



Appeal Decision

Site visit made on 13 July 2018

by Susan Wraith Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2018

Appeal Ref: APP/T0355/C/17/3188329

**Land at The Snooty Fox, Warren Row Road, Warren Row, Reading
RG10 8QS**

- The appeal is made under s174 of the Town and Country Planning Act 1990 [hereafter "the Act"] as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Robert Timothy Smee [hereafter "the appellant"] against an enforcement notice issued by the Council of the Royal Borough of Windsor and Maidenhead [hereafter "the Council"].
 - The notice ref. 16/50424 was issued on 05 October 2017.
 - The breach of planning control as alleged in the notice is: Without planning permission the material change of use of the land from A4 (Drinking Establishment) to a mixed use, namely a café/retail use/cycle repairs and meeting place (Sui Generis).
 - The requirements of the notice are:
 - i. Cease the use of the land and building for activities that comprise of a café, cycle meet place, cycle repair facility and retail use.
 - ii. Remove from the land and building all tools, equipment and furniture that are used to facilitate and make up the workshop for cycle repairs.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in s174(2)(a), (b), (f) and (g) of the Act. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under s177(5) of the Act.
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Decision

1. It is directed that the enforcement notice be corrected by:
 - (i) In paragraph 1, following "shown edged red on the attached plan..." addition of "...and comprising the ground floor part of the building and the surrounding land and car park".
 - (ii) In paragraph 2, deletion of "meeting place" and substitution of "cyclists' meet".
2. The appeal is allowed insofar as it relates to the material change of use of the land from A4 (Drinking Establishment) to a mixed use as a café and use for cycle repairs; and planning permission is granted on the application deemed to have been made under s177(5) of the Act, for the material change of use of the land from A4 (Drinking Establishment) to a mixed use as a café and use for cycle repairs subject to the following conditions:
 - (i) The premises shall only be open for customers between the hours of 0900–1900 on any day.
 - (ii) No more than 25% of the total floor area within the ground floor of the building (including the floor space behind the bar, hallways and toilets)

shall be used for and in connection with cycle repairs.

3. The appeal is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the use of the land for retail and as a cyclists meet, and planning permission is refused in respect of the material change of use of the land to use for retail and as a cyclists meet on the application deemed to have been made under s177(5) of the Act.

Matters concerning the enforcement notice

4. The notice, in paragraph 1, gives the address as "The Snooty Fox" although, in the evidence, the site is also referred to as "The Old House" and "Velolife". I shall adopt the address as given in the notice for the purposes of my decision.
5. Insofar as the building is concerned, the alleged use occurs only within its ground floor part. The first floor is in a different residential use that is not covered by the notice and which appears to be a separate planning unit. I shall add further text, in paragraph 1, to clarify that the land concerned is the ground floor part of the building and surrounding land and car park.
6. The term "meeting place" in paragraph 2 is wide in its meaning and could encompass a range of purposes whereas the allegation is intended to target the use of the land as a place where cyclists meet prior to departing on organised rides and events. Clarity can be added to the notice by substituting "cyclists' meet"¹. This correction would also make the allegation consistent with the requirement to cease the use as a "cycle meet place" as set out in paragraph 4.i..
7. I shall correct the notice, in these respects, under the available powers of s176(1)(a) of the Act. I am satisfied that no injustice will be caused to either of the main parties in me so doing.

Other preliminary matters

8. There is no appeal made on ground (c) that the matter alleged does not amount to a breach of planning control. It is, however, argued that the premises are in use primarily as a café and that the other elements are either a part of the café use or ancillary to it. The scope of grounds (b) and (c) can sometimes overlap in the consideration of such matters. On ground (b) I shall focus upon the facts of the matter alleged. I shall deal with the matter of whether the various elements are ancillary, under the heading "The implied appeal on ground (c)".
9. In July 2018 Government published its revised Planning Policy Framework [hereafter "the Framework"]. The parties have been given an opportunity to comment on the implications for the appeal. I have taken into account the comments received.
10. Reference has been made to the site being in the Green Belt although no argument has been raised on the issue. The change of use enforced against does not involve the construction of new buildings. Paragraph 146e) of the Framework states that material changes of use are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. I am satisfied, therefore, that the use is

¹ A "cyclists' meet" is distinguishable from use as a café where visiting cyclists might be at the premises for the primary purpose of taking refreshment.

not inappropriate development in the Green Belt and that I do not need to take this issue further.

