The Planning Inspectorate

Appeal Decisions

Inquiry held on 21 and 22 March 2017

Site visit made on 20 March 2017

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 April 2017

Appeal A: APP/X4725/C/16/3150118
Land at Went Vale Farm, Rigg Lane, Ackworth, Pontefract, West Yorkshire, WF7 7PP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act as amended).
- The appeal is made by Mr Michael Greenwood against an enforcement notice issued by City of Wakefield Metropolitan District Council.
- The enforcement notice was issued on 14 April 2016.
- The breach of planning control as alleged in the notice is without planning permission, a material change of use from use for agricultural purposes to a mixed use for agriculture and residential purposes.
- The requirements of the notice are:
  (1) Cease the use of the land for residential purposes; and
  (2) Remove all domestic paraphernalia from the Land.
- The period for compliance with the requirements is six months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (d), (f) and (g) of the Act as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variations.

Appeals B and C: APP/X4725/C/16/3150119 & 3150120

- These appeals B and C are made by Mrs Jean Greenwood and Miss Rebecca Greenwood respectively, under section 174 of the Act as amended, against the same enforcement notice that is the subject of appeal A.
- These appeals are proceeding on the grounds set out in section 174(2)(b), (d), (f) and (g) of the Act as amended. Since the prescribed fees have not been paid within the specified period, the applications for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.

Summary of Decision: The appeals are dismissed and the enforcement notice is upheld with variations.

Appeal D: APP/X4725/C/16/3150115
Land at Went Vale Farm, Rigg Lane, Ackworth, Pontefract, West Yorkshire, WF7 7PP

- The appeal is made under section 174 of the Act as amended.
- The appeal is made by Mr Michael Greenwood against an enforcement notice issued by City of Wakefield Metropolitan District Council.
- The enforcement notice was issued on 14 April 2016.

- The breach of planning control as alleged in the notice is without planning permission, the construction of the building shown hatched in black on the attached plan[1] ('the Building') and its use for residential purposes.
- The requirements of the notice are:
  (1) Cease the residential use of the Building and the Land;
  (2) Remove the unauthorised Building and all resultant materials from the Land; and
  (3) Remove all domestic paraphernalia from the Land.
- The period for compliance with the requirements is six months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Act as amended.

Summary of Decision: The enforcement notice is quashed.

Appeals E and F: APP/X4725/C/16/3150116 & 3150117

- These appeals E and F are made by Mrs Jean Greenwood and Miss Rebecca Greenwood respectively, on the grounds set out in section 174(2)(d), (f) and (g) of the Act as amended, against the same enforcement notice that is the subject of appeal D.

Summary of Decisions: The enforcement notice is quashed.

Appeal G: APP/X4725/W/16/3162261
Land at Went Vale Farm, Rigg Lane, Low Ackworth, Pontefract, West Yorkshire, WF7 7PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr and Mrs Michael Greenwood against City of Wakefield Metropolitan District Council.
- The application Ref 16/00571/FUL, is dated 7 March 2016.
- The development proposed is described in the application as "retrospective permission for a single dwellinghouse."

Summary of Decision: The appeal is dismissed.

Procedural matters

1. Whilst the enforcement notices refer to land at Ackworth and the planning application referred to Low Ackworth, the location is the same.

2. At the appellants' request, and in the company of Mr Holmes and Mr Markwell for the Council and Mr and Mrs Greenwood, I inspected the appeal site the day before the inquiry opened.

3. All witnesses gave evidence on oath or under affirmation.

Appeals A – C

Ground (b)

4. To succeed on this ground the appellants must prove on the balance of probability that the use of the land identified in the notice has not changed from use for agricultural purposes to a mixed use for agricultural and residential purposes.

[1] I.e. the plan attached to the notice.

5. The basis of the appellants' case on this ground is that part of an agricultural building has been converted to a dwelling and this now constitutes a separate planning unit. Accordingly they maintain there has not been a change to a mixed use.

6. What constitutes the planning unit (PU) is a question of fact and degree and my attention was drawn to the leading case *of Burdle v Secretary of State for the Environment and another* [1972] 1WLR 1207; [1972] 3 All ER 240. In that case it was held that the starting point is the "unit of occupation". That will normally be the PU, "unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally."

7. Along with some 60 ha of land elsewhere, the appellants have 2.46 ha of agricultural land at Rigg Lane, Ackworth. Those 2.46 ha are shown edged blue on drawing No 1073-01 Rev C, submitted with the application the subject of appeal G. The enforcement notice relates to the north-western corner of that land, where it adjoins Rigg Lane to the north and a railway embankment to the west. However, this area is not physically separated from the remainder of the 2.46 ha and I am satisfied that the larger area is the unit of occupation. Following *Burdle*, unless there are functionally and physically separate areas within that 2.46 ha site, it will constitute the planning unit. It does not matter if the notice is only directed at part of the PU, but if the PU is smaller than the area covered by the notice, the allegation will be incorrect.

8. Before considering the questions of functional and physical separation, I need to describe the appeal site in more detail. On the western side of the site, 2 adjoining agricultural buildings have been constructed. Building 1, a steel portal frame structure in 3 x 6m bays with box profile roof panels and sides, was completed in January 2001. Prior notification (Ref 01/99/62059) had been submitted under Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO). On 19 September 2001 the Council determined that the building did not require prior approval. Although the Council refused to grant such approval for a second agricultural building (Building 2), this was allowed on appeal Ref APP/X4725/A/05/1192455 in March 2006.[2] Building 2 was constructed between early 2007 and 2008[3] and adjoins Building 1 at its southern end. It is also a steel portal frame structure with a box profile roof, but it is open to the west, south and east.

9. Prior to the construction of Building 2, a dwelling was formed in the southern bay of Building 1. On the ground floor, this now consists of: a kitchen/utility room; shower; WC; lounge; and bedroom. On the first floor, there is: another bedroom; a living room and dining kitchen; a study; and a bathroom. Window openings have been created at ground and first floor level in the blockwork southern elevation, which now look out under the canopy of Building 2.

10. There is also a front door and a first floor window in the eastern elevation of the dwelling. There is a dispute over when these were installed, but Mr Greenwood acknowledges in any event that they were covered with profile sheeting to match the rest of that elevation for at least 7 years. During that

[2] Mr Markwell's appendix 10.
[3] Mr Greenwood's proof, paragraph 34.

time, the only access to the dwelling would have been via the personnel doors in the east and west elevations of the middle bay of Building 1 and then through a door linking the interior of that building to the ground floor kitchen/utility area of the dwelling. Even now that the dwelling can be accessed via its own front door, the means of access through the barn section of Building 1 remain.

11. It was also acknowledged that the utility room on the ground floor of the dwelling area is shared between the residential and agricultural use; it is used for "washing up after agricultural activity."[4] Although that use would frequently be by Mr Greenwood himself, he indicated during his oral evidence that he could have up to 3 or 4 additional agricultural workers on site on perhaps 10 – 20 occasions per year.

