
Appeal Decision

Inquiry held on 8 August 2017

Site visit made on the same date

by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)

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

Decision date: 23 August 2017

Appeal Ref: APP/E2205/C/16/3160268

Land and buildings adjacent to Petworth, Blind Lane, Mersham, Ashford, Kent, TN25 7HA

- 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 appeal is made by Michael William Latter against an enforcement notice issued by Ashford Borough Council.
- The enforcement notice, numbered EN/13/00073, was issued on 18 August 2016.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of the land from agriculture to a mixed use for the stationing of three caravans (two static and one tourer) all in residential use; the storage of caravans, motor vehicles, a burger van, motorcycles, bicycles, lawn mowers, trailers, white goods, metal, plastic drums etc all unconnected to agriculture; the carrying out of facilitating operational development comprising the installation of septic tank and the installation of electrical cabling and waste and drainage pipework; further operational development comprising engineering operations to raise the levels of the land using material imported and deposited on the land; and the laying of hardsurfacing.
- The requirements of the notice are :
 - (i) Cease permanently the residential use of the land.
 - (ii) Cease permanently the use of the land for the stationing of caravans in residential use.
 - (iii) Remove permanently from the land the three caravans (two static and one tourer) (shown located in the approximate positions marked on plan 'B' attached to the notice).
 - (iv) Remove permanently from the land (including the buildings located on the land) all domestic material and paraphernalia brought onto the land in association with the residential use of the three caravans (two static and one tourer).
 - (v) Excavate and remove permanently from the land the area of hardsurfacing (shown located in the approximate position marked on plan 'B' attached to the notice).
 - (vi) Remove permanently from the land the septic tank (shown located in the approximate position marked on plan 'B' attached to the notice).
 - (vii) Remove permanently from the land all electrical cabling (whether above or below ground level) serving the three caravans (two static and one tourer) in residential use.
 - (viii) Excavate and remove permanently from the land the underground water and drainage pipework serving the three caravans.
 - (ix) Excavate and remove permanently from the land the imported material so as to restore the land levels (on the part of the land shown located in the approximate position on plan 'B') to those levels which existed immediately prior to the importation and deposit of the material.
 - (x) Cease permanently the use of the land (including the buildings located on the land) for the storage of items unconnected to agriculture (including all caravans, motor vehicles, burger vans, motorcycles, bicycles, lawn mowers, trailers, white goods,

- metal and plastic drums).
- (xi) Remove permanently from the land (including the buildings located on the land) all items which are stored and which are unconnected to agriculture, including all caravans (in addition to the two static and one tourer in residential use referred to in the preceding steps), motor vehicles, burger vans, motorcycles, bicycles, lawn mowers, trailers, white goods, metal and plastic drums.
 - (xii) Following compliance with steps 5(vi), 5(vii), 5(viii) and 5(ix) (above) restore the surface of the land to its condition immediately prior to the installation of the septic tank, electrical cabling and water and drainage pipework, and the raising of the land levels.
 - (xiii) Remove permanently from the land all materials, waste and debris resulting from compliance with steps 5(i) – 5(xii) above.
- The period for compliance with the requirements is:
 - (a) Steps 5(i) and 5(ii) one month.
 - (b) Steps 5(iii) and 5(iv) three months.
 - (c) Steps 5(v), 5(vi), 5(vii) and 5(viii) four months.
 - (d) Step 5(ix) six months.
 - (e) Steps 5(x) and 5(xi) ten months.
 - (f) Step 5(xii) eleven months.
 - (g) Step 5(xiii) twelve months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

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

Application for costs

1. At the Inquiry an application for costs was made by the Council against the Appellant. This application is the subject of a separate Decision.

Procedural Matters

2. Evidence was given to the Inquiry after the witnesses had taken the oath. Mr Turley was not a witness of fact with regard to planning matters and he did not take the oath.
3. The Appellant was not, and had not been, professionally represented and no proofs of evidence or any documentation had been submitted in support of his case. He and each of the other persons on his behalf gave their evidence one after the other to the Inquiry and after an adjournment for the Council to consider the evidence, each of them was cross-examined.