The appeal on ground (b)

11. An appeal on ground (b) is that the matter alleged has not occurred as a matter of fact. I shall consider in turn each of the elements of the alleged mixed use.
12. The café element occupies much of the ground floor of the property with tables and chairs available for customers and a counter displaying cakes. There is no dispute between the parties that a café use has occurred.
13. With regard to retail activities, at the time of my site visit these amounted to no more than the sale of Velolife shirts, a few of which were displayed on the walls in the café. Cycle sales have been alleged. However, the appellant has explained that this allegation relates to on-line transactions between private individuals and is unconnected to activities at the appeal site. The appellant has also explained that the bikes which have been photographed in a rack are those that are undergoing repair. The "tags" are repair sheets not price tags.
14. Whilst there now appears to be very little retail activity occurring, at around the time that the enforcement notice was issued I understand that art sales were also taking place that had necessitated the siting of containers on the land². It is the use as it occurred at the time of (or shortly before) the issuing of the notice that is relevant to the consideration of ground (b) not the current use. At the date of the notice it appears a retail use was taking place at a detectable level that had materially changed the character of the use of the land.
15. On the matter of cycle repairs, I am told that this was the first element of the use to commence. There is a suggestion that there was a pre-existing cycle repair business that relocated to the site from elsewhere. At my site visit I saw that the cycle repair activities occupy a part of the ground floor space towards the rear of the premises where there are racks for the cycles undergoing repair, and a range of hand tools and cycle parts and accessories (small items).
16. The appellant says that cycle repairs take place at times when the café is less busy and that, in terms of turnover, the café is predominant. Even so, the cycle repair activity is well organised and equipped, occupying its own space and has taken place over a prolonged period such that it is a recognisable and distinguishable element of the overall use.
17. Regarding cyclists' meets, these occur on Saturday mornings with the car park area being the place where cyclists congregate prior to departing on an organised ride. There is also some evidence of meets prior to summer evening rides. It is said that, on occasions, only a couple of cyclists have attended. On other occasions, however, there have been twenty or so cyclists. The numbers involved, together with the frequency and regularity of events, indicate that the land is used as a cyclists' meet to a clear and discernible extent.
18. I therefore conclude, on the evidence, that all of the elements of the use as alleged have occurred as a matter of fact on a scale that it is more than de minimis. Also, I find that each use appears to be sufficiently distinct such

² The containers had been the subject of separate enforcement action and were removed. The sale of artwork ceased.

that the overall use can correctly be described as a "mixed use" rather than a composite use³. Thus, I am satisfied that the matter alleged has occurred as a matter of fact. The appeal on ground (b) fails.

The implied appeal on ground (c)

19. As to whether the matter alleged amounts to a breach of planning control, the appellant argues that the café is the primary use and that retail activities, cycle repairs and cyclists' meets are ancillary to it.
20. An ancillary use is one that is subsidiary to a primary use and in respect of which there is a functional relationship, that relationship being one that is normally found. The matter is one of fact and degree.
21. In this case the sale of artwork, shirts, cycle repairs and cyclists meets would not normally be found at a café when applying a generic meaning, although I acknowledge that this particular café has a cycling theme and that other similar cafés provide limited items for sale and undertake cycle repairs. Even if I was to accept the appellant's argument I cannot see that the purported "ancillary" uses could be lawful if, as is accepted, the primary use (the café) is itself unauthorised.
22. In any event, I have already found that the uses have operated at a level that is more than de minimis. On the same evidence I find that the retail use⁴, cycle repairs and use as a cyclists' meet are primary, rather than ancillary, uses as a matter of fact and degree.
23. In the absence of planning permission the change of use to the mixed use comprised of the retail, cycle repair and cyclists' meet uses, together with the café use, amounts to a breach of planning control. The implied appeal on ground (c) fails.

