



Appeal Decisions

Site visit made on 19 June 2018

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 29 June 2018

Appeals A – Notice 1 - Refs: APP/L3815/C/17/3180340 & 3180341 Land to the north west of Decoy Farmhouse, Decoy Lane, Aldingbourne, Chichester PO20 3TR

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Malcolm Smith and Ms Carol Smith against an enforcement notice issued by Chichester District Council (the LPA).
- The enforcement notice, numbered O/27, was issued on 14 June 2017.
- The breach of planning control as alleged in the notice is as follows: Change of use of the land to a general storage use including the storage of an enclosed wooden box with felt roof, plastic pallets, an office swivel chair, office/school chairs, plastic boxes, 3 building merchants delivery bags full of fabric/clothing, a trailer tent, multiple domestic size lawn mowers covered in a yellow tarpaulin, cast iron bench set supports, a white curtain pole/hand rail, a lidded open-sided wooden crate containing a power vacuum cleaning box, a tool box and a coil of wire/rope.
- The requirements of the notice are as follows:
 - (i) Discontinue the use of the land for the keeping and storage of non-agricultural items.
 - (ii) Remove all non-agricultural goods and items from the land including enclosed wooden box with felt roof, plastic pallets, an office swivel chair, office/school chairs, plastic boxes, 3 building merchants delivery bags full of fabric/clothing, a trailer tent, multiple domestic size lawn mowers covered in a yellow tarpaulin, cast iron bench set supports, a white curtain pole/hand rail, a lidded open sided wooden crate containing a power vacuum cleaning box, a tool box and a coil of wire/rope.
- The period for compliance with the requirements is three months
- The appeal is proceeding on grounds (b), (d), (f) and (g) as set out in section 174(2) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Appeals B – Notice 2 - Refs: APP/L3815/C/17/ 3189998 & 3190006 Land to the north west of Decoy Farmhouse, Decoy Lane, Aldingbourne, Chichester PO20 3TR

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Malcolm Smith and Ms Carol Smith against an enforcement notice issued by Chichester District Council (the LPA).
- The enforcement notice, numbered O/28, was issued on 14 June 2017.
- The breach of planning control as alleged in the notice is the erection of a wooden building on raised concrete blocks in the approximate position shown on the attached plan
- The requirements are to remove the said building and concrete blocks from the land.
- The period for compliance with the requirements is Three Months.
- The appeal is proceeding on grounds (b), (d), (f) and (g), as set out in section 174(2) of the Town and Country Planning Act 1990. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Application for Costs

An application for a full award of costs has been made by Mr Malcolm Smith and Ms Carol Smith against the LPA, Chichester District Council. This is the subject of a separate decision.

Decisions

1. The appeals are dismissed. See formal decisions below.

Matters of clarification

The Appellants

2. Mr Martin Webb is not one of the appellants as named in the Council's statement. He is the solicitor and agent acting on behalf of the appellants who are Mr M J Smith and Ms Carole Smith. Mr M J Smith, in the appeal statement dated 16 January 2018, indicates that it is also made on behalf of Ms Carole Smith, with her full knowledge and consent and that he is duly authorised by her to make the statement. Mr and Miss Smith are brother and sister and now own the appeals land which formerly belonged to their father Mr W A Smith.

The Grounds of Appeal

3. Ground (c) was not specifically pleaded at the time of the submission of the appeals. The boxes at section E (c) of the form (Grounds and Facts) were not ticked. However, at paragraphs 16 and 21 of the statement, which deal with the grounds of appeal against each notice, reference is made, to ground (c). Following confirmation that ground (b) applies, it is then stated that (c) applies *'in the alternative if they have occurred they do not constitute a breach of building control'*. Presumably this should have referred to *'planning control'*. Accordingly, I have also considered ground (c).