12. At the time of my site inspection, Mr Greenwood's car was parked in the barn section of Building 1, behind the shutter door. Mr Markwell said he had also seen it under the canopy of Building 2, along with domestic parking in the open at times. Other domestic activities are also likely to take place on the site, outside the confines of the dwelling, such as hanging out washing or just sitting out. Some of that may well occur very close to the dwelling, but the residential use has spread beyond that. I saw little in the way of domestic paraphernalia. However, there was a small greenhouse just to the south of Building 2 and some domestic shrub and tree planting around the southern and eastern boundaries of the area identified on the notice plan.

13. There is an intermingling of the residential and agricultural uses within and beyond that part of Building 1 in which a dwelling has been created, even now that this part has its own front door. As a matter of fact and degree, the residential and agricultural uses are not functionally and physically separate and that part of Building 1 in which the dwelling has been created is not a separate PU. I therefore conclude on the balance of probability that the use of the land identified in the notice has changed from use for agricultural purposes to a mixed use for agricultural and residential purposes. The appeal on ground (b) therefore fails.

Ground (d)

14. Although the enforcement notice the subject of this appeal was issued on 14 April 2016, an earlier notice concerning the same breach was issued on 9 March 2016, but subsequently withdrawn. By virtue of section 171B(3) and (4)(b) of the Act the period for establishing immunity from enforcement action stretches back 10 years before the date of issue of that withdrawn notice.

15. The main issues under this ground are therefore:

- whether the appellants have proved on the balance of probability that the use of the land changed from agricultural purposes to a mixed use for agricultural and residential purposes on or before 9 March 2006 and that the mixed use then continued for 10 years after the date of the change without any significant interruption; and, if so

[4] Mr Rushby's proof paragraph 2.11 and his oral evidence under cross examination.

- whether that breach of planning control was deliberately concealed in a manner which should result in the appellants being deprived of the immunity offered by section 171B of the Act.

Ten years continuous use

16. Though there is some dispute over when the front door and window were installed in the eastern elevation, Mr Greenwood's evidence is that the works to create the dwelling within Building 1 were substantially complete by October 2002. In any event a letter from the conveyancer acting on the transaction confirms that the sale of the former family home at Great Houghton was completed on 11 October 2002. It is at this point that Mr Greenwood says he, Mrs Greenwood and their daughter Rebecca moved onto the appeal site as their home. Indeed, whilst he was not present at the inquiry, a friend of the appellants', Mr Tarasiuk, swore in a statutory declaration[5] that he helped the family move furniture and personal belongings to the appeal site in October 2002.

17. Given that it believes Mr Greenwood deliberately concealed his occupation (I return to that later) the Council casts doubt on his overall credibility. In closing, Mr Hunter also suggested that the appellants' documentary evidence could be consistent with Mr Greenwood working at the site and simply taking steps to make it appear as if they were living there.[6] However, this was not put to Mr Greenwood in cross examination and the Council's proofs of evidence contained nothing to contradict his evidence of continuous residential occupation since October 2002. Indeed, when cross examined, Mr Markwell said he did not dispute that evidence. In any event, some 30 people have written to confirm that the appellants have lived on the appeal site since then.[7] Furthermore, this is supported by a substantial amount of additional documentary evidence, including correspondence from: NFU Mutual Home Insurance; the Television Licensing Authority; opticians; dentists; doctors; British Telecom; Sky; HMRC; the Department for Work and Pensions; and the Mineworkers' Pension Scheme.[8] There is no dispute that the agricultural use also continued throughout the relevant period.

18. On the evidence before me, the appellants have proved on the balance of probability that the use of the land changed from agricultural purposes to a mixed use for agricultural and residential purposes before 9 March 2006 and that the mixed use then continued for 10 years after the date of the change without any significant interruption.

Deliberate concealment

19. The Supreme Court found in *Welwyn Hatfield Borough Council v Secretary of State for Communities and Local Government* [2011] UKSC 15[9] that Mr Beesley's conduct was sufficient to deprive him of the immunity from enforcement action normally granted by section 171B of the Act. In that case:

- there was positive deception in the planning process;

[5] Mr Greenwood's proof, appendix 6.
[6] Inquiry document 8, paragraph 10.
[7] Ibid, at appendix 7.
[8] Ibid.
[9] At paragraph 56 of the judgement.

- the deception was intended to undermine the planning process;
- the deception did undermine the planning process; and
- Mr Beesley stood to profit directly from the deception.

20. However, I drew attention to *R (oao) Matilda Holdings Ltd v SSCLG* [2016] EWHC 2725 (Admin). In that case, it was held that the four matters identified in *Welwyn* "are a *sufficient* set of factors for the principle to apply, but not *necessary* tests." Indeed *Matilda Holdings* refers back to the High Court's judgement in *Jackson v SSCLG* [2015] EWHC 20 (Admin) where Holgate J cited *Fidler v SSCLG* [2011] EWCA Civ 1159[10]. He noted that the *Welwyn* principle applied, even though Mr Fidler had made no false representations during the planning process. Mr Fidler's positive deception concerned the concealment behind straw bales of a building erected without planning permission. In the circumstances, Holgate J said that the "decisions of the courts to date have been fact-sensitive and there is some uncertainty as to the overall range of circumstances in which the public policy principle may be applied."

21. Against that background, the Council contends that there are a number of examples of deception in the present case. At the outset I would say however, that, on Mr Greenwood's evidence[11], Building 1 was completed as an agricultural building and used purely as such, albeit for a short period, before works commenced to create a dwelling within part of it. The Council has no evidence to show that this is not what happened, though it casts doubt on Mr Greenwood's credibility overall. However, the fact that, at the same time as completing Building 1, the appellants were completing the purchase of their home in Great Houghton makes it unlikely that Building 1 was constructed with a dwelling inside it from the outset. In this regard, this case differs from *Welwyn*, where Mr Beesley obtained planning permission for a hay barn, but simply built a dwelling that looked like a hay barn.

22. Mr Greenwood said in his proof[12] that he fitted a door to the eastern elevation of the southern bay of Building 1, which ultimately became the front door to the completed dwelling. However, he says the door was damaged by vandals in 2003 so, to make the building secure, he covered it with sheeting. He said he repaired the door in due course, but other jobs had taken priority.[13] During cross-examination Mr Greenwood said he believed he uncovered the door in 2009, which involved removing 2 x 1m wide lengths of box profile sheeting. However, no door is visible in the photograph dated 20 May 2010 appended to Mr Markwell's proof.[14] Mr Greenwood said he did not believe the date of that photograph to be correct, but gave me no good reason to doubt it. It is not clear when the door was uncovered, but I am satisfied that it was still concealed in May 2010. Indeed, there is no evidence to show that it was uncovered soon after that and the earliest photograph showing that door from the outside was taken on 30 May 2014.[15]

[10] Mr Hunter also referred to this in oral closing submissions.
[11] Mr Greenwood's proof, at paragraphs 7 and 8.
[12] Mr Greenwood's proof, as paragraph 15.
[13] Ibid, at paragraph 21.
[14] Mr Markwell's proof, at appendix 13. Mr Markwell said these photographs were taken by a colleague in his presence.
[15] Mr Markwell's proof, at appendix 3.

