



Appeal Decisions

Site visit made on 31 March 2026

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Appeal A Ref: APP/H0738/C/25/3359857

Appeal B Ref: APP/H0738/C/25/3359858

Land at Handley Cross, Leven Bank, Leven Bank Road, Yarm TS15 9JL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act).
 - The appeal is made by Mrs Wendy Bates (3359857) and Mr William Charles Bates (3359858) against an enforcement notice issued by Stockton-on-Tees Borough Council.
 - The notice was issued on 8 January 2025.
 - The breach of planning control as alleged in the notice is without planning permission the material change of use of the Land from use as a paddock to residential use.
 - The requirements of the notice are to:
 - a) Remove the unauthorised caravan and cease the residential use of the Land.
 - b) Remove the hardstanding access road on the Land and restore the Land to grass.
 - c) Remove from the Land any resultant debris/materials associated with complying with points a) and b) above and re-seed the Land with grass.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2) (d), (f) and (g) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by:
 - In paragraph 6 of the notice, the deletion of “3” and its substitution with the word “nine” as the time for compliance.
2. Subject to the variation, the appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The appeal was lodged on the grounds (f) and (g) only. However, part of the appellants case is also that the hardstanding access road has been in place for around 29 years. I consider that this argument properly falls to be considered as an appeal under 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. The Council have responded to this matter in their statement of case. It would not therefore prejudice the Council’s case for me to also consider the appeals on ground (d).
4. The appellants statement of case refers to issues such as other possible uses of the site including whether the caravan can be used as a welfare facility for site maintenance and home office space. I am unable to comment on such issues as this appeal only relates to the matters alleged in the notice. I have dealt with the appeals accordingly.

Appeals on ground (d)

5. In order for an appeal on ground (d) to succeed it has to be shown that at the time the notice was issued it was too late for enforcement action to be taken. The burden of proof is on the appellants and the relevant test is the balance of probability. If the Council has no evidence itself to contradict or otherwise make the appellant's version of events less than probable, an appeal on ground (d) can succeed, provided that the appellant's evidence alone is sufficiently precise and unambiguous.
6. With regard to the use of land, section 171B(3) of the Act states that no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach. The appellant claims that the access road has been used consistently for over 29 years to move vehicles, further stating that recent work that was carried out was to enable essential maintenance of the site.
7. The Council clarify that the access entrance from the main highway has been in place for many years, however, the laying of the access track for residential use is the recent work. Appendix 3 of the Councils delegated report provides Google Earth images of the appeal site from 2023 and 2020 which do not show an access track on the site.
8. Other than the assertions from the appellants, there is no convincing evidence before me which clearly shows that the hardstanding access road has been in place and in residential use for over 10 years.
9. As a matter of fact and degree, and on the balance of probability, the alleged development was not in use more than 10 years before the notice was issued and it was not too late for the Council to take enforcement action on these matters.
10. The appeals on ground (d) therefore fail.

Appeals on ground (f)

11. An appeal on ground (f) is that the requirements of the notice exceed what is necessary in order to remedy the breach of planning control or, as the case may be, the injury to amenity that is caused by the breach. The notice requires the cessation of the residential use as well as the removal of the caravan, hardstanding access road and any resultant debris/materials, and then the land to be re-seeded. The purpose is therefore to remedy the breach of planning control.
12. The appellant argues that the removal of the hardstanding access road is excessive, as there are vehicles regularly using the track for upkeep of land, buildings, vehicles, boundaries and trees, and it would become a highway safety concern if the track were to be reinstated to its original muddy state and overgrown grass. It is apparent from the Google Earth images that the hardstanding access road was introduced after May 2023 and therefore before this time the site would have been accessed in some form to allow for the upkeep of the land. I do not consider that the removal of the hardstanding access road would result in a situation where the appellants cannot get onto their site to undertake the upkeep of land and other matters.
13. Given that in respect of the breach of planning control the notice requirements are to cease the use and remove the associated works, it is clear that the

requirements clearly go no further than remedying the breaches. Anything less than removal would not fully remedy the breaches.

14. I therefore find that the requirements of the notice are not excessive and the appeals on ground (f) fail.

Appeals on ground (g)

15. Ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellants seek 18 months rather than three months to comply with the requirements of the notice.
16. The appellants case is that the compliance period is too short. They explain that the caravan is being used as a residential home whilst they actively search for a permanent property to purchase and also that there are difficulties in securing short-term rentals in the area. In light of these circumstances, I consider three months is not a reasonable time for compliance. A period of 18 months however would be too excessive and therefore on balance, I consider of period of nine months would be more reasonable.
17. The appeal on ground (g) therefore succeeds to this limited extent and I have varied the notice accordingly.

Conclusion

18. For the reasons given above, I conclude that the appeals should fail on grounds (d) and (f), and succeed on ground (g). Subject to the variation of the enforcement notice, as detailed in paragraph one, the appeal is dismissed and the enforcement notice should be upheld.

Chris Baxter

INSPECTOR