ground (b) relates to a claim that the alleged breach has not occurred as a matter of fact.
13. At my site visit I entered the cabin and noted its very limited floorspace. Internally, in the room entered directly through the entrance door, there was little more than a few chairs, a sofa and a few tables. Also, within a small area of space behind the

rear wall, enclosed by a lean-to structure and accessed only via the main room, there was a single bed which virtually took up all the floorspace available.

14. My visit confirmed that the cabin has no kitchen nor any bathroom or wc facilities. This is indicative of the fact that the building has no running water.
15. As only the cabin was referred to in the allegation I did not see it necessary to inspect the interior of the barn. It is the Council's responsibility to ensure that the allegation is correct and should it have been obvious to me that the allegation needed widening and re-worded then that would be prejudicial to the appellant which would cause injustice, thereby suggesting the enforcement notice's invalidity. Besides, the appellant, in the appeal papers, says that the barn was being used for sheltering animals and general storage, and the Council, in its statement, did not take issue with this assertion.
16. The judgement in *Gravesham BC v SSE & O'Brien* [1982] sets out the distinctive characteristic of a dwellinghouse, being its ability to afford to those who use it the facilities required for day to day private domestic existence. From my findings, it is clear that the small cabin building cannot be considered as a self-contained residential unit of accommodation, and it is not a dwellinghouse. For any overnight stays it can have only provided some basic shelter, nothing more, given the paucity of its facilities.
17. In the circumstances, I am satisfied that the alleged breach has not occurred as a matter of fact, and the appeal under ground (b) succeeds, accordingly.
18. Given this, and that the lawfulness of the cabin building itself is not disputed between the parties, there is no need for me to address the appeal made under ground (c).

T C King

INSPECTOR