



Appeal Decision

Hearing Held on 5 November 2019

Site visit made on 5 November 2019

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2020

Appeal Ref: APP/L3815/C/18/3208524

Land at Home Paddock Stables, Hambrook Hill North, Hambrook, West Sussex PO18 8UF

- 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 Ms Bobbie Argent against an enforcement notice issued by Chichester District Council.
- The enforcement notice, numbered WE/44, was issued on 27 June 2018.
- The breach of planning control as alleged in the notice is: Without planning permission, change of use of the Land to a mixed use for equine purposes and the stationing of a mobile shepherd's hut for the purposes of human habitation.
- The requirements of the notice are:
 - i. Discontinue the use of the land for the stationing of a mobile shepherd's hut for the purposes of human habitation, and
 - ii. Remove the mobile shepherd's hut from the land.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.

Summary of Decision: The appeal is dismissed, the enforcement notice as corrected and varied is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Land and Planning History

1. The Land identified by the enforcement notice is a triangular plot bounded by Hambrook Hill North to the west, West Ashling Road to the east and grazing/agricultural land to the south. The Land is used for the keeping of horses. In the south west corner is an L shaped stable block and the mobile shepherd's hut.
2. The shepherd's hut, as measured on the site visit, is 3.85 x 2.04 metres with an internal height of about 2.2 metres. In practical terms it is of sufficient size for a bed, a heater and a few small items of furniture.
3. Part of the stable block provides a living room, a fitted kitchen, a separate utility room and a bathroom. Immediately outside there is a small patio. A driveway has space for two vehicles to park.

4. On 21 June 2017 planning permission was granted retrospectively 'to extend an existing stable block to include an additional stable and a kitchen / rest area with cloakroom' (ref WE/17/00228/FUL). Planning condition 1 required the development to be in accordance with the approved plans (ref 16168-01 and 16168-02), unless otherwise agreed by the local planning authority. Planning condition 3 states 'the building hereby permitted shall be used for equestrian purposes and purposes ancillary to the use of the associated paddock land only and for no other purpose whatsoever and at no time shall the building be used for over-night accommodation.' In addition, the building shall not be used, let, or sold as any individual's residential dwelling. Planning condition 4 requires the development to be used only for private, non-commercial stabling and for no other purpose.
5. Following investigations by the Council, a planning application was submitted in April 2018 for 'continuation of mixed use of land for the keeping of horses and for the stationing of a mobile shepherd's hut for the purposes of human habitation' (WE/18/00840/FUL). In June 2018 planning permission was refused and the enforcement notice was issued shortly after.

Enforcement notice

6. It is clear from the planning history and as confirmed by the site visit that the residential use is not confined to the shepherd's hut but extends to use of everyday domestic facilities in part of the stable block. The appellant accepts that the shepherd's hut in conjunction with the stable block extension are used as a dwelling and her permanent home.
7. I considered that the deemed planning application could not succeed without at the same time resolving the unauthorised residential use of the stable block. The corrected description should reflect that the use of the Land for the purposes of human habitation, as a component of a mixed use, involves the stationing of a mobile shepherd's hut together with the use of part of a stable block.
8. This matter was discussed with the main parties and the possibility of correcting the description of the alleged breach of planning control was explored. The appellant and the local planning authority agreed at the hearing and in subsequent correspondence that it was open to me to correct the allegation in the notice.
9. After due consideration of the representations I intend to correct the wording of the description of the alleged breach of planning control to "Without planning permission the material change in the use of the Land from use for the keeping of horses to a mixed use for the keeping of horses and for the purposes of human habitation through the stationing of a mobile shepherd's hut together with the use of part of a stable block".
10. I am satisfied that no injustice will be caused by this to either party and I will therefore correct the enforcement notice in order to clarify the terms of the deemed application under section 177(5) of the 1990 Act as amended.
11. As a consequence the wording of the requirements will be reviewed, a matter that I will return to when considering the appeal under the appeal on ground (f). No corrections to the plan attached to the notice are necessary.

Ground (a) appeal, deemed planning application

12. The development that is the subject of the deemed planning application is derived from the corrected description of the breach of planning control.