23. There is also now a first floor bedroom window in the eastern elevation, above the front door. Mr Greenwood says this was already there internally, but was covered up because "it would have been susceptible to vandalism". It was concealed when the photograph was taken in May 2010 and indeed Mr Greenwood said it was not uncovered until he submitted a lawful development certificate (LDC) application in 2014. The 30 May 2014 photograph shows only the door uncovered, but an October 2014 photograph shows both the door and the window.[16]

24. When asked if it was just coincidence that the window was uncovered at the time of the LDC application, Mr Greenwood said he had thought: "this is coming to an end, so I might as well uncover it... as it was all out in the open…" Though he also added that the vandalism appeared to have stopped, the only logical interpretation of Mr Greenwood's answer is that he saw no need to hide the window anymore. In this context, it is also of some significance that the appellants only started paying Council Tax for the property in 2014.

25. There are also windows in the southern elevation of Building 1; namely 3 at ground floor level and 3 at first floor. The precise timing of their installation is a little unclear. Mr Greenwood said in his proof[17] that in "late April 2002…the windows were fitted". Similarly, the statutory declaration submitted with his 2015 LDC application[18] stated that he "fitted windows to both floors" in April 2002. However, in oral evidence Mr Greenwood said initially that the first window to be installed was the ground floor one at the eastern end of that elevation, though this was broken by vandals soon after the building was completed[19]. He later said that the kitchen window at first floor level at the other end of the southern elevation was always there. Ultimately he said that all of the windows had been installed in the southern elevation by 2006.

26. In any event, even the ground floor windows are high level and indeed 2 are obscure glazed. Since its construction, the canopy of Building 2 has stretched over the southern elevation of Building 1. Furthermore, whilst some glimpses would be available from the railway line to the west, any views from Rigg Lane of the south-facing windows would have been largely obscured by a box profile panel on the northern bay of Building 2's eastern elevation. This would have remained the case until January 2017, when Mr Greenwood says he removed that panel because of its vulnerability in high winds. That panel is shown on various photographs, including those dated 20 May 2010, as well as on drawing 1073-02 submitted with the appellant's planning application. It had no obvious purpose other than to restrict views of the windows. In addition, Mr Markwell said views of those windows from Rigg Lane to the southeast had also been blocked by trailers, containers and a bund. Such items can be seen on various photographs appended to Mr Markwell's proof and taken in May 2010, May 2014 and October 2014.[20]

27. In July 2009, Mr Markwell investigated a complaint that a caravan on the site was occupied. In an email to Mr Markwell dated 9 August 2009[21],

[16] Ibid, at appendix 13.
[17] At paragraph 13.
[18] Mr Holmes's appendix 8.
[19] The 2 panes of this window are the "windows" referred to in paragraph 9 of Mr Greenwood's proof.
[20] Mr Markwell's appendices 3 and 13.
[21] Mr Markwell's appendix 2.

Mr Greenwood said that the caravan was on site for shelter and security and was not being used for residential purposes. However, he said: "I do try to make the site appear occupied for security reasons and most people in the area are aware of this." The Council considers this a wholly misleading statement because, on Mr Greenwood's evidence, the site *was* occupied.

28. The appellants contend that there is nothing inconsistent about the site being occupied and Mr Greenwood wanting to make it appear occupied in order to deter vandals. Indeed, Mr Markwell accepted this during cross-examination. Similarly, in his statutory declaration[22], Mr Tarasiuk recalls a conversation in which he suggested to Mr Greenwood that fitting windows and doors on the exterior of the building would make it obvious that there was someone living in the barn. He says Mr Greenwood responded that his intention was "not to conceal the fact that he was living there but more to indicate that there was someone living there to prevent the continuing damage to the property."

29. However, the stated intention to make the site appear occupied is hard to reconcile with the fact that: (i) the front door and window in the east elevation were completely concealed by sheeting to match the rest of that elevation for many years, apparently because of concerns over vandalism; and (ii) for much of the relevant period, the windows in the southern elevation were largely obscured from public view by a panel on the eastern elevation of Building 2 and other items immediately to the south.

30. Written statements submitted by the appellants[23] indicate that many of their friends and associates knew they were living on the site. Similarly, letters from Ackworth Parish Council raise concerns about that possibility from an early stage. However, the most likely explanation for the way in which the accommodation was provided wholly within the barn and the fact that windows and doors were concealed or screened from view was that the appellants wished to conceal the residential use from the Council. In the context of these other factors, Mr Greenwood's statement in 2009 that he tried to make the site "appear occupied" was misleading.

31. With echoes of *Fidler*, the Parish Council makes reference to reports from residents of works being undertaken behind straw bales and under cover of darkness. However, whilst Sarah Balfour gave evidence as chair of the Parish Council[24], she made it clear that she had not personally witnessed these things. Mr Greenwood said that, as he often worked 16 hour days, some work would have been undertaken at night, but there would have been lights on in the buildings. Furthermore, hay and straw was an integral part of his business, but had not been stored near the building. In the absence of any first hand witnesses, I attach no weight to the evidence regarding straw bales and the cover of darkness.

32. A key part of Mr Greenwood's response to the allegation of deliberate concealment is that two enforcement officers visited the site in April 2003 to investigate a complaint that he was living in the barn. He says that he admitted living in it "for security reasons" but the officers were sympathetic and did not ask to view inside it. Mr Tarasiuk's statutory declaration also refers to this

[22] Mr Greenwood's appendix 6.
[23] Ibid, appendices 6 and 7
[24] See inquiry document 6.

conversation. He says the officers gave Mr Greenwood options, namely applying for a change of use or siting a caravan or porta-cabin on the site for security and shelter purposes without the need for planning permission. In oral evidence, Mr Greenwood reiterated that, but said that the enforcement officers did not say what action they would take. Nevertheless, in anticipation of them saying he could not live in the barn, he bought a caravan shortly afterwards.

33. Mr Markwell was not working at the Council in 2003 and said that only very basic site visit records are held on computer from that time. There is a record of the April 2003 visit, but no mention of any admission made and he would not expect there to be. The precise words used at that April 2003 visit could be important to explain why the Council took no action afterwards. It has no evidence to contradict the accounts of Mr Greenwood and Mr Tarasiuk. However, after nearly 14 years it is unlikely that Mr Greenwood can recall the precise words. Even Mr Tarasiuk's statutory declaration was made nearly 12 years after the event and his evidence could not be tested through cross-examination.

34. Mr Markwell said he would expect enforcement officers to have pursued the matter if Mr Greenwood had admitted living in the barn. A failure to do so would not be incredible, but it would be surprising. However, it is also notable that, on Mr Greenwood's evidence, the front door and east elevation window were concealed at the time of the 2003 visit and there was probably only one first floor window and one high level ground floor window in the southern elevation. On his evidence, it was not until 2006 that all the southern elevation windows were installed. Furthermore, according to Mr Greenwood, the officers suggested the option of putting a caravan on site for security and shelter and, shortly afterwards, he gave the appearance of having acted on that advice. It is not clear to me that the officers must have known the appellants were living on site, as opposed to Mr Greenwood staying there from time to time for security purposes.

35. The April 2004 case officer's report[25] concerning the prior approval application for a second barn Ref 04/99/62059/B mentioned that an objector had questioned why a second building was required, when the existing building (Building 1) was not being used for the original purpose. However, the report stated that the objector gave "no details of its perceived use." It then said that, at the site visit held before the notification application was submitted, the applicant was unable to open the building, as he did not have the keys available. The Council has no other record of that visit, but again, on Mr Greenwood's oral evidence, there may have been only 2 windows in the southern elevation at the time and the front door and east elevation window were concealed.