The legality and/or the validity of the notices

4. In reply to the Planning Inspectorate Case Officer's e-mail of 1 December 2017, the appellants' agent, Mr Webb, indicated that the appellants had an issue with the legality of the enforcement notices (0/27 – Notice 1 and 0/28 – Notice 2). The legality of the notices is questioned on the basis that the Council accessed the appellants' land contrary to section 196 (A) (1) and (2) of the Town and Country Planning Act 1990 (the Act). It is contended that this action was unlawful and in breach of Article 5 and Article 8 of the Human Rights Act 1998 (HRA).

5. On behalf of the appellants it is also contended that the Council cannot rely upon the service of previous enforcement notices (numbered 011 and 012 - see below) to support the grounds to legitimise notices 0/27 and 0/28. It is stated that any matters relating to the earlier notices are irrelevant for the purposes of the present enforcement notices. I agree that this is generally the case, but they are material considerations with regard to the planning history of the site. The Council is criticised for not providing the appellants with reasonable grounds to justify entering their land. Furthermore it is contended that the Council has *'caused/created this situation by virtue of its earlier enforcement notice'*.

6. Sections 196A, 196B and 196C of the Act authorise named LPA officers to enter land specifically for enforcement purposes. The right is limited to what is regarded as essential and the Act specifies the purposes for which access can be authorised. Amongst others, two of the purposes are as follows, firstly: *to 'ascertain whether there is or has been any breach of planning control'* and, secondly, *'to ascertain whether*

there has been compliance with any requirement arising from earlier enforcement action'.

7. The Enforcement Officer responsible for these notices had been so authorised. Initially the land had been entered following a complaint that a building had been erected on the site and that storage of building materials was again taking place on the land. The LPA had previously taken enforcement action and the two earlier notices (0/11 and 0/12) were upheld (Appeal decisions APP/L3815/C/05/2003481 and 2003483). The LPA eventually used default powers to demolish an incomplete building to which one of the earlier notices related (see planning history below). The LPA has powers to do this under Section 178 of the Act.

8. It would appear that some of the requirements of the earlier notices had been carried out by the appellants and some storage items had been removed. However, even full compliance with requirements does not discharge a notice and Section 181 (1) provides that this is the case. An enforcement notice imposes a continuing obligation which is not discharged by compliance with its requirement(s) and the requirements of a notice automatically revive if the unauthorised development/use resumes or is carried out after compliance with the notice.

9. In this case the Council had to take direct action to clear the site of the matters which had earlier been enforced against. I note that there is an on-going legal dispute between the Council and the appellants relating to what exactly was removed from the site. However, these matters are not relevant to the two notices the subject of these appeals and are not for me to consider. Nevertheless, it is the case that direct action was taken by the Council in relation to the earlier upheld notices and items were removed from the site including the partially built structure.

10. In the earlier cases it would appear that the appellants' case was that the stored items and the partially built structure were all related to an agricultural use of the land. This was not accepted by the previous Inspector. In these appeals it is contended that some of the items now enforced against are the same as those enforced against in 2005. The appellants again do not accept that a general storage use is being carried out on the site. It is also contended that the new building on the site is permitted development and simply a '*garden shed*'.

11. On the basis of their investigations the Council considered that further enforcement action was expedient with regard to what is now alleged in the two notices, the subject of these appeals. There had been a complaint about the site in March 2017 and, following a site inspection in April 2017, the LPA concluded that different non-agricultural items were being stored on the land. The list of items relating to Appeal A (Notice 1) is pre-faced by the word '*including*'. It is not, therefore, restricted to just those non-agricultural items being stored on the site.

12. Under the provisions of the Act a named officer of the LPA was entitled to enter the land to establish whether further breaches of control had occurred. There was evidence that items being stored were not covered by the earlier notices and that further action was required. On the basis of the representations and my own inspection of the site I consider, therefore, that the validity/legality of the notices cannot be challenged on the basis of the officer entry on to the land.

