

Planning Control Committee

21st April 2026

***PART 1 – PUBLIC DOCUMENT**

Planning Enforcement Quarterly Report

INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

1.0 SUMMARY

- 1.1 This report is prepared to provide an overview of the Planning Enforcement team to the Planning Control Committee.
- 1.2 This report outlines the strategic context and details a summary of casework being dealt with by the Planning Enforcement Team, including data on investigations, formal action, appeals and S106 investigations.

2.0 LEGAL AND STRATEGIC CONTEXT

- 2.1 Planning Compliance is primarily concerned with works which have taken place in breach of planning control as set out in the Town and Country Planning Act 1990 (as amended), Planning (Listed Buildings and Conservations Areas) Act 1990 (as amended), and Town and Country Planning (Use Classes) Order 1987 (as amended).
- 2.2 Established procedures and practices ensure that planning enforcement action complies with the relevant legislative framework, balanced with providing a service which maintains the public's confidence in the Council delivering effective planning enforcement and its contribution towards making North Herts a desirable place to live, work, learn and visit.

3.0 INFORMATION AND UPDATES

- 3.1 The Planning Enforcement Team deals with a wide range of reported breaches, some of which are of high priority, complex and historic. The overriding area of work relates to investigations about development built without permission, non-compliance with planning conditions, and changes of use of land.
- 3.2 Quarterly updates are published on the Council website, which enables public views of the reported data, which include details on the number of cases investigated and formal action taken. We encourage Members and the public to contact us via the Planning Enforcement webpage, which includes responses to questions that we receive most often and can provide quickest responses to queries about planning enforcement matters: [Planning enforcement | North Herts Council](#)
- 3.3 As part of the service, Officers now undertake proactive monitoring of sites where breaches would result in irreversible harm, and where conditional planning permission imposes time-limited actions to be carried out. However, monitoring may also include pre-development, pre-commencement, and pre-occupation, retention of protected trees, and compliance with listed building conditions.

- 3.4 S106 agreements are legally binding and entered into between a local planning authority and the developers of land that delivers residential schemes of 10 units or greater. Such agreements may include obligations to undertake work and / or obligations to make a payment to mitigate harm or comply with certain policy requirements. The Council monitor compliance with these obligations.
- 3.5 S106 monitoring and reporting is a developing area of the service, and quarterly reports are now published on the Council webpages along with the Infrastructure Funding Statement: [Planning obligations \(section 106 agreements\) | North Herts Council](#)
- 3.6 Planning Enforcement technical support provide support that is instrumental for delivering an effective service. Similarly, collaborative work within the Planning Service and other teams across the organisation is a core element of planning investigations that has developed over the years.

4.0 INVESTIGATIONS AND PERFORMANCE

- 4.1 For the quarter from January to March, 59 new cases were opened for investigation, which is in line with the number of annual cases received over the last two years.
- 4.2 Where breaches are identified, a set of options are usually offered as a route to resolving matters:
- a. Submit a retrospective planning application for the development as built,
 - b. Submit pre-app proposing amendments to the existing development to bring it in line with local and national policies and guidance,
 - c. Submit an application for a Certificate of Lawful Development to prove that the development does not require planning permission,
 - d. Remove the breach or cease the unauthorised use of the property or land
 - e. Submit evidence to demonstrate the basis for the development
- 4.3 An increasing number of retrospective applications are submitted as a result of planning enforcement investigations. Although it is not an offence to carry out development without first applying for planning permission, retrospective applications can allow for amendments and conditions to make development acceptable. Retrospective applications are assessed in the same way as development proposals so members of the public will have an opportunity to comment on the development.
- 4.4 It is important to note that there is no guarantee that planning permission will be granted for development that has already been undertaken, so landowners are encouraged to seek permission in advance, as to do otherwise is at their own risk.
- 4.5 An objective of investigations is timely resolution rather than to punish those carrying out unauthorised development. Therefore, in deciding the appropriate action to take for each case, Officers will appraise the degree of breach and identify any harm arising from unauthorised and acceptable development. Sometimes, the appropriate decision is not to take any action if the breach results in a low level of harm; however, that is not to send a message that development can be undertaken in an unfettered manner and without consequence.

5.0 PERFORMANCE AND ENFORCEMENT ACTION

5.1 The Enforcement Team is currently investigating 126 cases; Officers may escalate investigations where development is unauthorised and results in unacceptable planning harm.

