Webinar: Best practice in enforcement appeals

Planning Inspectorate

The tables below set out the questions raised during the webinar, held on 2 July 2025, along with responses from the presenters. These have been set out by theme.

Enforcement Notice Content and Requirements

Question	Answer
Do you have any views on the requirements of a notice, for instance, where a LPA requires the removal of buildings on the land used for residential purposes, where there is a large mixed use site and the notice, nor the plan, lists or identifies the buildings in question? Is this specific enough?	It depends on whether the buildings are obvious. The site described in section 2 of the notice could be an address shown edged red on the plan. Then the allegation and/or requirements could refer to the land as a whole plus buildings marked as A, B etc. or hatched on the plan. But sometimes that's not necessary.
In terms of land level changes, where agricultural land has been altered (raised) to accommodate a building, we need them to reduce the land to the previous natural sloping style, do we have to be specific in the height of increase, or can we estimate?	You can be specific if you know the height but requiring restoration may suffice.
Are google earth/street view acceptable to rely on previous condition?	It depends
How to restore land to former condition where unauthorised building built which is ancient woodland or in its buffer and the demolition of the building may cause more harm?	This may be a situation where under-enforcement may be appropriate.
Where an unauthorised agricultural COU has taken place from agricultural to residential garden, can the notice require the unauthorized use to cease, the land to be returned to its condition prior to the breach occurring AND installation of a boundary structure to delineate the agricultural use and the residential use in the location shown on the red line plan?	Only if there was a boundary structure there in the first place. Otherwise, the requirement would exceed what is necessary to remedy the breach of planning control.

Question	Answer
Putting land back to previous condition - how much detail re required works to restore previous condition must be given?	It is usually sufficient to simply require restoration of the land to its previous condition. The landowner is best placed to know what the previous condition was. However, it is not wrong for notices to give more detail, e.g., re-seed with grass seed. Restoration requirements can be very detailed - and allude to photographs appended to the notice - without necessarily being excessive. A photograph can be useful if you have one of the land prior to the breach.
Do you have to state the lawful use when alleging MCU? i.e from x to x+y, can you just say MCU to x+y?	It is not essential to say what a material change of use was from. It's only essential to say what a material change of use was to. However, it is useful to set out what the material change of use was from in case there is a question as to whether the change of use was indeed material. It's more difficult if the notice omits some components of a mixed use than if it fails to say what the MCU was from.
In relation to appeals where it has been deemed an amendment is required to an EN such as adding the word 'material' before 'change of use', do the LPA have to re-serve an amended notice or does the decision notice stating that the EN is amended suffice?	The Inspector's decision that corrects or varies the EN would suffice, there would be no need to "re-issue". Once the Inspector has corrected a notice, the corrected version must be on the Register.
Do Local Authorities have to provide an expediency report separate to the Enforcement Notice or is the notice sufficient provided it sets out the reasons why it is felt expedient to take action?	It is not a requirement to provide a separate expediency report.

Planning Units, Mixed Uses, and Operational Development

Question	Answer
What if there is no demarcation but the land considered to be within the PU is so minimal that the LPA decided not to include it in the notice as it was in a different ownership, i.e., under enforcing the additional width of hardstanding?	This is a very specific question and difficult to answer. Planning unit is a concept which is relevant to material change of use rather than operational development. If the LPA is enforcing against hardstanding, it's not clear why they would not enforce against all the hardstanding in the same planning unit. If this area is so minimal, it might be possible to correct the notice without causing injustice.
What are the benefits of issuing two types of notices on a piece of land, one for operational development and the other change of use? Or would you stipulate the buildings on the land to be removed as part of the change of use and issue the one notice?	It very much depends on the detail and the circumstances and how linked the breaches are. If the buildings themselves are clearly operational development in their own right, they should be the subject of an individual notice. You can't rely on the Murphy principle to treat operational development as facilitating a change of use if it's something which effectively caused a development breach. For example, if a new dwelling has been constructed, you should take enforcement action against the construction of the dwelling rather than alleging a change of use of the land to residential and requiring removal of the building as facilitating that change.
In a single notice I understand the reason for a breach of condition being on a separate notice. I regularly encompass a MCOU together with unauthorised development (where not part of the MCOU) on a single notice. Is this still acceptable?	Yes - you can combine MCU + operations in one notice as they are both "development". The difficulty is when "development" plus breach of condition are in one notice. The notice must specify whether the breach falls in s171A(1)(a) [development] or s171A(1)(b) [condition].