The Notice

4. Mrs McNab provided a proof of evidence on behalf of the Council. In it she said that since the notice was issued the Council became aware of on-line advertisements and a Facebook page advertising a scrap dealership with the address of the appeal site¹. The Council therefore sought a correction to the notice to include the words 'scrapping and sale' of the various items listed. The Appellant had no objection to this correction when asked about it at the Inquiry and, as I am satisfied that in the circumstances no injustice would be caused to the Appellant, I will correct the notice accordingly.

¹Mrs McNab's proof paragraphs 2.18 – 2.20 and Appendix 17 and Appendix 21 to Document 2

The appeal on ground (c)

5. A ground (c) appeal is on the basis that the matters stated on the notice do not constitute a breach of planning control.

The Appellant's case

6. On the appeal form the Appellant stated that he did not need planning permission. His evidence to the Inquiry was that the land the subject of the notice was not agricultural land. When he had bought the land in January 2006 he had asked his solicitor whether the land was registered as agricultural land or not because another plot of land he had considered buying had been agricultural land and he had therefore not bought it. He was told that the subject land was not agricultural and that was why he bought it.
7. In addition, when he applied for a lawful development certificate (LDC) for a new access in December 2006² he had been asked by the Council whether the land was agricultural or not. He had said it was not and the Council had come back to him and confirmed it was not and a LDC was granted. The notice dated 10 January 2007 states that 'the new access is within garden area. Therefore no change of use is required from agricultural use to residential and as a result a formal application for planning permission is not required'.
8. The aerial photograph provided by the Appellant³ is undated and his evidence was that when he moved in he dug out the land as shown in the photograph. However, it was established through questioning and a reference to the appeal decision dated 17 July 2007⁴ in which it is stated that 'the site slopes markedly from north-east to south-west' that the photograph was taken after July 2007.
9. It was the Appellant's case that as the land was garden land he could use it for what he described as 'normal use' which included using it for running his building business, levelling it out, parking his vehicles, laying hardsurfacing and for his son to live on it with his family in a caravan.

The Council's case

10. The Council's contention that the land is agricultural relies, in the main, on the planning history of the land and aerial photographs. The planning history includes an application by Mr Wimble, the previous owner of the land from whom the Appellant purchased it, for a mobile home on the land in 1979⁵ because 'the problem with finding suitable accommodation is that [my daughter and her fiancé] have a lot of animals on my land which need constant attention. There is a goat, which needs milking twice a day, rabbits which need food and water twice daily and sheep and donkeys to care for'. A temporary planning permission for the mobile home was granted⁶ and in 1981 Mr Wimble applied for an extension with the comment in a letter dated 3 August 1981 that 'most of our animals are at Petworth and our present caravan site makes it easier for us to attend to lambing, milking, sickness and general care'.⁷ A further temporary planning permission was granted⁸.