5.2 The following summary reflects the enforcement work undertaken during the last quarter:

Investigations, actions and pending decisions				
	2024 (completed)	2025 (completed)	2026 (completed)	Pending decision
Investigations	283	214	62	126
Related Retrospective Applications	65	86	14	27
Planning Contravention Notices	6	13	14	3
Formal Notices to Resolve Breach	7	4	8	6
Appeals Against Formal Notices	1	2	4	5
Temporary Stop Notices	0	3	1	0
Prosecutions	1	1	1	5
Injunctions	1	0	0	0
Other	1	0	1	4

5.3 Planning Contravention Notices are a key investigation tool that assists out understanding of how land is used and when the use occurred. These Notices are becoming an increasingly important tool for investigations, and more PCNs have been served so far this year than in the whole of 2025.

5.4 Similarly, a greater number of formal notices have been served this year, which is due to a wider project that is focussed on decision-making on cases that have been without decision-making or action over the last three years. Progress on this work has resulted in a significantly reduced number of historic cases.

5.5 Recipients of an Enforcement Notice have the right of appeal to the Planning Inspectorate; in such cases, the requirements of the notice are suspended until the Inspector's decision. Following recent changes to the appeals determination approach at PINS, decisions are generally reached more swiftly, and some historic appeals have been recently issued after significant delays. At the time of this report, the Council is awaiting six appeals to be decided. A copy of the long-awaited appeal decisions for The Cabinet, High Street, Reed is appended to this report.

5.6 Enforcement Notices and Appeals -

LOCATION	BREACH	COMMENTS
Breachwood Green	Material change of use as car park and associated hardstanding	Retrospective application refused Planning appeal dismissed EN appeal submitted
The George at Baldock	Material change of use to residential flats	Appeal submitted
4c Sun Street	Change of fenestration within conservation area	Retrospective application refused No EN appeal. Requirements for compliance agreed
96 High Street	UVPC windows installed to listed building	Retrospective application refused. No EN appeal. Notice taken effect and compliance anticipated
34 Gaping Lane	Incongruous dormer roof addition	Retrospective application refused. No EN appeal. Notice has taken effect
19 Sollershott Hall	Timber trellis and gates affect integrity of listed building	Notice has taken effect and compliance anticipated
Tea Green	Material change of use to events venue	Retrospective application refused EN appeal submitted
31 Thatcher's End	Rear and side extension and raised land levels	Retrospective application refused Planning appeal dismissed EN appeal submitted
Land at Morrisons Letchworth Garden City	Damage to protected tree and installation of lighting columns to facilitate EV charging	Communications and meeting with developers to resolve

5.7 Officers recognise that delays in resolving breaches can be frustrating for everyone; these can be due to several factors, including the necessary stages of the investigation process, resourcing and experience, appeals against Notices. It is also worth noting that formal notices do not resolve breaches but are tools for formal steps towards resolving matters.

5.8 At the time of this report, the caseload and corresponding years are shown below. The longer-term objective being to establish a performance indicator that sees the review of every case, every month.

	2018-21	2022	2023	2024	2025	2026
CASES	4	5	9	14	48	33

6.0 S106 and MONITORING PLANNING CONDITIONS

- 6.1 The planning system supports the delivery of better recreation facilities, open spaces and health facilities and therefore impacts positively on the health and wellbeing of those living, working and visiting North Herts. This delivery can be through s106 obligations where appropriate. S106 Monitoring and Compliance takes an increasingly proactive role in the monitoring the delivery of financial and non-financial S106 obligations. A key aim is to ensure that S106 obligations are secured in accordance the relevant planning legal agreement. As part of this work Officers maintain a schedule of all the S106 financial contributions held, and processes now track and monitor the implementation of schemes of 10 units or larger to ensure they are delivered in accordance with permissions and associated conditions.
- 6.2 Proactive monitoring of S106 schemes centres on early engagement with developers, as part of building relationships with them, and clearly setting out the S106 monitoring plan and trigger points. This work represents a key change in marking the Council’s approach and expectations from developers in terms of how the discharging conditions is recorded, evidenced, monitored and enforced.
- 6.3 This early engagement is an opportunity for Officers to work positively with developers and secure evidence of matters such as pre-commencement conditions and works below ground level, which can be difficult to substantiate or challenge after works have progressed beyond those stages. Such oversight is essential for securing developer contributions for infrastructure, affordable housing, and environmental improvements.
- 6.4 To underpin S106 monitoring and engagement, conversations are taking place to explore how Officers can engage and inform Parish Councils and community groups about the role of developer contributions and how they can be accessed.

