



Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2026

Appeal Ref: APP/Y2430/C/25/3371911

Land west of Longcliff Hill House, Longcliff Hill, Old Dalby, Leicestershire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mrs Beverley Gask against an enforcement notice ("EN") issued by Melton Borough Council.
 - The EN was issued on 20 August 2025.
 - The breach of planning control as alleged in the EN is: A residential mobile home has been sited on land west of Longcliff House, Longcliff Hill, Old Dalby. The siting of the mobile home changes the use of the land from "agricultural" to "residential". This is considered a material change of use requiring a change of use from agricultural to C3, to a "Dwellinghouse" (this includes residential mobile homes) as defined in the Town and Country Planning (Use Classes) Order 1987.
 - The requirements of the EN are:
 - a) Cease the unauthorised use of the land as a residential home.
 - b) Demolish or remove from the land the residential mobile home.
 - c) Clear any hardstanding, foundations, or other structures installed in connection with the unauthorised use.
 - d) Ensure all debris and waste material resulting from the compliance steps are removed from the site.
 - e) Restore the land on which the residential mobile home is sited to its lawful use as agricultural land.
 - f) Reinstatement the hedgerow along the boundary adjacent to Longcliff. This will be done by using the same native species of plant, consistent with the remaining hedgerow. A gap not exceeding 1 metre can be left to facilitate access into the land.
 - The periods for compliance with the requirements are:
 - a) Cessation of the use of the land is required within 3 months from the date the notice takes effect.
 - b) Demolition or removal of the mobile home from the site should take place within 4 months from the date the notice takes effect.
 - c) Removal of any hardstanding, foundations, or other structures installed in connection with the unauthorised use and removal of any debris and waste material resulting from demolition should be completed within 4 months from the date the notice takes effect.
 - d) The land within the curtilage (Appendix A) should be restored to its lawful use as agricultural land within 4 months from the date the notice takes effect.
 - e) Reinstatement the hedgerow along the boundary adjacent to Longcliff. This must be done by using the same native species of plant, consistent with the remaining hedgerow. A gap not exceeding 1 metre can be left to facilitate access into the land. This should be completed within 4 months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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Decision

1. The EN is quashed.

Matters Concerning the Notice

2. An EN should enable every person who receives a copy to know exactly what, in the Council's view, constitutes the breach of planning control, what steps need to be taken to remedy the breach, and the time for compliance. The recipient of the

EN is entitled to find out from within the four corners of the EN what they are required to do or abstain from doing.

3. I can correct any defect, error, or misdescription in an EN or vary the terms of the EN using the powers available to me under s176(1) of the 1990 Act, where the correction or variation will not cause injustice to the appellant or Council. However, it may be the case that defects are too fundamental to be corrected or varied without causing injustice, leading to the EN being quashed.

Relevant Section of the 1990 Act

4. Part 1 of the EN refers to paragraph (a) of s171(1) of the 1990 Act. However, that section concerns the interpretation of Chapter II titled *"Interests Affected by Planning Proposals: Blight"*. The EN therefore cites the incorrect section of the 1990 Act. The correct section is s171A(1)(a).

The Land the Subject of the Alleged Breach

5. Part 2 of the EN identifies the land as *"land west of Longcliff Hill House, Longcliff Hill..."* However, Part 3 refers to *"land west of Longcliff House"*, while the EN Plan is annotated *"Longcliffe Hill House"*. Consequently, the site address is described inconsistently throughout the EN, and it is unclear which address is correct.

Alleged Breach

6. Part 3 of the EN states that a residential mobile home has been sited on the land and that this has resulted in a material change of use of the land from agricultural to residential. It then states that *"this is considered a material change of use requiring a change of use from agricultural to C3, to a "Dwellinghouse" (this includes residential mobile homes)..."*.
7. It is therefore unclear whether the alleged breach is the material change of use of the land for the stationing of a caravan for residential purposes, or whether the EN alleges the mobile home is a building that constitutes a dwellinghouse. This uncertainty is compounded by step b) of the requirements that seeks the mobile home to be either demolished or removed. A mobile home would ordinarily be removed, whereas a dwellinghouse would be demolished.

The Reasons for Issuing the EN

8. The first three paragraphs of Part 4 do not explain why the EN was issued. The fourth paragraph states that the mobile home conflicts with Policy D1 of the Melton Local Plan because *"the development is not sympathetic with the character of the area"*. However, no explanation is provided as to how or why the alleged breach harms the character of the area.
9. The same paragraph also states that the mobile home conflicts with Policy H3 Env 4 of the Broughton and Dalby Neighbourhood Plan because *"a significant part of a mature hedge was removed to construct an unauthorised driveway and two parking spaces"*. However, it is not explained how the removal of the hedgerow conflicts with that policy, nor how it relates to the alleged breach.
10. Furthermore, it is not apparent from the four corners of the EN, why the access and parking spaces are regarded as unauthorised development; whether they

facilitate the alleged breach or constitute separate breaches of planning control; or whether they amount to development within the meaning of s55(1) of the 1990 Act.

11. Consequently, a recipient would be unable to understand why the EN was issued.

The Requirements of the EN

12. Requirement (a) seeks the cessation of the use of the land as a residential home. However, for the reasons previously given, it is unclear whether the alleged breach concerns a material change of use of the land for the stationing of a mobile home or whether the mobile home is a dwellinghouse and therefore operational development. Consequently, it is unclear whether this requirement is correct. Even if the EN does relate to a material change of use, the requirement would be the cessation of the use of the land for the stationing of a mobile home.
13. Requirement (d) seeks the removal of all debris and waste resulting from “*the compliance steps*”. However, it does not specify which steps are being referred to and is therefore imprecise.
14. Requirements (e) and (f) seek the restoration of the land to agricultural use and the reinstatement of a hedgerow. An EN cannot require something to be reinstated. Instead, it should require the land to be restored to the condition it was in before the breach took place. Notwithstanding this, requirement (f) seeks the hedgerow to be reinstated “*along the boundary adjacent to Longcliff*”. This is neither the name of the adjacent house nor the adjacent road and therefore, it does not identify the relevant boundary.

Time for Compliance

15. Part 6 of the EN contains superfluous text which, for the reasons detailed above, repeats several of the defects and inaccuracies identified elsewhere in the EN. Therefore, the superfluous text would need to be omitted.

Other Matters

16. The alleged breach is described throughout the EN in different ways including, “*a residential mobile home*”, “*a Dwellinghouse*”, “*a residential caravan*” and “*a mobile home*”. The alleged breach should be described consistently throughout the EN.

Conclusion

17. I could correct and vary some of these defects and errors. However, the cumulative effect of the amendments required would result in an EN that is fundamentally different from that before me. Furthermore, it is not open to me to correct the alleged breach of planning control because the allegation itself is unclear. Nor can I amend the Council’s reasons for issuing the EN.
18. For these reasons, the defects are too fundamental to be corrected or varied in accordance with my powers under s176(1) of the 1990 Act since injustice would be caused were I to do so. The EN is therefore invalid and must be quashed.
19. In these circumstances, the appeal on the grounds set out in s174(2)(f) and (g) of the 1990 Act do not fall to be considered.

A Berry
INSPECTOR