36. Though Mr Greenwood said in his proof that the planning officer had visited without a prior appointment in 2004, he accepted through his counsel that it was a pre-arranged visit. However, he explained that his keys to the building were in his van and when Mrs Greenwood took the van to get some parts, she inadvertently took his keys as well. He said that he told the officer Mrs Greenwood would be back shortly and suggested he could wait or come back another time, but neither opportunity was taken. This might seem odd,

[25] Mr Markwell's appendix 8.

except that the officer's report states that he advised Mr Greenwood at the meeting that the building would not be acceptable in the proposed location anyway. Whether or not this approach was correct, the report concluded that, though access had not been gained to the existing building, the principle of the development was not for consideration and only the visual impact on the landscape was relevant.

37. Mr Markwell accepted during cross examination that this sort of mishap with keys could happen to anyone. In isolation, it is an entirely plausible scenario, but it must be viewed in the context of all the other circumstances. Shortly after the refusal of prior approval under Ref 04/99/62059/B, application Ref 04/99/62059/C was submitted on 5 May 2005. The statement[26] in support of that application included details of other buildings and structures on the site namely: "(a) an agricultural storage building, approved on 20th September 2001 (planning reference: 01/99/62059) and constructed over two years ago (b) three box vans used for the storage of machinery and parts (c) a caravan used as a farm workers' rest room/shelter)."

38. Building (a) is clearly Building 1, but Mr Greenwood did not mention that this was not just an agricultural storage building; part of it was his family home. When cross-examined on this, Mr Greenwood said that, in all probability, he knew his agent had put this in the supporting statement, but he did not think he was obliged to say anything else. Nevertheless, he knew that this statement, which he had volunteered, was factually incorrect, or at least that it was only partially correct and misleading.

39. The Council's Senior Planning Enforcement Officer, Lisa Scott, gave evidence that she had logged a telephone complaint in February 2012 alleging occupation of the barn. In her written statement[27], she said that she recalled taking a telephone call from Mr Greenwood back in July/August 2009, during which he had "refuted that he lived in the barn" and that she had asked him to put his reply in writing to Mr Markwell.

40. However, Mr Markwell's proof makes clear that in July 2009, he was investigating a complaint regarding occupation of a caravan on the site and Mr Greenwood's email of 9 August 2009 specifically concerned a caravan, not the barn. In her oral evidence Lisa Scott confirmed that she had no notes of the 2009 conversation, because it was not her case and did not relate to her area. However, she did not think Mr Greenwood specifically said he did not live in the caravan; just that he did not live on the site. She also confirmed that, whilst her email of 15 October 2014[28] suggested Mr Greenwood denied in 2012 that he lived on the site, this was an error and it should have referred to her 2009 conversation with him. Given the passage of time and the absence of any contemporaneous note, I am not persuaded that Mr Greenwood denied living on the site in 2009, as opposed to specifically in the caravan.

41. However, I am satisfied on the balance of probability that, in circumstances where the dwelling was contained wholly within a barn, Mr Greenwood's concealment of the front door and east elevation window and the screening of the south facing windows was deliberately done to conceal from the Council the

[26] Mr Markwell's appendix 9.
[27] Mr Markwell's appendix 12.
[28] Mr Markwell's appendix 11.

residential use of the site. This was reinforced by his description of Building 1 in the 2005 prior approval application statement as simply an agricultural storage building. Whilst the incident with the keys in 2004 could easily have been inadvertent, in all the surrounding circumstances, it is more likely to have been intended to prevent the planning officer seeing the residential accommodation.

42. All this goes beyond merely living a "low key" existence. Whilst the four factors identified in *Welwyn* are not necessary tests, I conclude that there was positive deception in the planning process, which was intended to and did undermine it. I have considered whether the Council should have been in a position to detect the breach, given the Parish Council's complaints since 2003. However, Mr Markwell said that, when asked, the Parish Council had never been able to provide any evidence. Clearly, the appellants stood to profit from the deception if they established a lawful residential use of agricultural land in the Green Belt.

43. In all the circumstances, I conclude on ground (d) that, although the alleged change of use occurred before 9 March 2006 and the mixed use then continued for 10 years, that breach of planning control was deliberately concealed in a manner which should result in the appellants being deprived of the immunity offered by section 171B of the Act. Ground (d) therefore fails.

Ground (a)/the deemed application for planning permission *(appeal A only)*

44. The **main issues** are:

- whether the material change of use from use for agricultural purposes to a mixed use for agriculture and residential purposes constitutes inappropriate development in the Green Belt (GB) having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect on the openness of the GB and any conflict with the purposes of including land within it;
- the effect of the development on the character and appearance of the area;
- whether the occupiers of the development enjoy satisfactory living conditions in terms of natural light;
- whether the development amounts to intentional unauthorised development in the GB, having regard to the Written Ministerial Statement (WMS) of 17 December 2015 and, if so, what weight should attach to this; and
- if the development constitutes inappropriate development in the GB, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the development?

Inappropriate development

45. Whilst the terms of the application the subject of appeal G will require a separate analysis, this deemed application concerns the material change of use of land. Under the Framework, this must be inappropriate development, because it does not fall within any of the exceptions set out in paragraph 90 of the Framework. Policies CS1(f) and CS3(f) of the City of Wakefield Metropolitan

District Council Local Development Framework Core Strategy (CS), adopted 15 April 2009 simply indicate that development in the GB should conform to national GB policy. This is reiterated in the supporting text of CS Policy CS12.

46. Having regard to the Framework and relevant development plan policies, I conclude that the development the subject of this appeal is inappropriate development in the GB. By virtue of paragraphs 87 and 88 of the Framework, inappropriate development is, by definition, harmful to the GB and substantial weight must be given to that harm.

Openness and GB purposes

47. The appeal site lies in an agricultural landscape among open fields to the east of a railway embankment. To the west of the embankment, more fields separate the railway line from the settlement of Ackworth. The development does not increase the area or volume of built development within this open countryside GB location. Nevertheless, whilst domestic paraphernalia has been limited to date, if residential use becomes lawful, it is likely to bring with it domestic paraphernalia in the open. This could include items such as play equipment, garden furniture, washing lines and the like, along with car parking and other activities, which would be very difficult or unreasonable to control by condition, even if permitted development rights are removed. The Council draws my attention to *Turner v SSCLG* [2016] EWCA Civ 466[29] in which it was held that openness has a visual dimension. In this countryside location, the factors to which I have referred would impact on the perception of openness, along with matters such as light emanating from windows at night.

48. Accordingly, the introduction of residential use in this location, in addition to agricultural use, will reduce openness, albeit to a limited degree in this case. In *Turner*, Sales LJ also noted that: “Openness of aspect is a characteristic quality of the countryside, and "safeguarding the countryside from encroachment" includes preservation of that quality of openness.” Notwithstanding that the there are no new building works outside the existing barns, the introduction of a residential use in the GB countryside and all that goes with that, where there was previously only a characteristic agricultural use, does involves some encroachment into the countryside and fails to preserve the quality of openness. I am not persuaded that reasonable conditions would adequately preserve openness or prevent encroachment.