7.0 LOCAL OMBUDSMAN REPORTING: ‘LOSING CONTROL – COMPLAINTS ABOUT PLANNING ENFORCEMENT’

- 7.1 The Local Government and Social Care Ombudsman (LGSCO) recently published a report about the level and quality of services provided by planning enforcement services. The survey found that 80% of enforcement officers say there are insufficient staff, 89% report case backlogs, and 73% say their authority struggles to recruit.
- 7.2 The LGSCO warned that failure to enforce planning rules risks undermining public confidence, creating a “two-tier system” where compliant developers are disadvantaged while rule breakers face no consequences. The report comments that while increased development is needed to support economic growth, development without enforcement will lead to planning chaos and a collapse in public trust unless enforcement teams are properly resourced.
- 7.3 RTPI’s Director of Communications, Simon Creer, echoed these concerns, describing enforcement officers as “the backbone of the planning system”. He said years of under-resourcing and recruitment difficulties have left services in some areas “struggling or

already broken”. Creer warned that meeting the government’s ambitious housing targets will require adequate numbers of enforcement officers to ensure policy standards are upheld and development is delivered effectively.

7.4 Following a review of the LGSCO report, we are pleased to report that the circumstances described in the report do not bear out the resourcing position or investigation actions and outcomes. Officers would like to reassure Members that the team continues to progress along a purposeful and positive trajectory where professional and personal development lies at the heart of our approach. A direct outcome is a Planning Enforcement Team that is active and focussed on resolving a wide range of breaches by prioritising informal resolution and escalating matter to proportionate action where necessary.

7.5 We would like to thank Members, residents, and the public for their continued support and engagement as we all work together to maintaining North Herts as a district of responsible growth through planning development.

8.0 **UPDATES FOR MEMBERS**

8.1 Part 2 of the report is restricted and will provide members with more detailed updates on cases and the overall plan for the Planning Enforcement Team.

9.0 **NEXT STEPS**

9.1 To note this report.

10.0 **APPENDICES**

10.1 Appendix A – The Cabinet Appeal Decision

11.0 **CONTACT OFFICERS**

Christella Menson, Conservation and Enforcement Team Leader

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Appeal Decisions

Site visit made on 27 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal A: APP/X1925/C/23/3314159

The Cabinet, High Street, Reed, Royston SG8 8AH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Richard Newman against an enforcement notice issued by North Hertfordshire District Council.
- The notice was issued on 22 November 2022.
- The breach of planning control as alleged in the notice is:
 - (i) Erection of a fence sub-dividing the rear amenity area of a Grade II listed building.
 - (ii) The erection of a fence and gates around the front patio of a Grade II listed building.
 - (iii) The installation of a gas tank and enclosure fencing in the curtilage of a Grade II listed building.
 - (iv) The incorporation of a smoking shelter into an extension and store room.
- The requirements of the notice are to:
 - (i) Remove the fencing subdividing the rear garden area to the property shown edged in Blue on the attached Plan NHDC 2.
 - (ii) Remove the fencing and gates erected to the front of the property around the front patio area, shown edged in Yellow on the attached plan NHDC 2.
 - (iii) Remove the gas storage tanks and associated fencing shown edged in Green on the attached plan NHDC 2.
 - (iv) Remove the small store extension edged in Purple on the attached plan NHDC 2 and make good the main building using matching materials and finishes.
 - (v) Permanently remove all materials and waste arising from steps (i) to (iv) from the site.
- The periods for compliance with the requirements are:
 - (i) 4 months
 - (ii) 4 months
 - (iii) 5 months
 - (iv) 8 months
 - (v) 8 months
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal B: APP/X1925/F/23/3314167

The Cabinet at High Street, Reed, Royston, Hertfordshire SG8 8AH

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 (PLBCAA).
- The appeal is made by Mr Richard Newman against a listed building enforcement notice (LBEN) issued by North Hertfordshire District Council.
- The LBEN was issued on 22 November 2022.
- The contravention of listed building control alleged in the notice is:
 - (i) New kitchen units and associated equipment in the rear outshot of the property.
 - (ii) The formation of a small store area.
- The requirements of the notice are:
 - (i) Remove the internal domestic kitchen including all equipment and cabinets edged in Green on the attached plan 14120-P002-F LB.
 - (ii) Remove the small store edged in Purple on the attached Plan 14120-P002-F LB and make good the main building using matching materials and finishes.
 - (iii) Repair and make good all damage to the building resulting from the removal of the domestic kitchen, and the small store pursuant to this notice.