13. It is also contended that the Council's entry onto the land was in breach of Articles 5 and 8 of the Human Rights Act 1998 (HRA). However, the HRA does not impair the right of the state or LPAs to enforce laws which are deemed necessary in the public interest. In all of the circumstances of this case and for the reasons set out above, I do not consider that the Councils actions were in conflict with Articles 1 (Protection of property); 5 (Right to Liberty and Security) and 8 (Right to respect for

private and family life). I consider that the enforcement action taken by the LPA was a proportionate response to the alleged breaches of planning control.

14. In relation to the current situation I am only empowered to deal with the appeals against the two notices (0/27 and 0/28) under all of the grounds pleaded (including ground (c)). As indicated above and seemingly agreed on behalf of the appellants, the matters relating to the earlier notices are not relevant. The consequences of any actions taken as a result of the previous notices and the subsequent legal cases are matters between the LPA and the appellants and are not before me. Neither do the planning merits of the alleged change of use and the operational development fall to be considered. Thus, I will not be considering whether planning permission should be granted for the matters alleged in the two notices.

The appeals site and the surrounding area and the planning history

The Appeals site and the surrounding area

15. The 0.9ha site lies within the Rural Area and the open countryside, to the south of Aldingbourne and approximately 2 miles to the east of Oving village. It lies immediately to the west of Decoy Farmhouse (now known as Flintstone Farmhouse). This had formerly been in the appellants' family ownership and currently provides family and tourist accommodation.

16. Apart from a small, narrow, rectangular section in the north-east corner (to the north of the Farmhouse), the site is triangular in shape and its southern boundary adjoins the line of the south coast railway line. To the north, the west and to the south of the railway there is agricultural land. Part of this latter area is stated to be the site of a solar farm. There are no other dwellings in the immediate vicinity of the appeals site and it is perceived as being isolated within the countryside.

17. The site and the farmhouse are accessed via a narrow partly tarmacked road from the north. The track into the major part of the site then passes to the north of the farmhouse into the wider triangular shaped area. The site is perceived as being in an open, gently undulating rural landscape and the surrounding open countryside is evident. The land levels fall from the northern boundary to the south east corner which forms part of the railway embankment. The authorised use of the appeal land is agricultural and the appellants still contend that this is its current use and that a general storage use has not occurred.

18. At the time of my visit I noted that most of the items located or being stored on the appeal land were within the small rectangular section close to the entrance; along the northern boundary; in and around a dilapidated 'pig shed'; along part of the eastern boundary with the farmhouse and immediately to the south and west of the 'Pig shed'. The wooden building is approximately 5.4m (18 feet) long by 2.4m (8 feet) wide and is positioned at right angles to the northern boundary. I was informed that it was positioned within part of the footprint of the partially built building which had been part of the earlier enforcement action and which had been demolished on behalf of the Council.

19. The items on site appeared to be a mix of old agricultural machinery and tools; domestic items; building materials and rubble and what can only be described as general rubbish (including old shopping trolleys). The land to the west of the main storage areas (referred to above) appeared to be completely overgrown and there was no evidence of any organised agricultural activity on the land (see later re evidence of previous farming activities on the land). It would appear that the only agricultural building remaining on the land is the dilapidated 'pig shed'. There was also an animal trailer/transporter parked close to the timber shed.

The planning history

20. The planning history relating to the site and particularly the earlier enforcement action and its consequences (legal cases) are set out in detail in both the Council's and the appellants submissions. There is no need to repeat the full detail here but, for clarification I briefly set out below the gist of what has happened previously. Mr M J Smith confirms in his statement that he and his father had operated a building business and that materials were purchased and stored on the land. The materials on site were stated to be for self-use and maintenance of the farm buildings. It is stated that the land had been farmed extensively in the past, primarily for pigs, poultry and rabbits, as well as for arable crops and the growing of fruit.