² Ref 06/02392/AS Appendix 9 to Mrs McNab's proof

³ Document 3

⁴ Appendix 10 to Mrs McNab's proof

⁵ Appendix 13 to Mrs McNab's proof

⁶ Ref 79/01417

⁷ Appendix 12 to Mrs McNab's proof

⁸ Ref 81/01037

11. It appears that Mr Wimble made an application for a three bedroom bungalow on the site in 1987⁹ as there is an appeal decision dated August 1988¹⁰ in which the land is described by the Inspector as 'a paddock rather than part of the garden to the existing house'. The appeal was dismissed.
12. Mr Wimble made a further application¹¹ for a detached three bedroom bungalow in 1993 and his application included a letter dated 12 May 1993¹² in which he writes 'I am applying for planning permission on my land where some redundant farm buildings exist. The proposed dwelling is for my son who now tends to the livestock and looks after the land on the smallholding'; and in respect of the same application a comment from Kent County Council Estate's Service is that 'Mr Wimble's property extends to approximately 2.5 acres and comprises his dwelling – Petworth – farm buildings and about 1.5 acres of pasture. The smallholding was purchased in 1956 and up until about 10 years ago it supported a herd of 16 breeding sows and a boar ... currently management has reduced to 12 breeding ewes and their lambs together with a small number of laying hens for domestic consumption'. This application was refused.
13. An application for a twin unit mobile home was refused in 1997¹³ and in the same year a proposed annex to the dwelling was permitted¹⁴.
14. The next event in the planning history is an application by the Appellant for a cattery and new access¹⁵. Photographs taken in July 2006 in connection with this application show some parked motor vehicles on the land but the remainder is what appears as largely undeveloped grassland and there is a fence that separates the dwelling from the land. A letter dated 23 April 2007 from consulting structural engineers to Miss J Epps¹⁶ reported the findings on the various outbuildings on the land and in respect of Building 4 it is said to have 'a room designed for pigs but more recently used to house hens'.
15. This application was refused and in the subsequent appeal the Council's view was that 'the siting of the chalets [on the land the subject of this appeal] lies outside the residential curtilage of Petworth'¹⁷. The appeal decision refers to the proposed cattery being 'within the grounds of a dwelling in a rural setting'¹⁸. The appeal was dismissed.
16. The Appellant's application for the LDC was made in 2006 and granted in 2007. The Council now contend that 'while allowing the access in the terms of [permitted development] was appropriate, the additional judgment that the existing use of the land was garden was unnecessary and made in error given that the existing use of the land was agricultural'¹⁹.
17. Aerial photographs taken by the Council date from 2003 to April 2017. The ones dated 2003, 2006 and 2007 show the site to comprise what appears to be a grassed area with some buildings and unidentifiable items around them.

⁹ Ref 87/01718

¹⁰ T/APP/E2205/A/88/85398/P4 Appendix 11 to Mrs McNab's proof

¹¹ Ref 93/0555

¹² Appendix 19 to Document 2

¹³ Ref 97/00225

¹⁴ Ref 97/00934

¹⁵ Ref 06/01087 Appendix 10 to Mrs McNab's proof and Appendix 20 to Document 2

¹⁶ The Appellant's partner

¹⁷ Appendix 10 Council's statement paragraph 4.1

¹⁸ APP/E2205/A/07/2038745 paragraph 2 Appendix 10 to Mrs McNab's proof

¹⁹ Paragraph 2.10 of Mrs McNab's proof

There appears to be a fence separating the land to the north of the dwelling which comprises the land the subject of the notice, from the dwelling, the swimming pool and the land to the south of the dwelling.

Reasoning

18. The change of use and operational development that has taken place on the land as alleged, which includes the stationing of caravans in residential use, the storage of a variety of miscellaneous items and the raising of land levels, is development within the meaning of s.55(1) of the Act for which planning permission is required subject to a number of specified exceptions. The Appellant does not dispute that these various developments have taken place but he does dispute that planning permission is needed because he says that the land is garden land.
19. S.55(2)(d) of the 1990 Act provides that operations or uses do not involve development if any building or other land within the curtilage of a dwelling-house is used for any purpose incidental to the enjoyment of the dwelling-house as such or are permitted development²⁰.
20. The curtilage of a dwellinghouse has been established²¹ as 'the ground ... used for the comfortable enjoyment of a house ... and thereby an integral part of the same although it has not been marked off or enclosed in any way'. It has to 'serve the purpose of the house in some necessary or reasonable way'. A dictionary definition of curtilage is 'a small court, yard, garth or piece of ground attached to a dwellinghouse and forming an enclosure with it, or so regarded by the law; the area attached to and containing a dwellinghouse and its outbuildings'²².
21. The aerial and other photographs referred to above show a fence immediately to the north of the dwellinghouse that separates the house and the land to the south from the land that is the subject of the notice. There is a line slightly to the north of this fence shown on the Land Registry plan²³ of the land owned by the Appellant and Miss Epps. Taking the observations noted above into account I do not consider that, possibly save for a narrow strip of land to the north of the southern boundary of the land shown on the notice, the land that is the subject of the notice is curtilage and therefore the exception provided for in S.55(2)(d) does not apply.
22. The Appellant did not provide any evidence that the land had been used for residential purposes or as a garden but even if he had and even if the land was curtilage in order for the uses cited on the notice to come within s.55(2)(d) they must be 'for any purpose incidental to the enjoyment of the dwelling-house'. While I appreciate that the Appellant considers his use of the land falls within the requirement it has been established that whether a use is ancillary to a particular primary use is a subjective judgement which takes into account, among other things, the functional relationship and whether the uses would be incidental to dwellinghouses in general and not to this dwellinghouse in particular²⁴.