- The periods for compliance with the requirements are:
 - (i) 5 months
 - (ii) 8 months
 - (iii) 8 months
- The appeal is made on the ground set out in section 39(1) (e) and (h) of the PLBCAA.

Summary of Decision: The appeal is dismissed.

Appeal C: APP/X1925/C/23/3314199

The Cabinet, High Street, Reed, Royston SG8 8AH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Richard Newman against an enforcement notice issued by North Hertfordshire District Council.
- The notice was issued on 22 November 2022.
- The breach of planning control as alleged in the notice is:
 - (i) The siting of two railway carriages on the customer car park for residential purposes.
 - (ii) The siting of a touring caravan on the customer car park for residential purposes.
- The requirements of the notice are to:
 - (i) Permanently remove the railway carriages shown in Blue on the attached plan.
 - (ii) Permanently remove the touring caravan shown in Purple on the attached plan.
 - (iii) Permanently remove all materials and waste arising from steps (i) and (ii) from the site.
- The periods for compliance with the requirements are:
 - (i) 5 months
 - (i) 5 months
 - (ii) 5 months
- The appeal is proceeding on the ground set out in section 174(2)(c) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal D: APP/X1925/C/25/3361938

The Cabinet, High Street, Reed, Royston SG8 8AH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Richard Newman against an enforcement notice issued by North Hertfordshire District Council.
- The notice was issued on 6 February 2025.
- The breach of planning control as alleged in the notice is the material change of use of the detached outbuilding into self-contained residential accommodation.
- The requirements of the notice are to:
 - (i) Cease the use of the detached outbuilding for self-contained residential accommodation.
 - (ii) Remove ALL fittings and fixtures associated with the unauthorised use of the detached outbuilding as self-contained residential accommodation, including the removal of ALL kitchen cupboards, worktops, sink, cooking facilities, toilet, handbasin, shower and beds.
 - (iii) Remove from the land all items, materials and debris resulting from compliance with steps (i) to (ii) above.
 - (iv) The period for compliance with the requirements is three (3) calendar months.
 - (v) The appeal is proceeding on the grounds set out in section 174(2)(d) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed.

Preliminary Matter

1. With respect to the enforcement notice the subject of Appeal A there is a typographical error in paragraph 5 (i) which refers to "are" rather than "area". This can be corrected without causing injustice.

Appeal A on ground (a) and Appeal B on ground (e)

2. Appeal A on ground (a) is that planning permission ought to be granted for the development. Appeal B on ground (e) is that listed building consent ought to be granted for the works. In both cases, the main issue is whether the proposal would preserve the Grade II listed building known as The Cabinet, or any features

of special architectural or historic interest that it possesses. This duty is set out in s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Reasons

3. The appeal site comprises a detached listed building known as The Cabinet which has historically been used as a public house. It is situated along a relatively narrow lane with grass verges in the village of Reed. The locality is mainly rural in character with scattered residential properties. The Cabinet is now a part single storey and part two storey timber clad building; the main elevations being boarded and painted cream. The original building dates back to the seventeenth century and is Grade II listed and is situated in the Reed Conservation Area.
4. The building was first listed on 3 June 1987 and its listing describes it as:

