



Phone: (01902) 696274

Email: appeals@sstaffs.gov.uk

Date: 15th April 2025

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174

Appellant's name:	Mr R A Patel and Mrs J Patel
Site Address:	Land to the North of Rear Of 12 The Highfields Wightwick Wolverhampton WV6 8DW
Alleged breach:	Without planning permission, the material change of use of the Land to domestic residential garden land in association with 12 The Highfields, including to facilitate the material change of use the depositing of gravel to create a hardstanding for the parking of motor vehicles.
Enforcement reference:	19/00230/UNCOU
Appeal reference:	APP/C3430/C/25/3362523 and APP/C3430/C/25/3362527
Appeal start date:	14th April 2025

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 18th February 2025.

The enforcement notice was issued for the following reasons:

The material change of use of the Land to domestic residential garden land in association with 12, The Highfields took place less than ten years ago and is not immune from enforcement action.

The Land consists of a parcel of land that acts as a buffer between the settlements of Perton and Wolverhampton and is defined as Green Belt in the Councils Local Plan Policies Maps. It is located north of a detached residential dwelling house known as 12, The Highfields.

Paragraph 142 of the National Planning Policy Framework (NPPF), states that the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 143 b) of the NPPF states that one of the five purposes of the Green Belt is to prevent neighbouring towns merging into one another; Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very

Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy GB1 of the Core Strategy is worded differently and accepts a change of use would be permitted where the carrying out of engineering or other operations, or the making a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes. Whilst worded differently, it is considered the aims of the two are the same.

The use of the Land as residential garden land for the parking of cars and a domesticated lawn encroaches into the green belt buffer which clearly conflicts with the green belt purpose (part b), that is to prevent neighbouring towns from merging into one another. The buffer between the settlements has already been eroded to a certain extent with the agricultural land being divided and sold off. This has resulted in the planting of trees/hedging along the boundaries to define different ownerships. The creation of a hardstanding area for the parking of motor vehicles for the associated property is not considered acceptable and represents inappropriate development in the Green Belt, there should be a clear boundary distinction between the residential property and the agricultural land to maintain the green belt purpose.

The loose gravel parking area allows for the parking of a number of vehicles, (at least four), in connection with the residential property. This additionally introduces a spatial impact upon the openness of the Green Belt.

There are no 'Very Special Circumstances' to justify the inappropriate development in the Green Belt and as such it is, therefore, contrary to the relevant provisions of the NPPF and Policy GB1 of the South Staffordshire Core Strategy Adopted 2012.

The Council do not consider that that conditions could overcome the harm created by the harm to the Green Belt caused by this breach in planning control and as such, planning permission should be refused.

The enforcement notice requires the following steps to be taken:

- i) Permanently cease the use of the Land as domestic residential garden land in association with 12, The Highfields.
- ii) Remove the loose gravel parking area used for the parking of vehicles and cease the use of the Land for the parking of cars
- iii) Restore the Land to its original condition before the breach took place.
- iv) Plant an evergreen hedge of at least one metre high similar to that which was in place before for the unauthorised material change of use took place; or in the alternative erect a minimum three bar wooden fence at least one metre high in the area indicated by a blue line on the Plan so as to physically separate the Land from the curtilage of 12, The Highfields.

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.

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 (f) – the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.

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-inspectorate) (**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:

Georgia McLoughlin
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 26th May 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.

Helen Benbow
Development Management Manager
Council Offices
Codsall
Wolverhampton
WV8 1PX

Telephone Enquiries: (01902) 696274 (Salindra Shakespeare)