Character and appearance

49. Policy D9 of the City of Wakefield Metropolitan District Council Local Development Framework Development Policies (DP), adopted 15 April 2009 requires among other things that all new development should make a positive contribution to the environment and amenity of its locality by virtue of high quality design, layout and landscaping. Criterion (a) requires proposals to respect, and where appropriate, enhance the character of the locality in terms of design, scale, massing, height, density, layout, materials and colour. This is consistent with the Framework, which provides that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It states that

[29] Inquiry document 8, at paragraph 16(i).

permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

50. This appeal concerns the change of use of the land. I have already indicated that the domestic paraphernalia and activities inevitably associated with the residential use will have a visual impact on this GB countryside location. For this reason alone, it cannot be said that the development makes a positive contribution to the environment. However the change of use also brings with it some changes to the buildings on the site.

51. The design of a dwelling created through the conversion of an existing building is inevitably constrained. This dwelling has been created within Building 1, which has the utilitarian appearance of a modern agricultural structure. As an agricultural building, its design, scale, massing, height and materials are entirely appropriate. Such structures are an expected feature in the countryside and form part of its character. However, when used as dwellings, they can appear incongruous. As a result of the domestic openings inserted in the building, light emanating from these at night, and a degree of inevitable domestic activity and paraphernalia around the building, the development will fail to harmonise with its countryside context. A building of this design, scale, massing, height and materials makes little sense as a dwelling in this setting.

52. As suggested by Mr Rushby,[30] less conventional materials can be successfully incorporated into modern dwelling designs. However, I am not persuaded that this development in this location represents high quality design, which makes a positive contribution to the environment. I note that agricultural buildings in the GB may be converted to dwellings as permitted development (PD) under Class Q of Part 3 of Schedule 2 of the GPDO. Mr Rushby pointed out that the design of the building would not be considered under that Class. However, Class Q could not apply here anyway, as the building was not solely in agricultural use on 20 March 2013.[31] I therefore attach no weight to the PD point in this case.

53. I conclude on this issue that the development is detrimental to the character and appearance of the area and conflicts with DP Policy D9 and the Framework.

Living conditions in terms of natural light

54. Aside from the east facing window serving the first floor bedroom, the windows of the dwelling look out under the canopy of Building 2. However, there are skylights in that canopy, as well is in the dwelling roof itself. Building 2 is also open to the west, south and east sides, albeit that late afternoon sunlight would be restricted by the railway embankment and the view of the sky is restricted. Whilst less than ideal, I was satisfied from my site inspection that there is reasonable access to natural light within the dwelling, particularly in the principal living accommodation at first floor level. In this regard I conclude that the occupiers enjoy satisfactory living conditions and I find no conflict with criterion (k) of DP Policy D9, which seeks to safeguard these.

[30] Paragraph 5.21 of his proof.
[31] Class Q.1(a).

Intentional unauthorised development

55. The WMS made intentional unauthorised development a material consideration in the determination of planning applications and appeals. It highlights concerns over the harm caused, particularly in the GB, where development is undertaken in advance of obtaining planning permission. It notes that in such cases there is no opportunity to appropriately limit or mitigate the harm that has already taken place and local planning authorities can have to take expensive and time consuming enforcement action.

56. Given my conclusion on ground (d) that the development was deliberately concealed, it follows that it was intentional unauthorised development. Mr Holmes accepted under cross-examination that less weight attaches to this consideration where no harm is caused. However, I have found harm by reason of inappropriateness, loss of openness and encroachment and harm to character and appearance. Conflict with the WMS adds some moderate additional weight to that overall harm.

Very special circumstances

57. I have found that the development is inappropriate in the GB. As such, it is harmful and substantial weight must be given to that harm. There is some additional harm through, loss of openness and encroachment, detriment to the character and appearance of the area, and the fact that this was intentional unauthorised development in conflict with the WMS.

58. Mr Rushby suggests the factors which should be weighed against that overall harm.[32] First, he contends that the development is wholly contained within the footprint of the agricultural building, the siting, design and external appearance of which was approved by the Council. Further, it is said that domestic paraphernalia would be wholly contained within the land and its impact would be de minimis. However, I have identified harm to character and appearance arising from domestic paraphernalia and activity beyond the confines of the building, which I consider to be more than de minimis. Furthermore, there is the incongruous appearance of a modern and utilitarian agricultural building partly in residential use. In any event, the factors advanced by the appellant would amount, at best, to a lack of additional harm, rather than positive benefits to weigh against even the policy harm identified.

59. It is suggested that the use of part of Building 1 for residential purposes has been carried out for some 13 to 14 years without giving rise to any unacceptable planning impacts, as borne out by the lack of any formal enforcement action until recently. This does not take account of my finding that the breach of planning control was deliberately concealed and, again, it does not represent a positive benefit to weigh against the harm.

60. Mr Rushby also contends that any actual planning harm could be mitigated by screen planting or other measures. However, in the absence of detailed proposals, I am not convinced that this could be satisfactorily achieved without further impacting on openness or the character and appearance of the area. There was discussion during the inquiry about the possibility of limiting the

[32] Mr Rushby’s proof, paragraphs 5.17 – 5.20.

mixed use to a specified area in and very close to the buildings[33], but I am not convinced that this would be reasonable or practical. Once again, such mitigation would not amount to a positive benefit of significant weight.

61. I have also had regard to the impact on Mr and Mrs Greenwood of having to leave their home and concerns they have had in the past over theft and vandalism. As enshrined in the Human Rights act 1998, Article 8 of the European Convention on Human Rights states that everyone has a right to respect for their private and family life and Article 1 of the First Protocol entitles every person to peaceful enjoyment of their property. The requirement to leave their home represents a serious interference with the appellants' human rights.

62. However, these are qualified rights and interference is in accordance with the law, given the legitimate aim of safeguarding the GB and avoiding the other harm identified. That interference is necessary in a democratic society, subject to the principle of proportionality, to which I shall return in relation to grounds (f) and (g). Accordingly, the appellants' human rights will not be violated. Whilst little detail was provided, Mr Greenwood said they would not have the funds to buy a new home. However, he acknowledged there was no reason why they could not rent and, in any event, the WMS also makes clear that personal circumstances are unlikely to clearly outweigh harm to the GB and any other harm. Furthermore, in relation to theft and vandalism, other security measures could be adopted and Mr Greenwood indicated that the main culprits had been identified anyway.

63. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Overall conclusion on ground (a)/the deemed application for planning permission

64. I have found that the development constitutes inappropriate development in the GB. It is harmful by definition and substantial weight attaches to that harm. In addition, it will reduce openness to some degree and result in some encroachment on the countryside. It also harms the character and appearance of the area and amounts to intentional unauthorised development in the GB and no very special circumstances exist to justify it. The development conflicts with the development plan, being in breach of CS Policies CS1(f) and CS3(f) and DP Policy D9. It also conflicts with the Framework and the WMS. The harm identified could not be overcome by conditions which would meet the tests in the Framework and, having regard to these conclusions and all other matters raised, I am satisfied that the appeal on ground (a) should be dismissed and the deemed application for planning permission must be refused.