Public House. Late C17 or early C18, extended C19 and C20. Timber frame on brick base. Weatherboarded. Steeply pitched tiled roof. Originally 2 bays, extended by 1 bay to left with further additions at both ends. 2 storeys. Ground floor: entrance to left of original centre, recessed plank door in architrave with dentilled and bracketed hood, to left two 3 light small pane flush frame casements, to right one of 2 panes, all with hoodboards. First floor three 2 light small pane casements. Coved eaves. Cross axial ridge stack at original left end, part rebuilt. To rear a C19 continuous lean-to outshut behind main range and first added bay, weatherboarded and rendered. Rendered upper part of rear wall on main block with some comb pargetting. Short C20 gabled addition to left end, set back slightly. 1 storey mid C20 addition to right end with an entrance. Beyond this to right a C19 weatherboarded and slate roofed outbuilding with 2 doors to front. Interior: chamfered axial bearer, stop chamfered fireplace lintel.
5. Although the host building has been altered and extended over the years, including a single storey addition to the south and further extensions to the north, it retains its character and detailing and architectural features which align it to its original function as a public house.
6. The appeal site is also situated in the Reed Conservation Area. The historic form and layout of the Conservation Area have largely been preserved, with traditional one-and-a-half-storey timber-framed, thatched buildings characterising the northern and western areas, while larger farmsteads and former manorial sites dominate the south and west. A central area of open farmland, enclosed by lanes, historic cottages, farm buildings and moated sites, forms the core of the Conservation Area. The surrounding countryside has narrow hedge-lined lanes and mature trees enhance its rural, tranquil character.
7. Policy HE1 of the North Hertfordshire Local Plan 2011-2031 (adopted 2022) (the LP) relates to designated heritage assets and states that planning permission for proposals affecting designated heritage assets or their setting will be granted where they support the conservation and ongoing viable use of the asset, use appropriate materials that positively contribute to local character and cause less than substantial harm, and that harm is outweighed by public benefits, including securing the asset's future use. Development within conservation areas must be carefully designed in terms of scale, layout, design, and materials and preserve or enhance the character or appearance of the area. These are in general conformity with the objectives set out in the National Planning Policy Framework (the

Framework) and therefore I give them substantial weight in the determination of these appeals.

8. The development the subject of Appeal A comprises a number of different elements as set out in the header, but in summary these are a fence sub-dividing the rear garden, fence and gates around the front patio, a gas tank and enclosure and smoking shelter into an extension and store room. With respect to Appeal B, the works the subject of the LBEN are new kitchen units and equipment and the formation of a small store area.
9. The fence sub-dividing the rear amenity area comprises a 2 metre high close boarded fence which has been stained in a dark colour. It is situated to the rear of the listed building and sub-divides a large amenity. The fence is attached to the rear elevation of the listed building. The division of the area to the rear of the building has eroded its setting which would previously have provided open aspects. The materials and colour used are unsympathetic to the pale painted external walls of the listed building and show little consideration for the architectural features of the historic structure. Furthermore, the fence detracts from the open area to the rear of the building which is characteristic of this part of the Conservation Area.
10. The railings to the front of the property enclose the small patio area and are situated adjacent to the High Street, which is a narrow, verdant lane with a rural character. The railings detract from the relatively open frontage of the listed building and are domestic in character at odds with the character of the street scene. Given their location, they are visually prominent and uncharacteristic intrusions into the historic setting of the building and wider Conservation Area.
11. The installation of a gas tank and enclosure in the curtilage of the listed building are alien features which detract from the setting of the building, compromising its relatively open rural setting to an unacceptable degree. I understand that a gas tank may be required, but there is little evidence that the due required careful consideration of location and impact on the setting of the listed building has been given.
12. The extension and store room projects approximately 5 metres from the rear of the building and replaced a former temporary structure which was used as a smoking shelter according to the evidence before me. The extension incorporates sympathetic external elevational materials of painted timber boarding with a pitched tiled roof, but it adds to the rear of the building in an unsympathetic way, appearing as a poorly thought out protrusion with a poor relationship to the main building, other than materiality. Such additions are uncharacteristic to listed buildings of this period and detract from the historic and architectural integrity of the building and the historic integrity of the Conservation Area.
13. The works the subject of Appeal B relate to the unauthorised installation of kitchen units and creating a small rear store. The kitchen units and associated equipment are harmful because placing a domestic kitchen in the rear outshut disrupts the historic central space focused on the significant inglenook fireplace which is an important feature of the building's character as a public house. This change blurs the distinction between the pub's historic core and the private residential area, reducing the legibility and functional value of the pub use and diminishing the building's historic character.