²⁰ By virtue of s.55(2A) and the Town and Country Planning (General Permitted Development) Order then in force

²¹ In *Sinclair-Lockhart's Trustees v Central Land Board* (1950) P&CR

²² Oxford English Dictionary

²³ Appendix 4 to Mrs McNab's proof

²⁴ Encyclopedia of Planning Law paragraphs P55.42 and *Harrods v SSE* [2002] JPL 1321

23. In my opinion uses such as the stationing of caravans for residential purposes where the use is not incidental to the use of dwellinghouse as is the case here where Mr J Latter explained that he was living in the caravan with his partner and child and that his occupation had no physical or functional connection with the dwellinghouse; the storage of the number of caravans and motor vehicles together with the amount and variety of other items; and the use of the land for scrap material that have occurred, and are occurring, on the land are not uses that are in the usual course of events incidental to a residential use.
24. With regard to the operational development, save for the installation of the septic tank which the Council conceded did not occur (and I will vary the notice accordingly) some related to facilitating the unauthorised uses and others such as the raising of land levels were engineering operations and even if they had taken place within curtilage or on garden land they would have required planning permission as they were not permitted development.
25. The position with regard to the hardstanding adjacent to the access raises different issues. The Appellant has a LDC for the access. There is a copy of a letter dated 5 January 2007 from the Council to the Appellant asking him to confirm 'the access will be created within the existing garden area and not on agricultural land and if any building works will be carried out when the access is created, i.e. hardstanding being created'²⁵. The Appellant denies receiving this letter and no response to it has been produced. This begs the question 'why was the LDC application granted?' and it seems to me that the Council's present opinion that there was an error is one made in hindsight.
26. The GPDO in force when the LDC was granted for the access²⁶ permitted within the curtilage of a dwellinghouse a hard surface for a purpose incidental to the enjoyment of the dwellinghouse of an area of ground up to 5 sq m subject to specified conditions²⁷. The Appellant says that the access was created for the dwellinghouse and that a ramp, currently beaten earth, leads from the land to the house. It is difficult to tell both from the Land Registry plan and from what I saw on my visit whether the access is within the land that may be within the curtilage. However, the Appellant said that the concrete hardstanding was laid after August 2016²⁸ by which time permitted development rights had changed by virtue of the 2015 GPDO and only hardstanding on land between a wall forming the principal elevation of a dwellinghouse and the highway was permitted²⁹. The hardsurfacing alleged in the notice therefore required planning permission which had not been applied for or granted.
27. Taking into account the Parties' cases set out above, in particular the use of land being described as agricultural by the previous owner and the aerial photographs, I consider that the lawful use of the land is an agricultural use but even if it was not and the land was curtilage or was a garden use as contended by the Appellant it is my view that there have been a change of use and operational developments requiring planning permission. Planning permission is required for the various developments as alleged in the notice and no such permission has been granted or indeed any application made.

²⁵ Appendix 9 to Mrs McNab's proof

²⁶ The Town and Country Planning (General Permitted Development) Order 1995 as amended. The access was permitted by Class B of Part 2 of Schedule 2

²⁷ Class F of Part 1 of Schedule 2

²⁸ Photographs at Appendix 7 pages 3, 86 and 87 of Appendix 7 to Mrs McNab's proof

²⁹ Class F of Part 1 of Schedule 2 to the GPDO 2015

28. The appeal on ground (c) fails.

The appeal on ground (d)

29. In an appeal on ground (d) the Appellant has to prove on the balance of probability that at the date when the notice was issued no enforcement action could be taken in respect of the breaches of planning control alleged in the notice. In this appeal this means that the Appellant has to prove that the material change of use to the mixed use and operational development that facilitated that mixed use as alleged took place on or before 18 August 2006 and that the operational development comprising the laying of the hardsurfacing took place on or before 18 August 2012.

