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Date: 16th December 2024

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174

Appellant's name:	Mr Mark Gripton
Site Address:	Land At Levedale Road Levedale Staffordshire ST18 9AJ
Alleged breach:	Without planning permission, the material change of use of the Land for the permanent stationing of a caravan on the area coloured blue on Appendix 1 and associated domestic use of the Land, including the erection of a fire pit, surrounding pallet benches, timber posts and artificial grass located on the land coloured orange on Appendix 1, such use not being incidental or ancillary to the use of the land as an allotment development permitted by Appeal Decision APP/C3430/W/15/3006045
Enforcement reference:	21/00125/UNCOU
Appeal reference:	APP/C3430/C/24/3350953
Appeal start date:	16th December 2024

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by South Staffordshire District Council on 6th August 2024.

The enforcement notice was issued for the following reasons:

- (i) It appears to the Council that the breach of planning control on the Land has occurred within the last ten years, and therefore is not immune from enforcement action.
- (ii) The stationing of the Carvan causes unacceptable harm to the character and appearance of the surrounding countryside. Policy OC1 of the South Staffordshire Core Strategy adopted in December 2012 notes that development within the Open Countryside will normally be permitted where the development preserves the appearance and character of the Open Countryside beyond the Green Belt. Policy EQ4 of the Core Strategy notes that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. The unauthorised change of use for the permanent stationing of a residential caravan and associated domestic use of the Land is considered to have a detrimental impact on the appearance and character of the Open Countryside, diminishing the intrinsic rural character of the surrounding paddocks and fields, contrary to policies OC1 and EQ4 of the South Staffordshire Core Strategy.

(iii) The landowner who has confirmed that the Caravan is used for occasional residential use disagrees with the Council's stance that the stationing of the caravan requires planning permission. The landowner was provided with the opportunity to remove the caravan from the Land but has not done so. The landowner has also interpreted Appeal Decision APP/C3430/W/15/3006045 to indicate there is no defined use of the land (i.e. they believe they can utilise the land in manners outside of the permitted allotment use). As such it is now considered both expedient and within the public interest to proceed with formal enforcement action to remedy the harm caused by this development.

(iv) The Council considers that planning permission should not be given, because planning conditions could not overcome these objections to the development.

The enforcement notice requires the following steps to be taken:

(i) Permanently remove the caravan and cease the use of the Land for the stationing of a caravan.

(ii) Remove all materials and services connected to the caravan from the Land.

(iii) Permanently remove the outdoor fire pit, surrounding pallet benches and timber posts, as well as artificial grass from the Land, including any foundations.

(iv) Remove from the Land all materials arising from compliance with (i), (ii) and (iii) above.

The appellant has appealed against the notice on the following grounds:

Ground (b) – that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

Ground (c) – that there has not been a breach of planning control.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments, you can do so online at [Planning Inspectorate - GOV.UK \(www.gov.uk\)](https://www.gov.uk/planning-appeals) (**Please note that Planning Inspectorate will not be accepting emailed comments.**) If you do not have access to the internet, you can send your comments to:

Rebecca Gray
The Planning Inspectorate
Room 3C Hawk
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 5th February 2025. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents (including the decision when made) can be viewed online at [Enforcement Appeal Cases](#) by clicking on the relevant Enforcement appeal case.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from the Planning Portal at: [Taking part in a planning, listed building or enforcement appeal - GOV.UK \(www.gov.uk\)](#) or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk> and the Council website. Paper copies of the appeal decision can be obtained from the Council. Please be aware that there may be a copying fee.

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