



Appeal Decision

Site visit made on 6 October 2026

by Grahame J. Kean B.A. (Hons) Solicitor, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2026

Appeal Ref: APP/R4408/C/24/3338170

Land on the north side of Work Bank Lane, Thurlstone Sheffield S36 9RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Stephen Longmire (Deceased) against an enforcement notice issued by Barnsley Metropolitan Borough Council.
 - The notice was issued on 10 January 2024.
 - The breach of planning control as alleged in the notice is: the undertaking of the following unauthorised development:
 - 3(i) The change of use of the land to the use for storage of a caravan, the storage of motor vehicles, timber huts, metal, waste bricks items and general detritus associated with use of the Land (shown in photographs referenced Appendix 1).
 - 3(ii) The undertaking of Operational Development (associated with the use described in paragraph 3(i) above) comprising the provision of a hard surface access road (shown in the photographs in Appendix 1), and the erection of outbuildings unrelated to farming & agriculture (shown in Appendix 1 and approximately etched yellow on Appendix 2) on the Land.
 - The requirements of the notice are:
 - 5.1 - In relation to Paragraph 3(i) of this notice:
 - (i) Cease the use of the Land for storage of vehicles and caravans
 - (ii) Remove the caravans and vehicles from the Land
 - (iii) Remove from the Land all metal, waste bricks items & detritus not relating to farming or agriculture.
 - 5.2 - In relation to Paragraph 3(ii) of this notice:
 - (i) Remove the hard surfacing and the outbuildings from the Land
 - (ii) Remove from the Land any materials or waste arising from the compliance with paragraph 5.2(i)
 - (iii) Restore the Land to its previous condition.
 - The period for compliance with the requirements is: four months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d), (e), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that:

- section 3(i) of the enforcement notice be replaced with: “*3(i) The material change of use of the land from agricultural use to a mixed use for agriculture and use for storage of caravans, motor vehicles, timber huts, metal, waste, bricks and general detritus (partially shown in photographs attached to the enforcement notice).*”
- section 3(ii) be replaced with “*operational development associated with the material change of use comprising hard surfacing and, outlined in yellow on the attached aerial photograph, the erection of outbuildings unrelated to farming and agriculture*”.
- the plan annexed to this decision be substituted for plan EN1 attached to the notice.

- the period for compliance is extended to six months.
2. Subject to the corrections and variation, the appeal is dismissed and the enforcement notice is upheld.

Procedural matter

3. The original appellant Mr Stephen Longmire unfortunately passed in May 2026. There has been ongoing uncertainty over the position regarding Mr Longmire's personal representative(s). However, the procedural stages of this appeal, dealt with by way of written representations and an accompanied site visit, have all now been completed. There is no indication the appeal is to be withdrawn. Therefore, the appeal will be determined in the name of the original appellant.

The notice

Discrepancy between copy served and copy submitted by Council

4. The enforcement notice in this appeal consisted of the notice itself, the plan EN1 showing the appeal site edged red, an aerial map or photographic image and four other photographs of the land dated 3 January 2024.
5. Plan EN1 submitted by the appellant did not show the full site. The Council sent in a plan showing a full site but the date on it was later than the date on the enforcement notice. The plan on the appellant's notice had the same date as the notice. Upon enquiry, the Council said that the plan generated by the software was not correctly scaled and the error was not picked up prior to service.
6. The Council then supplied a revised red line plan and "for extra clarity", a copy of the Land Registry title plan for the area of land being enforced against, which coincided with the appellant's ownership. The Council then stated it had now submitted the correct plan with the appeal and that I had the power to correct it if I considered that no injustice would occur. Given that the plan served on the appellant was missing a significant part of the intended appeal site, the notice in that state, and without more, would likely have been bad for uncertainty. The Council could not have retrieved the situation after the event, as it has tried to do.
7. However, I have a duty to get the notice into good order if possible, without causing injustice to either party. By s173(1) of the 1990 Act a notice must specify such additional matters as may be prescribed. The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002, Regulation 4 requires a notice to specify the precise boundaries of "*the land to which the notice relates, whether by reference to a plan or otherwise.*" (My emphasis).
8. In this case reference is made not only to a plan but to an aerial image and photographs. The notice received by the appellant contained, apart from the defective plan EN1, an aerial image with the outbuildings edged yellow and four photographs. The aerial image clearly shows the land affected, albeit not delineated by a red line but highlighting the outbuildings required to be removed. The appellant would have been aware which land was in his ownership. The photographs show the general position of other items described in the allegation, albeit that some are inside and some outside his ownership. The boundary at this point is not difficult to identify, being hard up against the western elevation of the largest outbuilding marked on the aerial image. The appellant would have been

aware on receipt of the notice, what it was that was alleged to be the unlawful development on his land, and what was required to remedy the alleged breach.