Ground (f)

65. This ground is that the requirements of the notice exceed what is necessary. In his proof, Mr Rushby suggested that the requirements of the notice the subject of appeals A – C (Notice 1) are excessive in so far as they require the removal of all domestic paraphernalia from the land. However, this does no more than seek restoration of the land to its condition prior to the breach. In any event, in

[33] Inquiry document 7.

closing for the appellants, Mr Dixon accepted that, if the use has to cease, this requirement is of no great concern.

66. In fact, the appropriateness of enlarging the requirements of Notice 1 was discussed during closing submissions. I expressed the view that the breach is properly characterised as a material change of use of the land, as alleged in Notice 1, rather than as the construction of a building and its use for residential purposes, as per the notice the subject of appeals D – F (Notice 2). During closing submissions, neither party took issue with that analysis and both indicated that, if that were my conclusion, they would invite me to quash Notice 2, on the basis that the allegation is incorrect. Although that allegation could be corrected without injustice to refer to the conversion of part of Building 1[34], there would be little point in seeking to correct Notice 2, if Notice 1 remained in place.

67. However, only Notice 2 requires the removal of building works. In the event that Notice 2 is quashed, the appellants accepted that it would not cause injustice to vary the requirements of Notice 1, so that it demands the removal of those building works which were part and parcel of and facilitated the change of use. Mr Dixon and Mr Hunter were clearly familiar with the principles established in *Murfitt v Secretary of State for the Environment* [1980] JPL 598 and *Somak Travel v Secretary of State for the Environment* [1987] JPL 630. For the appellants, Mr Dixon accepted that it would be appropriate to require the removal of things which make the building a dwelling, such as kitchens, and he noted that the installation of the mezzanine floor preceded the dwelling use.

68. In his proof[35], Mr Greenwood indicated that the following works were undertaken from 2002 to allow the building to be used as a dwelling: kitchen units were fitted to the eastern end of the upper floor; a bath, sink, toilet and wall tiles were fixed in the washroom (also on the upper floor)[36]; a wall was erected to separate the ground floor from the rest of the barn; a toilet and shower room was then formed to the eastern end of the ground floor; and a door was fitted to the eastern elevation of the southern bay.

69. The evidence is that the ground floor toilet and shower facilities, and indeed the sink in the ground floor utility room, were installed for the agricultural use as well as the residential use and it would be reasonable for these to remain. However, the other things listed above were installed to facilitate the residential use and should be removed. The same is true of the internal partition walls, other than those separating the upper floor and ground floor toilet and shower room from the rest of Building 1.

70. Some windows would be reasonable to light the agricultural building. However, on Mr Greenwood's evidence, all but the westernmost first floor window and the easternmost ground floor window on the southern elevation may not have been installed until as late as 2006. It is probable that they were fitted to serve the living space and the same is true of the bedroom window in the east elevation. All of these windows should be removed.

[34] That is how the appellants described what had occurred when advancing their case on appeal A, ground (b).
[35] Mr Greenwood's proof, paragraph 15.
[36] Ibis, paragraph 12.

71. I will vary the notice accordingly to require these features to be removed and, where necessary, I will add drawings to illustrate the requirements. I am satisfied that the varied requirements are the minimum necessary to remedy the breach and constitute a proportionate response.

Ground (g)

72. This ground is that the 6 month period allowed for compliance with the notice is insufficient. The appellants ask for 12 months on the basis that they will need to sell the appeal property in order to buy a new home. When cross examined, Mr Greenwood acknowledged that he could rent another home. On this basis, no clear reasons were given as to why the notice could not physically be complied with within 6 months, even with the varied requirements.

73. However, whilst the breach of planning control was deliberately concealed, the appeal site has been the appellants' home for many years, as well as the operational base for their business. The requirement to find a new home, carry out works to the building, and perhaps reorganise how they manage their business, will involve significant disruption. I consider it necessary to increase the period for compliance from 6 to 9 months in order to achieve a proportionate response to the breach of planning control. To this extent, the appeal succeeds on ground (g).

Appeals D - F

74. As indicated above, I conclude that the allegation in Notice 2 does not correctly identify the breach, which is properly characterised in Notice 1. Rather than correcting the allegation, I will quash Notice 2, having been invited to do so by the appellants and the Council.

Appeal G

75. The **main issues** are similar to those under appeal A, namely:

- whether the development constitutes inappropriate development in the GB having regard to the Framework and any relevant development plan policies (in this appeal, consideration of any impact on openness and any conflict with the purposes of including land in the GB is integral to this assessment);
- the effect of the development on the character and appearance of the area;
- whether the occupiers of the development enjoy satisfactory living conditions in terms of natural light and amenity space;
- whether the development amounts to intentional unauthorised development in the GB, having regard to the WMS and, if so, what weight should attach to this; and
- if the development constitutes inappropriate development in the GB, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the development?

76. The reference to amenity space in the fourth main issue arises because, unlike Notice 1, application plan No.1073-C Rev C defines the appeal site by a red line drawn quite tightly around that part of the building used as a dwelling.

Inappropriate development

77. The application simply described the proposal as "retrospective permission for a single dwellinghouse." The Council's officer report[37] described the scheme as the "partial conversion of an agricultural building to a dwelling including associated works (retrospective)". This is a clearer description, as the scheme does not involve a new building in addition to the existing agricultural building.

78. In terms of the development plan, DP Policy D1(3) provides that, outside settlements, housing development will only be acceptable in the GB where it involves the change of use of a rural building or the subdivision or replacement of an existing dwelling and proposals shall be limited to meet identified needs. The Statements of Common Ground[38] record agreement that the latter component of this policy is not consistent with the Framework and so can be afforded little weight. I am satisfied that this is the case, given that CS Policies CS1(f), CS3(f) and CS12 all indicate that development should conform to national GB policy.

79. The fourth bullet point of paragraph 90 of the Framework is potentially relevant. It states that the re-use of a building will not be inappropriate development, where that re-use preserves the openness of the GB and does not conflict with the purposes of including land within it and provided the building is of permanent and substantial construction.

80. Even though the application site is tightly drawn around the building, the surrounding land is in the appellants' ownership. I concluded on appeal A that residential use is likely to bring with it domestic paraphernalia in the open, such as play equipment, garden furniture, washing lines and the like, along with car parking and other activities, which would be very difficult or unreasonable to control by condition, even if permitted development rights are removed. I also referred in appeal A to the visual dimension of openness and the impact on the perception of openness. My conclusion that openness would be reduced, albeit to a limited degree, applies equally in this appeal. My finding that there would be some encroachment into the countryside also applies along with the conclusion that this could not reasonably be addressed through conditions.

81. Accordingly, whether or not the original agricultural building can properly be described as being of permanent and substantial construction, the terms of paragraph 90 of the Framework are not met. The scheme is therefore inappropriate development in the GB, which is by definition harmful to the GB and substantial weight attaches to that harm.

[37] Mr Holmes' appendix 3.
[38] Inquiry documents 1 and 2, at paragraph 4.6

Character and appearance

82. For the same reasons given in relation to appeal A, I conclude on this issue that the development the subject of appeal G is detrimental to the character and appearance of the area and conflicts with DP Policy D9 and the Framework.

