



Appeal Decision

Site visit made on 15 September 2026

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2026

Appeal Ref: APP/A1015/C/25/3373897

Five Acres, Piccadilly Road, Chesterfield S41 0EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mrs Nancy Bernard against an enforcement notice issued by Chesterfield Borough Council.
 - The notice was issued on 10 September 2025.
 - The breach of planning control as alleged in the notice is a change of use of the land from use class C3 dwelling house to a party venue.
 - The requirement of the notice is 'You must cease any operation on the land that is outside of the permitted Use Class C3 dwelling house'.
 - The period for compliance with the requirement is 28 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f), (g) 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.

Reasons

2. The appeal form indicates that the appeal is made under grounds (a), (b), (f) and (g). The Council has addressed all four grounds of appeal in their statement whilst the Appellant's Agent addresses only grounds (a) and (g) despite not having withdrawn grounds (b) and (f). The circumstances of this case are that a ground (b) appeal, whether the breach of planning control has not occurred as a matter of fact, is a relevant matter for consideration. As the Council has addressed this ground no injustice is caused to either party by considering ground (b).

The ground (b) appeal

3. Five Acres is a detached dwelling that has been advertised and used for short term letting purposes. The Council has referred to various advertisements for, and reviews of, the use of the property for these purposes. The advertisements mention that the property, given its size and layout, is suitable for party use and a few of the reviews mention that parties have occurred. The alleged breach of planning control is 'a change of use of the land from use class C3 dwelling house to a party venue' but parties have occurred on only a few occasions and the property has not been let only for this specific use. The current use of the property, if it is a single use as alleged in the notice, is 'use for short-term holiday let'.

4. The Appellant's Agent has commented that "The property is occupied by the Appellant for the majority of the time and is predominately let out at weekends". The Council did not, on the evidence submitted, issue a Planning Contravention Notice

(PCN) before taking enforcement action. Questions put in a PCN would have provided the Council with information regarding the precise use of the property. The Council has not challenged the Agent's claim regarding the use of the property by the Appellant and on this basis the change of use of the property has been from 'Use Class C3 dwelling house to a mixed use of Use Class C3 dwelling house and short-term holiday let'.

5. The alleged breach of planning control, 'change of use of the land from use class C3 dwelling house to a party venue', has not occurred as a matter of fact. Varying the allegation, under powers afforded by Section 176(1)(a) of the Act, to either a single use or a mixed use as discussed above, would cause prejudice to both parties. The ground (b) appeal thus succeeds and the enforcement notice has been quashed.

Other matter

6. If a ground (b) appeal had not been made then the validity of the enforcement notice would have been considered. That consideration would have concluded with the notice being found to be invalid, for the reasons given above in the ground (b) appeal and because the requirement of the notice is vague and the Appellant cannot know what she must do to comply with it. In this regard, the allegation in the notice is clearly aimed at the use of the property for parties, but the holding of parties, associated with residential occupation of a property, is one of many uses that fall within Use Class C3.

John Braithwaite

Inspector