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Date: 12th December 2024

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174

Appellant's name: Ms Jules Tustin, Ms Julie Tustin, Mr Warren Davies

Site Address: 15 Sytch Lane, Wombourne, Wolverhampton, WV5 0NF

Alleged breach: Without planning permission, the material change of use of the Land from a dwelling house to a mixed use as a dwelling house and food preparation associated with a food delivery business which includes the production, distribution and storage of cobs.

Enforcement reference: 23/00247/UNCOU

Appeal reference: APP/C3430/C/24/3350826
APP/C3430/C/24/3350827
APP/C3430/C/24/3350828

Appeal start date: 3rd 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 31st July 2024.

The enforcement notice was issued for the following reasons:

1. It appears to the council that the unauthorised material change of use of the Land has occurred within the last ten years and is therefore not immune from enforcement action.
2. The unauthorised material change of use has occurred by the use of a building to the rear of the Land now comprising of a business/commercial use. The current use of the ground floor of the outbuilding is to produce approximately 1,000 cobs three times a week. This operation involves deliveries of bread to the property three times a week, sandwich fillings deliveries twice a week and a van leaving the property three times a week to deliver the cobs. Nine members of staff work for the business at the property, 5 of which are family members of the household and 4 staff that walk to the property. Given the nature and operation of the unauthorised use as a matter of fact and degree it is not considered that the unauthorised use is incidental to the use of the dwelling house situated on the Land.
3. The unauthorised material change of use of the Land is having a negative impact on the amenity of local neighbours who have reported increased noise and disturbance from the deliveries made

to the property and is contrary to Policies EQ9 and EV12 of South Staffordshire Council Adopted Core Strategy 2012 and paragraph 128 subsection (d) of the NPPF.

The enforcement notice requires the following steps to be taken:

- i) Cease the use of the Land for the purposes of food preparation in association with a food delivery business including the production, distribution and storage of cobs.
- ii) Remove from the Land all equipment fixtures and fittings, plant and machinery and paraphernalia used in association with the unauthorised use.

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

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

Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

Ground (e) – the notice was not properly served on everyone with an interest in the land.

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 \(www.gov.uk\)](http://www.gov.uk) (**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:

Faiza Kanwal
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 14th January 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 \(www.gov.uk\)](https://www.gov.uk/guidance/taking-part-in-a-planning-listed-building-or-enforcement-appeal) 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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