9. Therefore, I find that I can, and for the sake of clarity should, exercise powers of correction in s176(a) of the 1990 Act, to substitute for plan EN1 the plan of the full appeal site which comprises the area owned by the appellant, as I am satisfied this will not cause injustice to the parties.

Other drafting

10. The notice should allege a material change of use not merely a change of use. Further, the references to appendices are not consistent in citing the photographs. Not all items are shown in the photographs and the notice is potentially misleading in that respect. The allegation of creation of an access does not match the requirement which relates only to hard surfacing. I will make further amendments to the wording to get the notice in order.

Ground (e)

11. This ground of appeal is that copies of the enforcement notice were not served as required by s172 of the 1990 Act. S172(2) requires that the notice be served on owners, occupiers and anyone with an interest in the land subject to the notice.
12. The appellant's case is that he was not the owner of the land where the access road had been created nor were any other parties served with the notice. It is also said that service on "The Occupiers, Land on the north side of Work Bank Lane" etc, was too vague, it was uncertain how delivery took place and the landowner where the access road was created had not been served.
13. The submitted Land Registry title plan shows the appellant's ownership which coincides with the appeal site. It does not include land to the west where most of the gravelled access has been created. That land is excluded from the area covered by the notice as corrected (or indeed before it was corrected). The Council investigated ownership, searched the Land Registry system, and effected service on the appellant on 10 January 2024. No complaint is made by any other owner or occupier. The appeal property is no longer occupied residentially.
14. Considering the information supplied by both parties I am satisfied that the notice was served correctly on all persons with an interest in the land in question.

Ground (b)

15. Ground (b) is that the matters alleged in the notice to have occurred have not occurred as a matter of fact. This must be proven on the balance of probability.
16. The appellant's grounds of appeal were that the land and associated buildings were in agricultural use, there had not been a material change of use and that what was said to be the temporary presence of the appellant's own vehicles did not constitute a material change of use of the land. Further, all the buildings apart from that with the domestic caravan inside it, were used for agricultural purposes.
17. At the site inspection, it was noted that the caravan no longer appeared to be sited within a building or structure but there was more than one caravan on the site, in the open air. The caravans were dilapidated and sited within a miscellany of huts,

vehicles and general detritus that made it unlikely in my view that they were being used for anything except that they were being stored on the land.

18. The items the subject of the alleged breach were grouped together in a corner of the field close to the access but stretched along the southern boundary. There was some evidence of hardsurfacing within the boundary, comprised of loose bricks and other hardcore. The extent to which the timber structures, caravans, bricks, metal and general detritus were jumbled together in such close proximity to each other makes it unlikely in my judgement that they are being actively used in connection with the keeping of livestock on the wider field, that is to say the sheep I saw scattered across the field and the geese milling around on its upper reaches.
19. It is understood that there were several vehicles on the appeal site, now removed, but there was at least one car being stored there, having vegetation somewhat grown around it and in a condition not likely to be currently roadworthy, namely a red 1990 Toyota registration G407 ECV with an MOT that had expired¹. The 1963 untaxed black rover 178 DBL situated alongside the access track, however appeared to me to be outside the area of the red line boundary of the appeal site.
20. Considering the above and other information submitted by both parties, it is likely that at the date of issue of the notice the matters alleged had occurred as a matter of fact. Accordingly, the appeals on ground (b) cannot succeed.

Ground (c)

21. Ground (c) is that the matters alleged to have taken place, if they did take place, do not amount to a breach of planning control, for example because planning permission has been granted or no permission is required.
22. The case for the appellant on this ground is three-fold. Firstly, storage of the appellant's own vehicles on the site is argued not to form part of any business for sales or repairs that requires planning permission. Secondly, the buildings are used for agricultural purposes save for that which housed a residential caravan that was occupied. Thirdly, the access road is a minor operation to provide a better access to the site.
23. It appears that the vehicle in situ is stored there along with the other items described in the notice which is a material change of use from agricultural use. I have found in the ground (b) appeal that these items, by virtue of their location, condition and juxtaposition next to one another, are unlikely to be in use for agricultural purposes, but more likely to be stored there, or comprise waste. The hard surfacing formed next to the access track, if not a continuation of it, forms part of the alleged breach. If the appellant is suggesting that any access formed inside the site is permitted development, I would disagree because the use and associated works appear to have occurred as a single operation. In these circumstances, permitted development rights do not accrue in respect of that development if it is otherwise unlawful, ie the unauthorised storage or waste.
24. Therefore, the appeals on ground (c) do not succeed.