Policy

13. The development plan includes the Chichester Local Plan 2014-2019 (the Local Plan). The appeal site is in the Parish of Westbourne, outside the area covered by the Chidham and Hambrook Neighbourhood Plan. The reasons for issuing the enforcement notice cited Local Plan Policies 1, 2, 33, 37, 39, 45 and 48. These policies are directed at achieving sustainable development and ensuring appropriate residential development in the countryside that supports such principles.
14. The National Planning Policy Framework (the Framework) and Planning Practice guidance are material considerations.

Main issue

15. The main issue is whether the change of use contributes to a sustainable pattern of development, taking into account:
- i. the location of the site,
 - ii. the effect of the development on the character and appearance of the site and the surrounding locality, and
 - iii. the living environment provided by the development to meet the appellant's housing need.
16. The Council also raised the matter of intentional unauthorised development.

Reasons

Development plan

17. The Local Plan's development strategy aims to meet identified needs as far as possible in manner that is compatible with the special environmental qualities of the area and having regard to infrastructure requirements and deliverability.
18. In the settlement hierarchy Hambrook/Nutbourne is identified as a service village by Policy 2. The appeal site is located outside the settlement boundary in the 'Rest of the Plan Area' where Policy 2 restricts development to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with Policies 45-46. The appellant has not sought to rely on any of these reasons to justify the change of use. On this basis alone the development is not in accordance with Policy 2 (development strategy and settlement hierarchy) and Policy 45 (development in the countryside). It does not fall within the scope of Policy 37 (accommodation for agriculture and other rural workers).
19. The residential component of the mixed use has encroached into an area of open paddock land. This land together with the land to the south forms an extensive block of land that is in agricultural/grazing use with a small number of field shelters. The paddocks and grazing land, between the residential development fronting the adjacent highways, emphasise the countryside location and character. As such the mixed use of the land is not consistent with

- the characteristic settlement and land use pattern north of Hambrook. That being said any harm is minor at the current time because the residential use is confined to a small area of the Land occupied by the stable block and courtyard and served by an established access from Hambrook Hill North.
20. The shepherd's hut is a small scale structure that is sited in the courtyard of L shaped stable block close to the existing building. In views across to the site from West Ashling Road there are glimpses of the shepherd's hut but it is seen against the backdrop of the more substantial stable building and is not in any way visually intrusive. In shorter distance views from Hambrook Hill North again the size and siting of the structure ensure there is no detrimental impact on visual amenity.
21. However, there is the scope for the residential component of the mixed use to expand within the land parcel through the introduction of domestic paraphernalia, garden planting and so on. The shepherd's hut, which is within the statutory definition of a caravan, could be replaced by a larger structure such as a twin unit mobile home or even more than one caravan. These significant changes would lead to harm to both the character and the appearance of the locality. Appropriately worded planning conditions would be necessary to limit the extent and form of the residential use within the planning unit to essentially the existing position.
22. As one of its criteria, Policy 48 (natural environment) requires development to respect and enhance local landscape character and amenity. In my assessment the development does not meet this requirement, although I acknowledge the landscape harm, subject to use of planning conditions, would be minor. There is not positive support from this policy.
23. The appellant has provided information on the distances to Nutbourne railway station and bus stops, citing the Institution of Highways preferred maximum walking distance of 2 kilometres. When thinking about accessibility and connections, relevant factors in this case also include the comfort and safety of the routes and individual mobility, as well as frequency of services. The National Design Guide cites a more realistic guideline of facilities being within a 10 minutes walk (800 m radius).
24. The information provided by the appellant at the hearing confirmed that the car is the preferred form of transport. The reduced level of accessibility and constraints on the choice of means of travel reflect the location of the site to the north of the A27 outside the settlement boundary and some distance from the main bus and rail routes. The bus route, served by a bus stop to the north, has a less frequent service. Therefore, with reference to Policy 39, the development is not located to encourage access by sustainable modes of transport.
25. The dwelling that has been created consists of the living accommodation and essential facilities for day to day existence in the stable block and the sleeping accommodation in the shepherd's hut. The split between the two different structures is somewhat contrived and is not a satisfactory permanent arrangement. Whilst the stable building is fully insulated and fitted out to a high standard, the shepherd's hut does not have the qualities associated with permanent construction. The very close proximity of habitable space to the stables and yard is not a juxtaposition that would be encouraged or typically

would be designed into a residential layout. The residential accommodation does not meet the high standard of design required by Policy 33.