Living conditions

83. As per appeal A, I am satisfied that the occupiers have reasonable access to natural light within the dwelling. With regard to amenity space, as indicated, the appeal site is tightly drawn around the building. The appellant suggests this would provide a residential curtilage commensurate with that which would be permissible under Class Q PD rights.[39] It is clear from the plans however, that this area would be significantly smaller than the area occupied by the building, or the part converted, as allowed by the GPDO.[40] In any event, the amenity space provided for in this case is unduly constrained, such that the occupiers would not enjoy satisfactory living conditions. This results in some additional conflict with DP Policy D9, criterion (k) of which includes a requirement that proposals should not have a significant detrimental impact on the amenity of existing or prospective users. This would not be addressed by a condition preventing occupation of the dwelling independently of the adjoining agricultural land.

84. Whilst there is plenty of scope within the appellants' landholding to provide additional amenity space, this could not be achieved without reducing openness and increasing encroachment on and harm to the character and appearance of the countryside.

Intentional unauthorised development

85. My conclusion in appeal A that there was intentional unauthorised development applies equally in this appeal. This conflict with the WMS adds some moderate additional weight to that overall harm by reason of inappropriateness, impact on character and appearance and living conditions in terms of amenity space.

Very special circumstances

86. The same considerations discussed in appeal A apply to this appeal and no additional considerations are advanced. Accordingly, I also find in this appeal that the other considerations put forward do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Overall conclusion on Appeal G

87. I have found that the development constitutes inappropriate development in the GB. It is harmful by definition and substantial weight attaches to that harm. In addition, it harms the character and appearance of the area, is detrimental to the living conditions of the occupiers by virtue of inadequate amenity space and amounts to intentional unauthorised development in the GB. No very special circumstances exist to justify it and it conflicts with the development plan, being in breach of CS Policies CS1(f) and CS3(f) and

[39] Mr Rushby's proof, paragraph 5.22.
[40] See Schedule 2, Part 3, Class X.

DP Policy D9. It also conflicts with the Framework and the WMS. The harm identified could not be overcome by conditions which would meet the tests in the Framework and, having regard to these conclusions and all other matters raised, I am satisfied that the appeal should be dismissed and planning permission must be refused.

88. Indeed, even if this were not inappropriate development in the GB, the conflict with the DP and the Framework arising out of the impact on character and appearance and living conditions, together with the conflict with the WMS, would have been sufficient to justify dismissal. There are no significant material considerations which indicate that planning permission should be granted, despite that conflict with the development plan.

Decisions

Appeals A, B and C: APP/X4725/C/16/3150118, 3150119 & 3150120

89. The enforcement notice is:

(i) varied in paragraph 5 by deleting "and" after requirement (1), replacing the full stop at the end of requirement (2) with ";" and thereafter inserting:

"(3) Remove the kitchen, bathroom and toilet facilities from the first floor of the building on the Land shown on attached plans 'A', 'B', 'C' and 'D' (the building);

(4) Remove the internal partition walls on the ground floor of the building as shown marked in green on the attached plan 'A';

(5) Remove the internal partition walls on the first floor of the building shown marked in green on the attached plan 'B';

(6) Remove the door and windows on the east and south elevations of the building shown marked in green on the attached plans 'C' and 'D' respectively and block up the openings with profiled wall sheeting to match the surrounding elevations; and

(7) Remove from the Land all materials resulting from compliance with requirements (3) – (6)."; and

(ii) varied by deleting the words in paragraph 6 and substituting: "You must comply with steps (1) – (7) in paragraph 5 above within nine months of the date on which this notice takes effect."; and

(iii) further varied by adding plans 'A', 'B', 'C' and 'D' attached to this decision and by substituting the word "plan" in paragraph 2, with: "1:1250 scale location plan".

Subject to these variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made on appeal A under section 177(5) of the 1990 Act as amended.

Appeals D, E and F: APP/X4725/C/16/3150115, 3150116 & 3150117

90. The enforcement notice is quashed.

Appeal G: APP/X4725/W/16/3162261

91. The appeal is dismissed.

J A Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT: Peter Dixon of counsel

He called:

Michael Greenwood, appellant
Andy Rushby BA(Hons) BTP MBA MRTPI, Assent Planning Consultancy

FOR THE LOCAL PLANNING AUTHORITY: John Hunter of counsel

He called:

Lisa Scott, Senior Enforcement Officer with Wakefield Metropolitan District Council
Nigel Markwell, Enforcement Officer with the Council
John Holmes MSc, Senior Planning Officer with the Council

INTERESTED PERSONS:

Sarah Balfour, chair of Ackworth Parish Council

DOCUMENTS SUBMITTED AT THE INQUIRY

1	Signed Statement of Common Ground for Appeals A - F
2	Signed Statement of Common Ground for Appeal G
3	Mr Greenwood's statement in support of his 2014 lawful development certificate application
4	Appellant's opening statement
5	Written Ministerial Statement dated 17 December 2015
6	Statement of Sarah Balfour, chair of Ackworth Parish Council
7	Agreed 'Plan 1' for use in connection with a suggested condition limiting the area within which the mixed use might be permitted
8	Council's closing submissions
9	Appellants' closing submissions outline
10	Wakefield District Local Development Framework Development Policies

The Planning Inspectorate

Plan 'A'

This is the plan 'A' referred to in my decision dated: 24 April 2017

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

Land at: Went Vale Farm, Rigg Lane, Ackworth, Pontefract, West Yorkshire, WF7 7PP

Reference: APP/X4725/C/16/3150118, 3150119 & 3150120

Scale: DO NOT SCALE

The Planning Inspectorate

Plan 'B'