21. Enforcement action commenced in 2003 when a static caravan was sited on the land. At that time a variety of goods and chattels were being stored on the land. The Council considered that most of them were not related to the authorised use of the land for agriculture. In July 2005 two enforcement notices were issued (Nos 0/11 and 0/12). The first required the removal of a partially complete brick and flint building and the second the removal of a list of items not considered to be related to an agricultural use of the land. On appeal both notices were upheld; the second one having been corrected and varied. The appeal decision was issued on 22 May 2006.

22. One of the requirements of the second notice was varied or amended to require the removal of all non-agricultural related items. Although some items were removed the appellants failed to fully comply with the requirements of the notices. Following two court actions against the appellants, the Council then took direct action under section 219 of the Act and appointed a contractor to carry out the works required by the notices.

23. It was not until June 2016 that the contractors employed by the Council completed works to secure compliance with the two extant notices (0/11 and 0/12). On 30 June 2016, following a site visit, the Council considered that compliance with the notices had been achieved. As referred to above the actions of the contractor and the Council, in carrying out these works, are now the subject of litigation between the Council and the appellants.

24. With regard to the current notices (0/27 and 0/28), the Council indicates that, on 30 March 2017, it was reported that the appellants had introduced building materials and motor vehicles onto the land and that a wooden shed had also been erected in the approximate location of the demolished building. Following a site visit in April 2017, and noting that some of the new items on site were not caught by the requirements of notices 0/11 and 0/12, the Council considered it expedient to issue the notices the subject of these appeals.

25. Notices 0/27 and 0/28 were aimed at the additional non-agricultural (or general) storage and the new wooden building. The additional storage uses alleged are set out in notice 0/27 but the Council indicates that this list of uses was not meant to be exclusive of other non-agricultural items being stored on the land. Considering the plethora of items; the overgrown nature of the land and the variety of materials it seems likely that there are non-agricultural items dating back to before 2005, as well as those alleged to have been introduced since 2016.

26. Because the earlier notice had been amended to require any non-agricultural items to be removed, any introduction of further such items constituted a breach of the earlier notice. This is because the requirements of a notice are not discharged as of the deadline for compliance. Even if the requirement to remove all items which were not ancillary or incidental to the agricultural use had been completed, that requirement was on-going. To bring back other non-agricultural items on to the land

for storage purposes constituted a breach of the notice. Thus, in this case, although some items were eventually removed (albeit there is still a legal dispute), the requirements of the earlier notices have an enduring effect.

27. In this case, following a site inspection, the Council had identified new non-agricultural items being stored. The Council was entitled to take further enforcement action and I have concluded above that this action was not invalid or unlawful. Nor did the action of entering the land and taking action interfere with their Human Rights. With regard to the new wooden building, I accept that its position does not correspond exactly with that of the partially built structure which was demolished. However, that does not preclude the authority from taking enforcement action if it was considered not to be in agricultural use and a breach of planning control.

28. I now turn to the specific grounds pleaded for both appeals.

Notice 1

Appeals A on ground (b)

29. To be successful on this ground it must be shown that what is alleged in the notice has not occurred as a matter of fact. In this case the allegation lists a number of items allegedly being stored on the land. At this stage it matters not whether the items are authorised or not (or whether for agricultural use or not). The question to be asked on this ground is whether the items (not exclusively) were being stored on the site when the notice was issued?

30. From all of the submissions and from what I saw during my site visit it is clear that the enclosed wooden box with felt roof (which is said to contain tools); some plastic pallets; builder's merchants' delivery bags; a trailer tent; multiple domestic lawnmowers; cast iron bench supports and coils of wire rope were being stored on the site. I was also informed that the swivel chair and curtain pole and some other items had already been removed. The school chairs were said to be stored in the 'pig shed' and there were some other domestic chairs which were stated to be for use when working at the site. The list was not exclusive in any case and not every item has to be accounted for in order for a breach to have taken place as a matter of fact.