14. It is my understanding that since 2003, an open-sided smoking shelter with a tiled roof was present at the building. This has been enclosed and converted into a single-storey storage area which is linked to the relocated commercial kitchen. The interior has been roughly boarded over in a way which detracts from the listed building's special character. The enclosure of the former shelter also harms the wider appearance of the Reed Conservation Area.
15. Accordingly, each of the different parts of the unauthorised development and works that have been carried out cause material harm to the special interest of the listed building. Therefore, failing to preserve it, the desirability of which (as required by the Act) has been affirmed by the Courts as a matter of considerable importance and weight, it would fail to accord with the expectations of the Framework which anticipates great weight being given to the conservation of designated heritage assets. For the same reasons the extension would also conflict with Policy HE1 of the LP.
16. I find the harm to be less than substantial in this instance, but that less than substantial harm does not equate to less than substantial planning objection, especially when the statutory tests have not been met. Under such circumstances, this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant has not submitted any specific public benefits, but I can see that there may be some limited benefit from having a smoking shelter for the public house and from improving the living accommodation available for occupiers. However, it seems to me that these are private benefits rather than public which is the test set out in the Framework. This significantly limits the weight to be afforded to this consideration in support of the appeal and therefore, the very limited public benefits do not outweigh the harm identified.
17. Therefore, I find that the conflicts with Policy HE1 of the LP and the policy in the Framework clearly outweigh the benefits and this indicates that planning permission and listed building should not be granted for the respective works and development.

Appeal A on ground (g)

18. The ground of appeal is that the time given to comply with the requirements is too short. The periods of 4 months given to remove the fencing to the rear and the fencing and gates to the front of the property around the front patio, 5 months to remove the gas storage tank and associated fencing, and 8 months to remove the small storage extension and remove all materials and waste arising from the required works would all be sufficient. The appellant suggests that a longer period would be of benefit to his family but that does not outweigh the level of harm identified with respect to the listed building and its setting. Therefore, the appeal on ground (g) does not succeed.

Appeal B on ground (h)

19. The ground of appeal is that the period specified in the Notice within which any step required by the notice is to be taken falls short of what should reasonably be allowed. The periods of 5 months given to remove the internal domestic kitchen including all equipment and cabinets, 8 months to remove the small store and make good the building and 8 months to repair and make good all damage to the

building from removal of the kitchen and small store would all be sufficient. The appellant suggests that a longer period would be of benefit to his family but that does not outweigh the level of harm identified with respect to the listed building and its setting and therefore the appeal on ground (h) does not succeed.

Appeal C on ground (c)

20. The ground of appeal is that the matter alleged does not constitute a breach of planning control. I noted at my site visit that the railway carriages and caravan have all been removed from the site. However, since the appeal remains, I shall determine it on the ground submitted.
21. The appellant argues that siting of two railway carriages and a touring caravan on the customer car park are temporary structures that do not constitute development under the terms of s55 of the Act. They are not attached to the land and are easily moveable and are only being stored and not used as separate units of residential accommodation.
22. The alleged breach does not relate to operational development but rather relates to the siting of the items on the land which constitutes a material change in the use of the land from a customer car park to a customer car park and the siting of two railway carriages on the car park for residential use and the siting of a touring caravan on the customer car park for residential use. There is insufficient evidence before me that at the time the notice was served the items had not been sited on the land for residential purposes. Consequently, the appeal on ground (c) does not succeed.

Appeal C on ground (g)

23. The ground of appeal is that the time given to comply with the requirements is too short. The periods of 5 months given to remove the railway carriages, remove the touring caravan and permanently remove all materials and waste would all be sufficient. The appellant suggests that a longer period would be of benefit to his family but that does not outweigh the level of harm identified with respect to the listed building and its setting. I have also noted that the items have all been removed from the appeal site. Therefore, the appeal on ground (g) does not succeed.

Appeal D on ground (d)

24. The ground of appeal is that at the date when the notice was issued, no enforcement action could be taken. The Courts have established that the onus of proof falls on the appellant and the test of evidence is on the balance of probabilities. In addition, the appellant's evidence should not be rejected simply because it is not corroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted. In order to succeed on this ground, it would be necessary to show that the detached outbuilding changed to use for self-contained residential purposes on or before 22 November 2012 and that the use then continued without interruption for a continuous period of 4 years or, if the breach of planning control commenced after 25 April 2024 the ten year rule applies under the Levelling Up and Regeneration Act 2023.