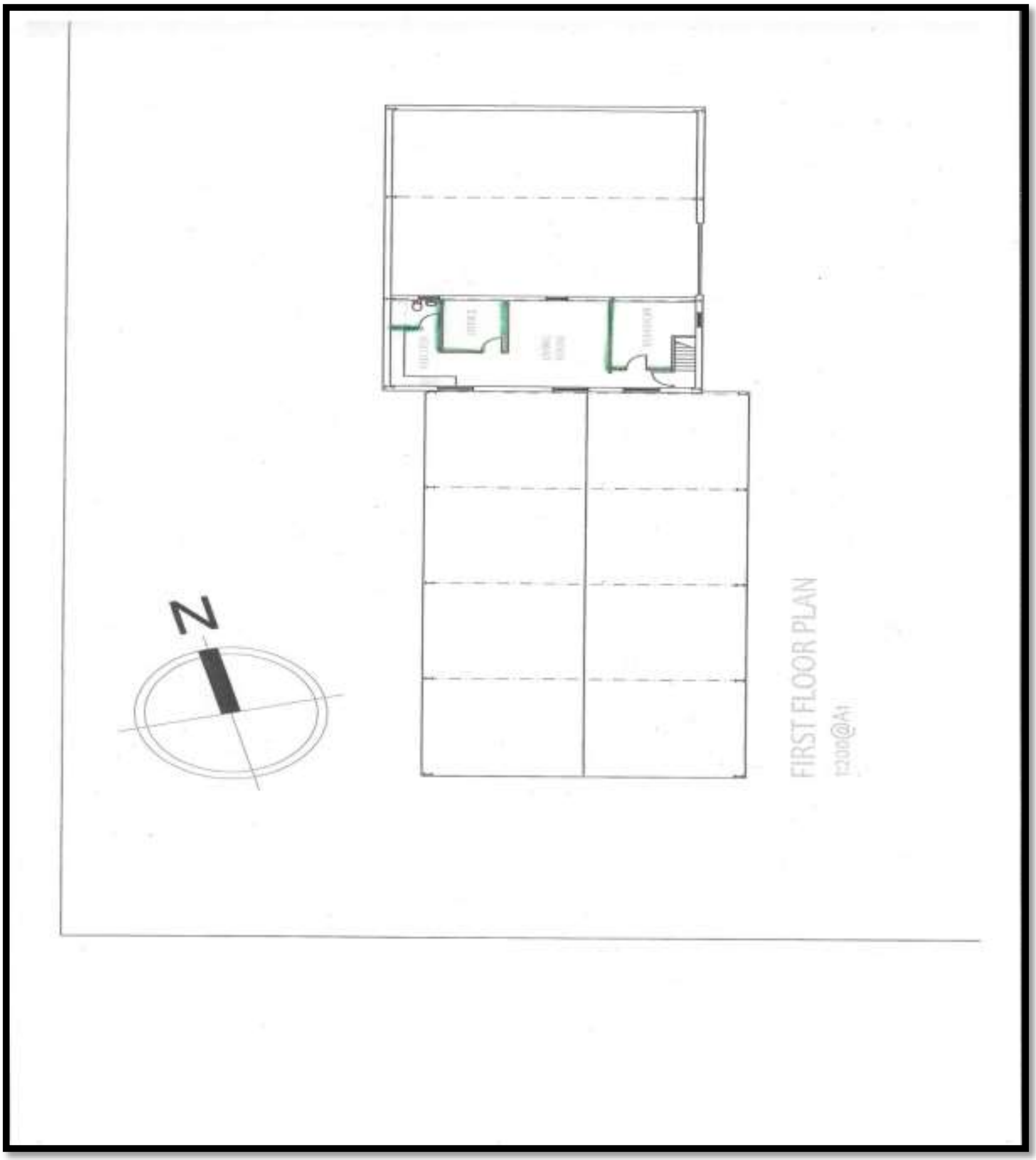
This is the plan 'B' referred to in my decision dated: 24 April 2017

by J A Murray   LLB (Hons), Dip.Plan Env, DMS, Solicitor

Land at: Went Vale Farm, Rigg Lane, Ackworth, Pontefract, West Yorkshire, WF7 7PP

Reference: APP/X4725/C/16/3150118, 3150119 & 3150120

Scale: DO NOT SCALE



The Planning Inspectorate

Plan 'C'

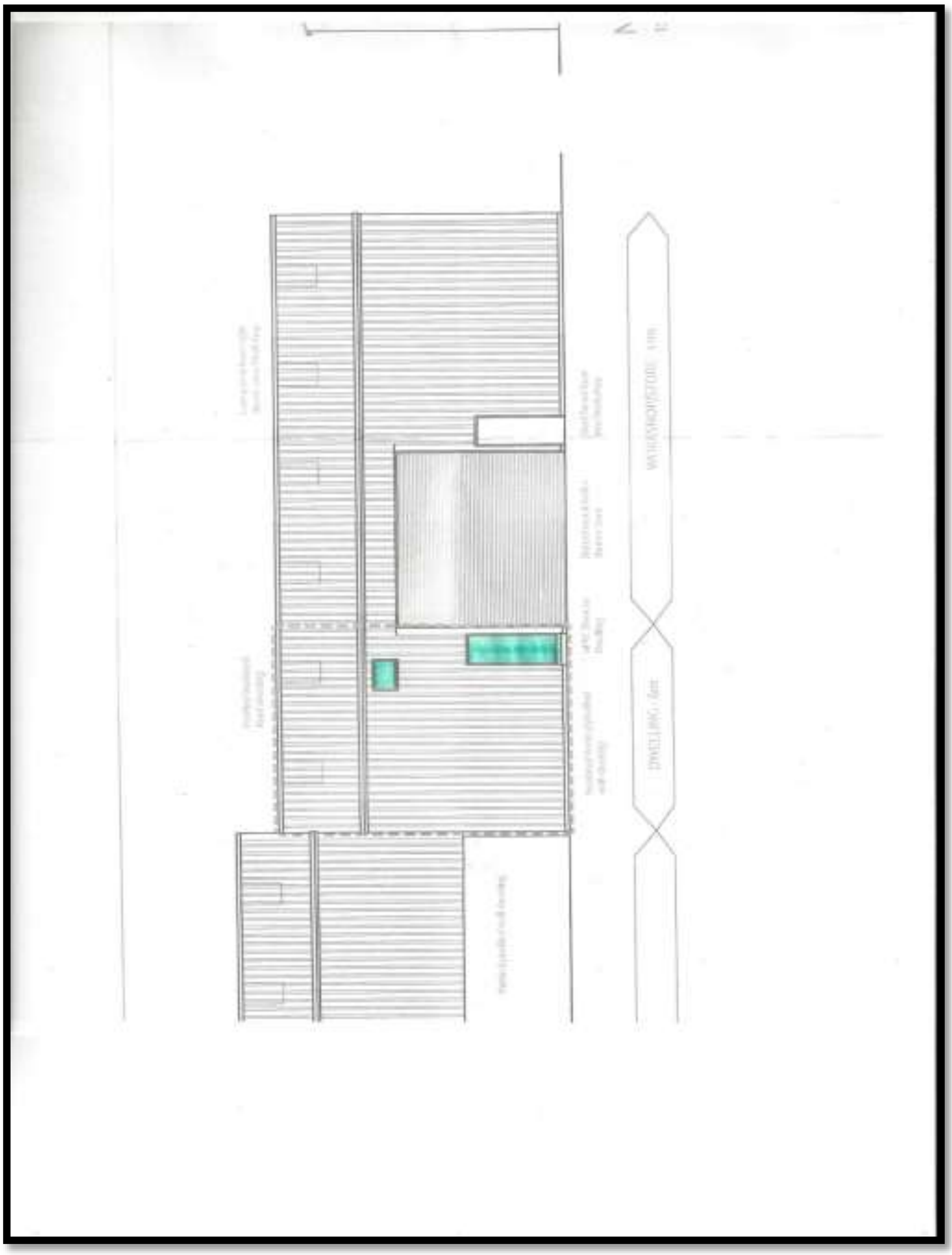
This is the plan 'C' referred to in my decision dated: 24 April 2017

by J A Murray   LLB (Hons), Dip.Plan Env, DMS, Solicitor

Land at: Went Vale Farm, Rigg Lane, Ackworth, Pontefract, West Yorkshire, WF7 7PP

Reference: APP/X4725/C/16/3150118, 3150119 & 3150120

Scale: DO NOT SCALE



Plan 'D'

This is the plan 'D' referred to in my decision dated: 24 April 2017

by J A Murray   LLB (Hons), Dip.Plan Env, DMS, Solicitor

Land at: Went Vale Farm, Rigg Lane, Ackworth, Pontefract, West Yorkshire, WF7 7PP

Reference: APP/X4725/C/16/3150118, 3150119 & 3150120

Scale: DO NO SCALE