The Appellant's case

30. It was the Appellant's case that all the activities and uses have been taking place since he purchased the land in January 2006 and that everything was 'exactly the same since day one'. He did not deny that he had brought material onto the land from his work digging out drive-ways to level it out to make a car park in his garden and that he had dug out the land to the north-west of the dwelling³⁰ and re-distributed the spoil over the land.
31. Mr Morton is a neighbour and he has known the Appellant and Mr J Latter since they moved to the property in 2006. Mr Morton had noticed small lorries, vans and vehicles coming and going and parked/stored on the land; he had been concerned about what was going on but had been assured by Mr J Latter that what he and his Father were doing would improve the land. The land was levelled out and vehicles continued to come and go. Sometimes the trucks had scrap materials on them and sometimes they did not; Mr Morton thought he first saw this about seven or eight years ago. Mr Morton could only see the land from the highway but he did not think much had changed over the years since 2006. He had no reason to know about Mr J Latter's living arrangements. He had only been onto the land recently when he went to find his dog.
32. Mrs Swandale is a local resident who has known the Appellant and Mr J Latter since 2006 when Mr J Latter repaired a quad bike for her in one of the buildings that was equipped as a garage. Mr J Latter is about the same age as her son and Mr J Latter used to do odd jobs for people and he let her use the land to store her car while she was waiting to sell it in about 2008. Mrs Swandale acknowledged that Mr J Latter collected many types of different things, some of which he sold to a scrap dealer, and she also considered the land was the same as it was in 2006. She knew that Mr J Latter lived in a caravan on the site with his partner and child, who was now about 5 years old.
33. Mr J Latter said that the mixed use of the land had started from the date they bought the land and has been ongoing. He did not run a scrapyard but he did collect scrap to sell and he collected 'junk' from boot-sales. He provided a number of receipts from a local metal recycling business for scrap metal.

³⁰ Document 3

The Council's case

34. The Council's case was based on a number of documents including the aerial photographs³¹, the record of site visits since the first complaints about the land in March 2013³², photographs taken on those visits³³ and on-line advertisements and Facebook pages in respect of the scrap business use³⁴.

Reasoning

35. From the evidence it is apparent, and not disputed by the Appellant, that the variety and amount of things stored on the land have changed over the years, in particular there have been numerous cars that have come and gone as have different caravans and mobile homes which, in addition, have been sited and stored in different positions on the land. The notice is aimed at the complete area of the land as identified in the plan and the various articles stored on it and it matters not where, for example, the caravans, the vehicles and the other various items are sited, stored or placed. In this respect the location of the caravans on Plan B attached to the notice is indicative only of their position at that time, that is, August 2016.
36. Whilst I accept that the aerial photographs dated 2003, 2006 and 2007 show a limited number of unidentified items around the buildings it is for the Appellant to prove that these items were caravans and vehicles but other than saying they are caravans and vehicles he has not provided any evidence. It is not until 2013 that more items scattered around the site are visible but again there is no specific evidence to establish what these items are. The mobile home in which Mr J Latter is currently living is located close to the north-east site boundary and nothing appears in the aerial photographs in that approximate location until 2017. Mr J Latter told a Council Officer on 6 February 2015 that that caravan came onto the site 'three or four months ago', that the touring caravan had been on the land for about two years and a further mobile home had come onto the land in that week³⁵. In response to a planning contravention notice dated 29 May 2015 Mr J Latter responded that the stationing of the mobile home on the north-east boundary began in October but that it was used for leisure and personal belongings. If that had been the case the residential use could not have been existing since 2006.
37. The aerial photographs do not show the amount of storage as alleged in the notice until the one dated 2013. This is the time when the Council started to receive complaints about the use of the land. The Appellant's evidence was that complaints did not begin until then, despite his use of the land since 2006, because of ill-feeling against him and his family from residents of the village who 'had to pick on somebody'. The Appellant and Mr J Latter also questioned the veracity of the Officers' site visit notes but, although it would have been helpful to have had direct evidence from the Officers concerned, I have no reason to consider that the notes are anything other than a record of what took place and what was said.
38. A notice directed at a material change of use may require the removal of works integral to and solely for the purpose of facilitating the unauthorised use, even