Appeals Procedure and Process

Question	Answer
Some cases are that black & white that they don't need site visits. I don't think that 100% of cases need an PINS visit; in my opinion.	Inspectors will consider if it is necessary to carry out a site visit which will often depend on the grounds of appeal.
When you say that you will not be automatically linking planning & enforcement appeals, are there any circumstances where that might still happen? And if so what are they?	In most instances it may not be necessary, but we will consider carefully if one of the parties thinks otherwise. We will keep this under review to see if there are any particular criteria that should be applicable. This is a temporary measure. Due to the provisions that restrict the circumstances when a ground (a) can be made if there is a related application, we anticipate we will see fewer enforcement appeals where it is necessary to consider planning merits in relation to both the enforcement appeal and s78 appeal.
If a notice is varied and the reason for that variation is not identified in the appeal decision, could the LPA ask the inspector to explain the reason? Or PINS provide a newsletter identifying regular reasons for having to vary notices for LPA's to improve the notices they serve?	Any correction or variation should be explained, even if briefly.
When would the inspector deal with the stop notice, if was served at the time of the EN?	Stop notices cannot be appealed.
Should PINS require a set of scaled plans before accepting a Ground A appeal? Why are validation requirements that would apply for prospective applications generally not referred to by PINS on ground A?	That is not a legislative requirement to make an appeal against an EN and so, not an omission that would make an appeal invalid.
Can you confirm please whether it is acceptable for the Inspectorate to receive from the Council a direct response to the	It's difficult to respond to this since it would be for the LPA or appellant to

Question	Answer
grounds of appeal i.e. Ground d for example, and not require all the background history, policies as you would say for a Ground A or C etc.?	consider what evidence they want to submit to support their case.
Following the removal of Ground A rights in some cases, where a refusal appeal is in progress but then an EN is served, what is the correct process for putting the enforcement notice on hold until the appeal is determined? Currently we are using Ground G but this is obviously technically not the correct route.	If there are no other relevant grounds tan appeal made under ground (g) would consider the period for compliane. However a LPA has powers to vary the period for compliance so I would suggest discussing with the LPA to see if they will vary the period for compliance to give sufficient time for the s78 appeal to be determined.

Time Limits and Immunity

Question	Answer
Does the Inspectorate consider that non occupation of a premises during the Covid national lockdown periods would break the 10 year period of continual use? eg in cases of a breach of a condition preventing holiday letting.	This would be a matter for the appointed Inspector to determine based on the evidence before them.
If an appeal succeeds on ground (d) does this result in the issue of a lawful development certificate and if not, is there a way of achieving this via the appeal process?	An Inspector can grant an LDC following success on ground (c) or (d) - s177(1)(c). But that can raise complications in respect of the fee and also in breach of conditions cases. It does not automatically happen but the appellant can request it.

Miscellaneous

Question	Answer
Are PINS seeing a growth in appellants trying to advance grounds of a similar nature that are outside of the statutory grounds (eg issue was outside of the council's constitution; no signature appears on the notice; the (s173(10) accompanying note did not accord with Regulations etc)? If so, would it consider issuing standing advice in order to put appellants on the right lines and reduce the burden on all parties?	We're not aware that this is the case. Where grounds are not sufficiently supported by an explanation, these will often be picked up at validation stage.
If we are not required to serve a notice on a trespasser, does that meant we can't serve a notice on a trespasser? If so, can a notice still require the cessation of a use by a trespasser?	If there are trespassers on the site - especially residential ones - it's a good idea to let them know about the notice. It should be displayed at the site. The Act only says who must be served; it doesn't preclude other people being informed. Trespassers do not have standing to make an appeal, but they can certainly be told about the notice.
Will there be a session on listed building enforcement in the future and the new LBTSN and best practice?	We will consider this.