The appeal on ground (a) and the deemed application

Planning policies

24. The development plan for the area includes the Royal Borough of Windsor and Maidenhead Local Plan. I have been referred to a number of policies. In particular, policy CF1 seeks to protect existing community uses by resisting their loss to another use and policy DG1 seeks to deliver development which accords with design guidelines including that of avoiding the loss of important features that contribute to the character of an area.
25. Planning law requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise⁵.
26. National planning policies as expressed in the Framework are further material considerations. The Framework, at paragraph 83, sets out national policy for supporting a prosperous rural economy. It says that planning decisions should enable sustainable growth and expansion of all types of business through

³ Whilst the enforcement notice alleges a "mixed" use elsewhere in the evidence the use is described as a "composite" use. A composite use would be one where its various elements are intertwined and cannot be severed. In this case the uses appear to be distinct and capable of severance.

⁴ By "retail use" I mean the retail use that was occurring at the time the notice was issued.

⁵ S38(1) and (6) of the Planning and Compulsory Purchase Act 2004 and s70(2) of the Town and Country Planning Act 1990.

conversion of existing buildings; and that they should enable the retention and development of accessible local services and community facilities such as shops, meeting places and public houses amongst other things. At paragraph 180 the Framework says that decisions should ensure development is appropriate for its location and should take account of the likely effects upon living conditions of, amongst other things, noise.

27. The development plan policies referred to above are in general conformity with the Framework. This is not a case where the Framework indicates a decision other than in accordance with the development plan. There is no development plan policy cited that relates to living conditions. I therefore place weight on the Framework in this regard.
28. Reference has also been made to policies IF7 and SP3 of the Borough Local Plan 2013-2033 - Submission Version. These policies seek to retain, improve and enhance existing community facilities (IF7) and to deliver development that has no unacceptable effect on amenities enjoyed by occupants of adjoining properties (SP3). However, I am not aware as to how far the examination of these policies has progressed and the extent to which there are unresolved objections (if any). Therefore, I afford these emerging policies only limited weight.

Main issues

29. Having regard to the planning policies and submissions made by the parties I consider the main issues in this appeal to be:
 - (i) Effect upon the interests of retaining community facilities; and
 - (ii) Effect upon the living conditions of the occupiers of Ivy Cottage with particular reference to noise and disturbance.

Retaining community facilities

30. Warren Row is a hamlet comprising a cluster of dwellings, a chapel, some agricultural buildings and the appeal premises. It is accepted by both parties that the former use of the appeal property was as a public house falling within Use Class A4.
31. The public house, which dates from 1904, has over recent years experienced trading difficulties. There have been a number of unsuccessful tenancies and an 18 month period of vacancy. The appellant himself lived in and ran the business for a while although did not find the business to be commercially viable.
32. In 2013 planning permission was sought to change the use of the public house to a dwelling. A subsequent appeal (in 2014) was unsuccessful. The Inspector, whilst acknowledging that the business had not traded profitably for some time, found that it had not been adequately demonstrated that there was no longer a need for this community facility as a public house or alternative community facility.
33. The appellant argues that the café provides such an alternative community facility as was envisaged by the previous Inspector. The Council, on the other hand, says that the use is targeted at persons who are not principally from the

- local community, in particular cyclists, who travel to organised events at the site.
34. The appeal site is positioned within scenic countryside surroundings, south of the Chiltern Hills Area of Outstanding Natural Beauty and close to cycle routes, trails and footpaths. I do not doubt that the café is popular with cyclists as well as hikers, dog walkers, tourists and other passers-by. I also acknowledge that the café has a cycling theme.
35. Even though a popular venue for visitors the café also provides an eating and drinking facility for members of the local community and a place where local people can meet friends and socialise during the daytime. According to the appellant the café is so used by local people, for example by young mums meeting for coffee whilst children are at playgroup.
36. As to the café "theme", that is a matter of choice for the business operator. The planning decision must focus upon the acceptability of the use in land use planning terms. In any event I cannot see why the granting of permission would prevent the café from operating under a different theme in the future. The permission would simply authorise a "café" without limitations as to the theme.
37. In circumstances where continuing use as a village pub may no longer be realistic, I consider use as a café to be an acceptable alternative. In providing a food and drink facility, and a place for social interaction, the café on balance has a positive effect upon the interests of retaining community facilities.
38. In respect of the cyclists' meets, these occur outside the confines of the building and do not appear to affect the interests of retaining community facilities negatively or positively. The cycle repairs operate in synergy with the café use, enabling productive activity at times when the café is less busy and vice versa. To that extent the cycle repairs help to sustain the café use and therefore have a positive effect upon retaining community facilities or, at least, do not result in harm in that respect.
39. With regard to retail use, the appellant has not sought to argue that such use should be granted permission⁶. However, I have found that retail use was correctly alleged and the deemed application takes its terms from the allegation. I must, therefore, consider the implications of granting permission, or otherwise, for retail use bearing in mind that the term "retail use" could be given a wide interpretation.
40. The Framework includes "local shops" within its list of community facilities to be developed or retained⁷. However, different types of retail use, such as the sale of artwork (as previously occurred), might not fulfil a community function and be undesirable in other respects. Each case should be considered on its individual merits and it would not be appropriate to permit a generic "retail use". I shall refuse permission for this element.
41. Except to the extent of "retail use" referred to above, on this first main issue I find, on balance, no harm arising to the interests of retaining community