¹ 4 April 2026 according to the Government's publicly available vehicle enquiry service.

Ground (d)

25. An appeal on this ground is that at the time the notice was issued, it was too late to take enforcement action. It is necessary to show on the balance of probability that the material change of use took place and continued for ten years prior to the issue of the notice. The use must be continuous and without any significant interruption. The burden of proof rests with the appellant on the balance of probability. The operational development cited in the alleged breach of planning control constitutes works that are associated with the breach of planning control.
26. The case on this ground is that a building housed a caravan occupied by a gentleman unrelated to the appellant, as his main residence. The appellant acquired the site in 2014, and the occupant had been there since at least 2011, helping out with livestock. However, it is undisputed that he is no longer there. The caravan appears to have been removed from the building, whether or not it is one of the vans that I saw on site, which vans were in a poor environmental condition and unlikely to be habitable.
27. It was also said that the building that housed the caravan had been on site for “over 10 years”. At the site visit, it appeared likely that the building in question was the larger of those marked in yellow on the aerial image, within the boundary of the site to the western end, but there is no persuasive evidence to support how long it might have been there. At final comments stage it was said that the caravan had been there for “some 13 years” but again no evidence in support was forthcoming.
28. I find that on the balance of probability the appellant has failed to demonstrate success on this ground of appeal.

Ground (f)

29. An appeal on ground (f) is 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 or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. By s173(4) of the Act, the purpose of the notice is to: (a) remedy the breach of planning control that has occurred, or (b) to remedy any injury to amenity caused by the breach.
30. Reading the corrected notice as a whole, its purpose is to remedy the breach of planning control on this Green Belt land by requiring cessation of the unauthorised use and removal of the associated operational development.
31. The appellant suggests that the external appearance of the buildings could be improved by external cladding and general repair. However, the planning merits of the appeal are not before me. External storage associated with the use of the land may well be better organised and tidied up but there is no specific proposal that would achieve the purpose of the notice, even if it were aimed at remedying the injury to amenity rather than seeking, as it does, restoration of the site to its prior condition.
32. The appellant is open to having a positive dialogue with the Council to improve the visual appearance of the site without having to demolish buildings being used to support the agricultural use. I address this matter on ground (g).

33. I find that the requirements are not in the circumstances, excessive since there is no lesser obvious step that could be taken that would achieve the purpose of the notice. Consequently, this ground of appeal fails.

Ground (g)

34. The period for compliance with requirements of the notice is appealed as being too short. A period of 12 months is suggested to replace buildings for safely storing feed and providing shelter for livestock, which it is said would need to go through a planning process likely to take longer than 4 months. The site can become very boggy which it is also said, would impede removal of items by vehicle.
35. I agree that the site is not easy to access by vehicles for various reasons. However, permitted development rights exist for agricultural development that do not require to be the subject of express applications for planning permission, and it is not obvious what planning process is required to be gone through. It would be for the appellant's personal representatives or successors in title to decide future requirements for the well-being of the livestock and to plan accordingly.
36. Harm is being caused to the Green Belt by the unauthorised development.
37. Remedial works could be undertaken with buildings being demolished or removed in a relatively short timescale with the appointment of an appropriate contractor. The Council does not object to an extension of the period for compliance to 6 months. This period coincides with my view as to what would be reasonable in the circumstances, whilst allowing for any eventual applications to the Council to be made further to regularise development on the site.
38. The appeal on ground (g) succeeds to this extent only.

Conclusion

39. For the reasons given above, I conclude the period for compliance with the notice falls short of what is reasonable. I shall correct and vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Grahame J. Kean

INSPECTOR



Plan

This is the plan referred to in my decision dated: **16 October 2026**

by **Grahame J. Kean B.A. (Hons) Solicitor, MRTPI**

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Reference: APP/R4408/C/24/3338170

Scale: not to scale