³¹ Appendix 8 to Mrs McNab's proof

³² Appendices 5 and 6 to Mrs McNab's proof

³³ Appendix 7 to Mrs McNab's proof

³⁴ Appendix 17 of Mrs McNab's proof and Appendix 21 to Document 2

³⁵ Appendix 6 to Mrs McNab's proof

if such works on their own might not constitute development, or be permitted development, or be immune from enforcement and were not undertaken for a different or lawful use, so that the land is restored to its condition before the change of use took place³⁶.

39. It is not until the photograph dated 2008 that changes to the land are noticeable, in particular the digging out to the north-west of the dwelling as shown in the Appellant's photograph. As stated above it was established that this digging out could not have taken place before July 2007. The Appellant agreed that electric cabling, water supply and drainage had been connected to the mobile homes which facilitated their use for residential purposes. These works were noted by Council Officers in February 2015 and no evidence has been provided by the Appellant to show that they took place earlier. These various works facilitated the change of use and are therefore not immune from enforcement action.
40. The Appellant said that the only septic tank on the land was that serving the dwellinghouse and that the drains from the caravan/mobile home had been connected to that septic tank. The Council accepted this evidence and I will vary the notice accordingly.
41. As mentioned above, the Appellant accepted that the hardsurfacing around the access had been laid after August 2016 and therefore it is not immune from enforcement action.
42. The receipts produced by Mr J Latter concerning the scrap business date from September 2006 and they are all for very small amounts of scrap metal. Mr J Latter said in cross examination that the scrap metal business was up and down and prices were always different but he said that he now processed about 10 – 20 tons a week which is significantly more than shown in the receipts which in any event do not establish a ten year period. From Mr J Latter's evidence that he keeps scrap metal on his trucks and in his van which are parked on the land and that he uses the Petworth address in the advertisements because it is his only address it seems to me that there is a scrap metal business in operation at the site.
43. In order to prove that the various matters alleged in the notice are immune from enforcement the Appellant has to provide precise and unambiguous evidence which, for the reasons given above he has not done. The appeal on ground (d) fails.

The appeal on ground (f)

44. In an appeal on ground (f) the Appellant is saying that the steps required by the notice exceed what is necessary to remedy the breaches of planning control.
45. Comparing the photographs provided by the Council with what I saw on my visit it is apparent that significant clearing of the land of the items referred to on the notice has taken place. It is also apparent to me that the amount of 'stuff' on the land has varied over the years and that the Appellant has endeavoured to clear things brought onto the land and kept by Mr J Latter on various occasions. Nevertheless a significant amount of miscellaneous bits and

³⁶ *Murfitt v SSE* [1980] JPL 598, *Somak Travel v SSE* [1987] JPL 630 and *Bowring v SSCLG & Waltham Forest BC* [2013] EWHC 1115 (Admin)

pieces including trailers, gas canisters, plastic containers, scrap metal, rusty bicycles, odd pieces of wood, shopping trolleys, tyres, bits of machinery, a derelict touring caravan and an empty mobile home remained on the land and in the various buildings. In addition there was the mobile home in which Mr J Latter and his partner and child were living and the works that had been undertaken to facilitate that use. And the large amount of spoil that had raised the level of the land and the hardsurfacing remained.