⁶ The appellant's argument is that, at its current level, retail activity is so insignificant as to not amount to a use at all.

⁷ Paragraph 83d) of the Framework.

facilities and that the development does not offend development plan policy CF1.

Living conditions at Ivy Cottage

42. There is evidence that the café, at times, is busy with customers (including cyclists) queuing outside the premises and partaking in food and drink outside the confines of the building including within the (former) smoking shelter and car park area. On one occasion (I am told) the café opened at 0500 hrs to provide refreshments for a night ride event. This level of activity is likely to be detectable to the occupiers of Ivy Cottage and to have some effects upon their living conditions.
43. However, the premises has a long history of use as a public house which, itself, would have given rise to some activity and disturbance. This tempers a little the extent to which residents can reasonably expect a quiet and undisturbed living environment. Additionally, the planning decision must also take into account the interests of retaining a community facility.
44. I therefore do not rule out use of the premises as a café because of effect upon living conditions and consider that a reasonable balance can be struck by the imposition of a planning condition (a matter to which I shall return).
45. With regard to cycle repairs, this activity is confined within the building and does not appear to give rise to excessive or extraneous noise. Potentially noise and disturbance could arise from certain retail uses but I have already concluded that permission should not be granted for a generic retail use.
46. On the matter of the cyclists' meet, I am told that, presently, organised events amount to no more than a group ride taking place once a week on Saturday mornings, with up to 20 members attending. I understand that evening rides, also, had taken place in the summer.
47. It is quite likely that the occupants of Ivy Cottage would experience some noise and disturbance from groups of cyclists, who might well be in high spirits before a ride, congregating close to their property in the early mornings and evenings. It is likely that this level of noise and disturbance would be more discernible and different in character from the activities that might have arisen from the former use a public house where, for example, patrons might have arrived and departed at more staggered intervals and not during the early morning.
48. Whilst acknowledging the subjective nature of noise, it is during these early morning and evening times that residents should reasonably be able to expect the enjoyment of a quieter environment and when the effects of noise are likely to cause the greatest annoyance and disturbance. Additionally, if planning permission was to be granted for use as a cyclist's meet events could be held more frequently and this element could intensify. I find, therefore, that the cyclists' meets are likely to affect the living conditions at Ivy Cottage to an unreasonable extent.
49. With the exception of cyclists' meets and some types of retail, on this second main issue I conclude, in the overall balance of considerations, that reasonable living conditions at Ivy Cottage can be achieved by the imposition of a planning condition and that there would be no conflict with the Framework in this regard.