31. I consider, therefore, that what is alleged in Notice 1 has occurred as a matter of fact. That is, the items listed were, on the balance of probabilities, being stored on the site (irrespective of for what use) when the notice was issued. The onus is on the appellant to indicate otherwise and this has not been demonstrated. The references to the previous enforcement notices and the contention that the Council's actions had led to the need to store various items do not assist the appellants on this ground of appeal. What is alleged has occurred as a matter of fact and the appeals fail, therefore, on ground (b).

Appeals A on ground (c)

32. To be successful on this ground it must be shown that, either there is a planning permission in place for what is being carried out, or that one is not required because, for example, the works constitute permitted development or that the items are all ancillary or incidental to an agricultural use of the land. The merits of the case do not fall to be considered under this ground. Again the onus is upon the appellant to show that there has not been a breach of planning control.

33. I have concluded above that what is alleged to have happened has happened as a matter of fact. This has involved the storage of items on the land, some of which are clearly not related to any agricultural use of the land. On the basis of what I have read and seen it is my view that, as a matter of fact and degree, a change of

use of the appeal land from agricultural use to a mixed use of agriculture and general storage has taken place.

34. The appellants contend that, with the exception of the 3 bags of fabric/clothing and a power cleaning box, all of the listed items are ancillary or incidental to agriculture and are, therefore '*immune from recovery*'. I do not accept that argument. The various domestic and school chairs; the domestic lawnmowers and other items not specifically listed cannot be said to relate to an agricultural use of the land. Other items being stored include items of general rubbish; old shopping trolleys; a domestic bath; plastic boxes; dilapidated vehicles; old building blocks; and timber pallets. The overall impression is that the site is perceived as an overgrown junk or scrapyard, albeit one which contains some agricultural items and the dilapidated '*pigsty*'.

35. Thus, as a matter of fact and degree, I consider that the land is being used for the general storage of many non-agricultural items. There is no planning permission in place for this mixed use of the land and there is nothing within the General Permitted Development Order (GPDO) to indicate that the use is permitted development. It follows that there has been a breach of planning control in addition to the continuing breach of the earlier notices. The appeals, therefore, also fail on ground (c).

Appeals A on ground (d)

36. The notices were issued on 14 June 2017. For the alleged change of use (set out in notice 0/27) to be immune from enforcement action and for the appeal to be successful on ground (d), the onus is upon the appellant to conclusively show, on the balance of probabilities, that the mixed use of agriculture and general storage, specifically relating to the matters alleged in Notice 0/27, has been occurring continuously for a 10 year period commencing on 14 June 2007.

37. This cannot possibly have been the case. The matters the subject of both enforcement notices (0/27 and 0/28) only first came to light in 2016. I have concluded above that the storage of the items listed (whether now removed or not) constituted a change of use of the land. Irrespective of who was responsible for leaving the boxes of fabric on the land they have not been there since June 2007 and neither has it been shown, on the balance of probabilities that most of the other items listed have been there for the required ten year period. The Council in its letter of 27 November 2017 indicated that it was unable to identify a ground (d) appeal being advanced.

38. It is claimed that the Council's actions, in removing the partially completed building had resulted in materials having to be left out in the open. The list in the submitted bundle of documents is referred to and the fact that this refers to items which were there in July 2005. I accept that this is over 10 years ago but these facts do not assist the appellants in their ground (d) appeal. There is no evidence to indicate that what is alleged in notice 0/27 (in relation to all or indeed any of the items stored) have been in place for the necessary 10 year period.

39. Even if some of the items are the same as those which were subject to the earlier enforcement notices I do not consider that the appellants have conclusively shown, on the balance of probabilities, that all of the items listed in notice 0/27 (or for that matter any other non-agricultural items not listed) are immune from removal. I consider, therefore, that ground (d) has not been conclusively proven and the appeals also fail on this ground.