46. Although the Appellant has not put forward any lesser requirements the Council has agreed that no septic tank was installed and I will delete the relevant requirement and vary the requirement relating to the removal of drainage accordingly.
47. The purpose of the requirements of a notice is to remedy the breach or any injury to amenity and the requirements of the notice fulfil the statutory purpose as they do not exceed what is necessary to remedy the breaches of planning control.
48. The ground (f) appeal succeeds to the limited extent referred to above

The appeal on ground (g)

49. In an appeal on ground (g) the Appellant is saying that the periods specified for compliance fall short of what should reasonably be allowed.
50. Mr J Latter and his partner and child live in the mobile home on the land. They cannot live in the dwellinghouse at Petworth because of Miss Epps' ill-health. They have recently failed to obtain housing in the village for reasons said to relate in part to matters relating to this appeal and they also failed in an appeal against that refusal. The effect of the notice is that Mr J Latter and his family will be made homeless and Mr J Latter did not know what his position would be with regard to his application for housing by the Council in that event.
51. Matters relating to the provision of housing are outside the planning legislation with which I am concerned but taking the provisions of the Human Rights Act 1998, the best interests of Mr J Latter's child and his need for a home and the public sector equality duty³⁷ into account I consider that the period of one month to cease the residential use of the site and other related requirements is wholly unreasonable. A period of nine months seems to me reasonable in respect of the residential use and the facilitating developments in the circumstances of this case.
52. There is no reason why the requirements relating to other matters cannot take place while the residential use, and the operational development that facilitates that use, continues. I will vary the periods for compliance accordingly and the ground (g) appeal succeeds to that extent.

Conclusions

53. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations.
54. For the reasons given above I conclude that the requirements are excessive and reasonable periods for compliance are as detailed below in the Decision and I am varying the enforcement notice accordingly as well as correcting the

³⁷ S. 149 of the Equality Act 2010

allegation, prior to upholding it. The appeals under grounds (f) and (g) succeed to that extent.

Decision

55. It is directed that the enforcement notice be corrected by:

- 1) In part 3 of the notice the addition of the words 'scrapping and sale' after the words 'the storage'
- and varied by
- a) In part 3 of the notice the deletion of the words 'the installation of a septic tank and'
 - b) In part 5(i) the substitution of 'nine months' for 'one month'
 - c) In part 5 (ii) the substitution of 'nine months' for 'one month'
 - d) In part 5(iii) the substitution of 'nine months' for 'one month'
 - e) In part 5 (iv) the substitution of 'nine months' for 'one month'
 - f) The deletion of Part 5 (vi) in its entirety
 - g) In part 5 (vii) the substitution of 'nine months' for 'four months'
 - h) In part 5 (viii) the addition of the words 'and connection to the septic tank' after the words 'drainage pipework' and the substitution of 'nine months' for 'four months'
 - i) In part 5 (x) the addition of the words 'scrapping and sale' after the words 'the storage'
 - j) In part 5 (xii) the deletion of the words 'septic tank' and the re-numbering of steps 5(vi) – (ix) as appropriate
 - k) In part 5 (xiii) the re-numbering of steps 5(i) – (xii) as appropriate

Subject to this correction and these variations the appeal is dismissed and the enforcement notice is upheld.

Gloria McFarlane

Inspector

APPEARANCES

FOR THE APPELLANT

Mr W Latter	The Appellant
Mr M Morton	Local resident
Mrs S Swandale	Local resident
Mr J Latter	The Appellant's son

FOR THE LOCAL PLANNING AUTHORITY

Ms E Lambert	Counsel
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She called

Ms C McNab	Chartered Town Planner
BSc PGDIP Sci MRRP Cert UKPLP MRTPI	

INTERESTED PERSONS

Mr P Turley	Parish Councillor
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DOCUMENTS SUBMITTED AT THE INQUIRY

Document 1 - Letter of notification of the Inquiry and list of persons notified

Document 2 - Mrs McNab's addendum proof of evidence

Document 3 - Undated aerial photograph, submitted by the Appellant

Document 4 - Bundle of Ripley's weighbridge receipts, submitted by Mr J Latter

Document 5 - Closing submissions on behalf of the Council