Other matters

50. The Council considers that local residents, and itself, have been denied the opportunity to nominate the building as a community asset. I cannot see why such nomination would have been prevented by a change of use that was unauthorised. The former "permitted development" procedure would not have been the only trigger⁸. In any event, the café element of the use is capable of fulfilling an ongoing community function. The prospect for nominating the building as a community asset is not a consideration which alters my view on the acceptability of the use on its planning merits.
51. I have taken into account the previous appeal decision which I find to be of only limited relevance to the matter that is before me. The use which I am considering provides a facility where members of the local community can meet and socialise as opposed to the proposal before the previous Inspector which would have involved loss of a community facility through a change of use to a dwelling. The current use is, to my mind, an acceptable alternative to the former Class A4 use which (as acknowledged by the previous Inspector) has experienced difficulties over the last few years. I cannot see that, by allowing a mixed café and cycle repairs use, there would be inconsistency with the previous appeal decision.
52. It has been suggested that the visual effects of cyclists congregating at the site, sometime in large numbers, is harmful to the character and appearance of the area. However, such effects are transient and the use, in other respects, utilises an existing building which, in itself, contributes to the distinctive local character and appearance of Warren Row. In this respect I find no conflict with policy DG1.
53. Concerns have been raised about parking. However, there is no technical evidence to indicate that there are unacceptable impacts on highway safety. This is not a consideration which weighs against the proposal in my decision.
54. I am told that there are rights of access across the appeal site to Ivy Cottage. However, this is a private legal matter and not a consideration for the planning decision.

Conditions

55. I have considered the matter of planning conditions in the event of the appeal being allowed. A number of conditions have been suggested by the Council.
56. A condition to limit the floorspace occupied by the cycle repairs is reasonable and necessary to ensure that, mainly, the premises remains available for uses(s) that are capable of fulfilling a community function. It would not be reasonable or necessary to require the area for cycle repairs to be delineated. There should be allowance for some flexibility between the café and cycle repair activities to reflect the ebb and flow of each respective use. Enforcement of the condition at any one time would be a simple measuring exercise. A condition requiring that cycle repairs are limited to no more than 25% of the total

⁸ At the time that the change of use took place there were permitted development rights available (now superseded) to change use from (amongst other things) a Class A4 Drinking Establishment to a Class A3 Restaurant and Cafés use subject to conditions requiring a prior request being made to the Local Planning Authority as to whether the building had been nominated as a community asset and preventing the development from beginning for a period of 56 days.

floorspace will be adequate without an additional requirement for the area to be delineated.

57. It is necessary to impose a condition that limits opening hours in the interests of securing reasonable living conditions for the occupiers of Ivy Cottage. I acknowledge that the former public house would have been open late into the evening. It would have provided a daytime and evening venue for local people to meet and socialise, although is less likely to have been open to customers in the mornings. Whilst also a place where local people can meet, the character of a café use is likely to be materially different from that of a public house, perhaps providing for a greater throughput of customers and shorter stays and focussed upon day time activity including in the mornings⁹.
58. In the current prevailing circumstances, taking into account the café use as it presently operates and in the absence of any evidence to indicate any current demand or need for later evening opening, I consider the hours 0900–1900 would be appropriate. These hours would strike a reasonable balance between the interests of providing for a community facility whilst not unduly affecting the living conditions of neighbouring residents.
59. The Council has suggested tighter restrictions on Saturday and Sunday opening hours. As a community facility the café may be used at weekends by local people who would not, otherwise, be able to visit during the working week. To that extent full daytime opening hours would be useful. I acknowledge the significance of weekend trading to the viability of the business and also take into account the former public house use which probably would have opened for longer hours in particular at weekends. Disturbance to local residents in the early morning and evening could be avoided by applying the same opening hours as in the week. In all these circumstances it would not be reasonable or necessary to further restrict weekend opening.
60. A condition requiring that no food or drink is to be consumed in the parking area would be unreasonable as compliance would depend upon the actions of customers and would be outside of the appellant's direct control. Neither can I see why such a condition would be necessary or would serve a planning purpose. Any conversation or other noise that might arise from customers consuming food and drink outside would be occurring during daytime hours when the café is open for business and when it is likely that there would be some other noise sources in the wider environment (traffic noise for example). Whilst acknowledging that there would be some effects of noise arising from outdoor customer activity, this type of noise at a café premises would not be unusual and, during the daytime, is unlikely to be excessive or unreasonably disturbing.
61. Other conditions suggested by the Council concern the cyclists' meet. I cannot see how it would be possible, or within the appellant's control, to limit the number of cycles and riders on the premises at any one time as this would be dependant upon the actions of the cyclists themselves. In any event even a few congregating cyclists early in the morning could cause disturbance to the neighbouring residents. Such a condition would be unreasonable, give rise to

⁹ The appellant says the café is a "daytime use" although would like the flexibility to trade outside daytime hours if there is a desire from the community and customers. However, I am not aware of any such "desire", presently and must decide upon this matter in the current prevailing circumstances.

enforcement difficulties and would not, in any case, overcome the harm. This is a further reason that leads to my decision to refuse permission for this element.