Appeals A on ground (f)

40. I have concluded above under ground (c) that a breach of planning control has occurred. The notice 0/27 was issued with a view to remedying that breach of control and that the requirements, in the Council's words, '*are necessary to bring about a cessation of the harm caused*'. The Council indicates that lesser steps would not overcome the harm which it has identified.

41. Having considered all of the representations I agree with the Council that lesser steps would not overcome the visual harm caused by the storage of the materials, the subject of the notice. The appellants have not put forward any suggested lesser steps. Their arguments relate to the contention that the items enforced against are either ancillary to agriculture; have been left due to the previous building being demolished or have been removed.

42. However I have concluded above that the items are not ancillary to any agricultural use of the land; that it has not been conclusively shown that all of the items enforced against have been on the land for the required 10 year period and that any items removed must still form part of the requirements of the notice. The appellants have not provided any conclusive evidence relating to what is, or is not, ancillary or incidental to any agricultural use of the land. No attempt has been made to make an inventory of the items on the land and the seemingly haphazard method of storage simply confuses or blurs any distinction between agricultural and non-agricultural items (to whichever notices they refer). Overall I do not consider that the requirements of the notice are excessive and the appeal fails on ground (f).

Appeals A on ground (g)

43. The appellants contend that the compliance period is too short. It is stated that, of the items which they voluntarily agreed to remove, it was hoped that this would be completed by December 2017. Clearly some of these items (referred to above) have been removed. However, there is no suggested time for extending the compliance period with regard to the rest of the unauthorised storage.

44. Having considered the overall circumstances and taking into account the fact that some items have already been removed I consider that a three month compliance period to remove the rest of the items is more than adequate. The items are relatively small and can all be easily transported. I do not consider, therefore that the compliance period is too short and the appeals also fail on ground (g).

Notice 2

Appeals B on ground (b)

45. During the course of my site visit I noted that the wooden shed, supported on concrete blocks, was located adjacent to the northern boundary of the site on land which had formally been taken up by part of the now demolished partially completed building. This had been the subject of the earlier enforcement action. Irrespective of its planning status, or what it is used for, the shed is there, as a matter of fact. It follows that the appeals must fail on ground (b).

Appeals B on ground (c)

46. The appellants indicate that the wooden shed was purchased shortly after demolition of the building by the Council's contractor. It is stated that it was erected to house materials and some personal chattels belonging to the appellants' deceased mother. During my visit I was able to see the domestic items stored in the shed. As far as I could see there were no agricultural items being stored inside the shed. It is claimed that it was only built as a direct result of the Council's actions.

47. The previous Inspector had concluded that there was no agricultural justification for the incomplete brick and flint building, whether as a barn or for some other function. He also concluded that no agricultural business was taking place on the land. Since 2006 it is the LPA's case that the situation has not changed and that there is no firm evidence of agricultural activity having been carried out on the land since that time. On the basis of the submissions before me and from my site inspection I see no reason to disagree with the LPA.

48. There is no evidence before me of any recent or current agricultural activity. There is only the historic information relating to previous poultry, pig and rabbit farming. The land was not in any obvious agricultural use at the time of my site visit and, as indicated above, the western end of the site away from the storage area was completely overgrown. There are no agricultural business records before me and whilst accepting that the lawful use of the land is agricultural there does not appear to be any such uses (other than some agricultural items being stored) currently taking place on the appellants' land.

49. As indicated by the Council to qualify for Part 6 rights under Class A and Class B of the GPDO the land must be agricultural land in use for agriculture for the purposes of a trade or business. Part 6 rights do not apply where the agricultural use is purely recreational. By the appellants' own admission the wooden shed had been erected in 2017 to house materials and the personal chattels of their mother.

50. I conclude, therefore, that it cannot be permitted development for agricultural purposes. If the land had been part of a residential curtilage then it would have constituted permitted development. However, this is not the case. The shed has been erected on agricultural land in the open countryside and, albeit on agricultural land, it is not being used for agricultural purposes.