25. In support of his appeal the appellant has submitted an appeal statement with a signed statement and Assured Shorthold Tenancy Agreements dated 1 February 2016 and 1 December 2020 and an affidavit signed by a previous tenant dated 9 September 2021. The appellant's evidence is that he has owned the building since November 2015 when it was already converted to residential use with mains water, drainage and electricity. He states that there was a kitchen and living space downstairs and a bedroom on the first floor with bathroom and WC. Between 1 February 2016 and 1 December 2020, the building was leased to one tenant and then another tenant from 1 December 2020 to 30 November 2021. The Assured Shorthold Tenancy Agreement dated 1 February 2016, and accompanying affidavit signed by Mr David Banner-Eve confirms that he occupied the property as his main residence throughout the whole tenancy period. The appellant seems to be arguing that Mr David Banner-Eve's evidence alone is sufficient to discharge the burden of proof. However, the Council has previously explained that the authenticity of the Assured Shorthold Tenancy Agreement is questionable and other than the affidavit the claims of the previous tenant are not supported by any more detailed evidence.
26. Given the history of the appeal site since February 2016, including the detailed Environmental Health First Tier Tribunal Property Tribunal (Residential Property) decision dated 17 January 2022, I can see that there is evidence of the property being occupied for residential purposes. However, an emergency prohibition order dated 24 June 2021 prohibits use of the first floor for all purposes and the use of the ground floor for sleeping. The prohibition order was upheld on 17 January 2022 and there is no evidence before me that the decision was subject to any further appeals.
27. Further evidence shows that Mr Abdul Mojid lived at the property between 1 December 2020 and 30 November 2021 and this is supported to a degree by the Assured Shorthold Tenancy Agreement dated 1 December 2020. The appellant's evidence is that on the date his Appeal Statement was signed there were two tenants occupying the outbuilding. The appellant has also confirmed that the appeal building has been listed for Council Tax purposes from 1 December 2020.
28. The Council's main concerns seem to be made on the basis of reports that the building was being converted to residential accommodation in February 2024 and it was also being advertised for rent. The appellant's explanation of this is quite plausible – that repair, redecoration and refurbishment was being undertaken. That would account for increased levels of activity at the property as well as the person in question seeing building materials on site. In addition, the appellant accepts that information provided to the Council in the Planning Contravention Notice dated 9 January 2025 was vague and lacking clarity and was given without taking professional advice.
29. The Local Planning Authority also argues that the available evidence shows short-term occupation in late 2020 to early 2021, followed by staff from the neighbouring restaurant using it for sleeping purposes until the Emergency Prohibition Order was issued in June 2021, which immediately stopped any residential use. Furthermore, an inspection by Environmental Health Officers in May 2022 confirmed the building was not being lived in which indicates that the prohibition order was being upheld.

30. The Council also highlights that estate agent details from 2020 described the structure as a storage shed, contradicting the appellant's claim of long-term residential use since 2015. It is also of relevance that the appellant only sought to backdate Council Tax for the outbuilding in August 2024 for the period from March 2021, coinciding with enforcement concerns, rather than for the alleged longer period of occupation of the outbuilding.
31. Therefore, there is insufficient convincing evidence that the outbuilding was used continuously as a self-contained dwelling for either four or ten years. There is sufficient evidence before me to make the appellant's version of events less than probable, and their evidence is in sufficiently precise and unambiguous
32. Therefore, appeal on ground (d) fails.

Appeal D on ground (g)

33. The ground of appeal is that the time given to comply with the requirements is too short. The period of 3 months given to cease the use of the outbuilding for self-contained residential purposes, to remove all fixtures and fittings associated with the unauthorised use and to remove from the land all items, materials and debris is sufficient. The appellant suggests that a longer period of six months would be reasonable because there are two tenants and there is a high cost and scarcity of rented accommodation in the area. However, given the concerns relating to the sub-standard quality of the accommodation and poor living conditions provided it is in the interests of occupants to cease using the property within the 3 months specified in the Notice. Therefore, the appeal on ground (g) does not succeed.

Formal Decisions

Appeal A

34. The enforcement notice is corrected by the deletion from paragraph 5(i) of the word "are" and the substitution therefore of the word "area". Subject to this correction the appeal is dismissed and the enforcement notice is upheld.

Appeal B

35. The appeal is dismissed and the LBEN is upheld.

Appeal C

36. The appeal is dismissed and the enforcement notice is upheld.

Appeal D

37. The appeal is dismissed and the enforcement notice upheld.

A A Phillips

INSPECTOR