62. There are no other conditions that have been suggested by either party and none that I consider necessary.

Conclusions on ground (a) and the deemed application

63. On ground (a) I find that the café, on balance, has a positive effect upon the interests of retaining a community facility and that reasonable living conditions for neighbouring occupiers can be achieved through the imposition of a planning condition.
64. I find that the cycle repairs have no harmful effect upon the living conditions of neighbours and that, insofar as they support the café use, could have a positive effect upon the interests of retaining a community facility, subject to a condition limiting floorspace.
65. In terms of the cyclists' meet, I find this use to be harmful to the living conditions of neighbouring residents and that the harm cannot be overcome by the imposition of planning conditions.
66. I find retail use (depending on type) to be potentially harmful to the interests of retaining a community facility and to living conditions.
67. The retail use (which has already ceased insofar as art sales are concerned) and the use as a cyclists' meet are distinct uses which are capable of severance from the overall mixed use. I therefore intend to issue a split decision. I shall grant permission insofar as the café and cycle repairs are concerned but I shall refuse permission for the retail and cyclists' meet uses.
68. The enforcement notice will cease to have effect insofar as it is inconsistent with the planning permission I shall grant¹⁰.
69. There is no need for me to consider the appeal on grounds (f) and (g) in respect of the café and cycle repairs as I intend to grant permission for these uses. On grounds (f) and (g) my consideration shall be limited to the remaining matters, those being the use of the land for retail use and as a cyclists' meet.

The appeal on ground (f)

70. In considering the appeal on ground (f) it is necessary, first of all, to identify the purpose for which the notice was issued. S173 of the Act states that there are two purposes which the requirements of an enforcement notice can seek to achieve. These are either to remedy the breach of planning control which has occurred (s173(4)(a)), or to remedy any injury to amenity that has been caused by the breach (s173(4)(b)). In this case the purpose of the notice (in requiring the cessation of the retail use and cyclists' meet) is that of completely remedying the breach. I cannot see that the requirement to cease these uses goes any further than necessary to achieve that purpose.

¹⁰ S180 of the Act states that where, after the service of a copy of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

71. In respect of remedying the harm no lesser steps have been suggested insofar as the cyclists' meet and retail uses are concerned. Neither are there any obvious alternatives that I can identify.
72. The appellant has suggested that if the former Class A4 Drinking Establishment use was re-established these other uses could take place on an ancillary basis. Even if that was the case, by seeking to change the use back to an A4 use with ancillary uses through the requirements of the notice the appellant's suggested alternative steps would be excessive and beyond the scope of s173(4)(a) and (b). In any event (as I have already found) the scale of these uses exceeds what probably could be considered as ancillary use.
73. It is possible that the café, once authorised, could sell items to an ancillary degree. An enforcement notice requiring the cessation of retail use cannot be interpreted as taking away such obvious lawful rights. There is no need for me to introduce a saving into the notice in this regard.
74. For all these reasons the appeal on ground (f) fails.

The appeal on ground (g)

75. The arguments brought under ground (g) concern the time that might be needed to relocate the business. However, I intend to grant permission for the business in the main.
76. The retail use, insofar as art sales are concerned, has already discontinued. There are no arguments brought specifically as to the time period needed to cease the use of the land for cyclists' meets. In all these circumstances I cannot see that the requirement to cease the use is so onerous as to justify a longer time period. The organiser may need a little time to find an alternative rendezvous and to put arrangements in place. However, I must also take into account the interests of timely enforcement action to remedy the ongoing harm to the neighbours' living conditions. I consider the two month period specified in the notice to strike an appropriate balance. I do not intend to vary the timescale.
77. The appeal on ground (g) fails.

Conclusion

78. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice with corrections and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I shall grant by virtue of s180 of the Act.

Susan Wraith

Inspector