51. There is no planning permission in place and with no permitted developments right either, the development is unauthorised and a breach of planning control as alleged in notice 0/28. It follows that the appeals cannot succeed on ground (c).

Appeals B on ground (d)

52. The notice was issued on 14 June 2017. For the wooden shed to be immune from enforcement action and for the appeal to be successful on ground (d), the onus is upon the appellants to conclusively show, on the balance of probabilities, that the shed has been in place on the land for a continuous period between 14 June 2013 and 14 June 2017 (that is, a four year continuous period). PPG makes it clear that an appellant is responsible for providing sufficient evidence to substantiate their claim and that the evidence should be precise and unambiguous.

53. Given the above, the appeals cannot possibly succeed on ground (d). The building was only brought to the Council's attention in 2017 and in the appellants' joint statement it is indicated that it was purchased after the previous partially completed building had been demolished in 2016. It could not possibly meet the 4 year rule requirement and the Council was not precluded from taking enforcement action. The appeals must also fail, therefore on ground (d).

Appeals B on ground (f)

54. I have concluded above under ground (c) that a breach of planning control has occurred. The notice 0/28 was issued with a view to remedying that breach of control and that the requirements, in the Council's words, '*are necessary to bring about a cessation of the harm caused*'. The Council indicates that lesser steps would not overcome the harm which it has identified.

55. Having considered all of the representations I agree with the Council that lesser steps would not overcome the visual harm caused by shed in its isolated position. Again, the appellants have not put forward any suggested lesser steps. Their arguments relate to the contention that the shed is required because the previous building had been demolished on behalf of the Council. This cannot be a defence under ground (f).

56. I have also concluded above that the shed is not ancillary to any agricultural use of the land and that it is not used for the storage of agricultural items. I do not consider that the requirements of the notice are excessive and the appeals fail on ground (f).

Appeals B on ground (g)

57. In the appellants' statement at paragraph 21 it is stated at (g) that this ground is '*not applicable*'. However, for the avoidance of doubt it is my view that a three month compliance period is adequate. The shed is not very large and considering that it is storing domestic items it should not take too long to empty. It is also constructed in a simple manner and it will not be difficult to dismantle it by unfixing the various components. I do not consider, therefore, that the compliance period is excessive and the appeals also fail on ground (g).

Other Matters

58. In reaching my conclusions in both sets of appeals I have taken into account all of the other matters raised by the Council and by, and on behalf of, the appellants. These include all of the points raised in the initial grounds of appeal and the statement dated 21 July 2017; in the Witness statement submitted on behalf of both appellants dated 16 January 2018 and in the appellants' final comments on the Council's submissions dated 18 February 2018. I have taken into account the photographic evidence; copies of communications between the Council, the appellants and the Planning Inspectorate and the previous appeal decisions APP/L3815/C/05/2003481, 2003483, 2003482 and 2003484.

59. Where directly relevant to these appeals I have also taken into account the contents of the bundle of documents (numbered 1 to 27) which were submitted with the appellants' statement. In particular I have considered Documents numbered 6, 7, 8, 10, 11, 12, 13 and 19 to 27 inclusive. I have noted documents 14 to 18 relating to the litigation between the parties. However, apart from some factual and historical points, these matters are related to the earlier notices 0/11 and 0/12 and are not directly related to these notices/appeals with which I am empowered to deal.

60. However, none of these matters either directly or indirectly alters my conclusions on any of the grounds pleaded in these appeals. Nor is any other factor of such significance so as to change my decisions that the appeals must fail.

Formal Decisions

Appeals A – Notice A

61. The appeals are dismissed and the enforcement notice (No 0/27) is upheld.

Appeals B – Notice B

62. The appeals are dismissed and the enforcement notice (No 0/28) is upheld.

Anthony J Wharton

Inspector