26. In summary, the development is contrary to Policies 2, 33, 39 and 45 of the Local Plan. There is not positive support from Policy 48 and Policy 37 is not relied on to justify the residential use. The material change of use is not acceptable when assessed against the development plan.

The Framework

27. The Framework's policies for rural housing are set out in paragraphs 77 to 79. In summary, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Sustainable development is to be promoted by locating housing where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Development of isolated homes in the countryside should be avoided¹.
28. The appeal site is close to the dwellings that front West Ashling Road and to the small, low density group of houses on the west side of Hambrook Hill North. The appellant's home is not isolated in the sense of being separate or remote from other dwellings. Therefore it is not necessary to test the development against the circumstances set out in paragraph 79 of the Framework.
29. However, the dwelling is not located in a settlement that has been identified by the Local Plan to be a focus for new development and facilities. The evidence has not demonstrated that the new use forms part of a settlement, village or community, whether in a physical or social sense. The dwelling is not in a preferred location for new residential use in the rural area. The home comprises an unusual combination of accommodation for permanent occupation by a member of the settled population. It is meeting a very individual housing need of the appellant, as explained in more detail below, rather than a local housing need of the community. There is not positive support from the Framework for the development in terms of adding to the stock of rural housing.
30. The Framework promotes sustainable travel through managing patterns of growth to limit the need to travel and offer a genuine choice of transport mode. The Local Plan strategy of focusing development on Chichester, settlement hubs and service villages is consistent with this aim. The reduced accessibility of the site by reason of its countryside location and the restricted opportunity to use sustainable travel modes are not in line with policy in the Framework, even allowing for the rural location.
31. The Framework is clear that good design is a key aspect of sustainable development. The introduction of the shepherd's hut to facilitate the creation of a home on the site is not of a standard of design required by national policy for the reasons identified in relation to Local Plan Policy 33.
32. The appellant initially argued that the restrictive approach of the Local Plan to housing development in the countryside is wholly inconsistent with the

¹ In relation to paragraph 79 the appellant drew attention to *Braintree District Council v Secretary of State for Communities and Local Government & Others* [2018] EWCA Civ 610; [2017] EWHC 2743 (Admin)

approach advocated in the Framework, notably paragraph 79. Local Plan Policies 1 and 45 were said to be out of date and the presumption in favour of sustainable development, the tilted balance applies.

33. Local Plan Policies 1, 2, 33, 37, 39, 45 and 48 are the most important policies for determining the application. Taken as a whole I do not regard them as out of date for the purpose of the decision in view of their emphasis on achieving sustainable development. It follows that the tilted balance does not apply. At the hearing this conclusion was accepted by the appellant, although the point was made that the application and interpretation of the policies by the Council had not moved on.

Other considerations

Personal circumstances

34. The appellant outlined the events that led to her buying the shepherd's hut and moving to live on the appeal site. In summary, she bought the Land and a residential property fronting West Ashling Road in October 2006. After some ten years or so she sold the dwelling and lived in rented accommodation for a couple of years. Being short of funds, the purchase of the shepherd's hut and living on the Land was seen as a solution. This enables the appellant to be near her family, help in looking after her grandchildren and to be on hand to see to her horses and other pets on the Land. The health of the appellant is also a consideration, having regard to a letter dated November 2017 from a hospital consultant and information at the hearing. Her enquiries to date had not identified any alternative affordable, acceptable accommodation.
35. In conclusion, the existing living arrangement suits the appellant's circumstances and enables her to live independently. The mixed use development fulfils her housing need, improves her well-being, enables close contact with family and facilitates the upkeep of the land and care of her animals. The loss of her home would be a serious interference with her human rights under article 8 – the right to respect for the home, private and family life.

Intentional unauthorised development

36. Relevant matters include whether the facts show the development was intentional and if so, whether damage has been caused as a result and the implications for local authority resources. The available facts are primarily from the response to the Planning Contravention Notice (PCN), the planning history and the submissions associated with the hearing. The appellant's response to the PCN dated 18 December 2017 stated that the shepherd's hut was stationed on the land on 27 September 2017 and the rest room facilities were being used in accordance with the 2017 planning permission. Planning permission was not thought to be required because of the uses being ancillary to the equestrian use of the land.
37. The report seeking authorisation for enforcement action stated that in 2016 the local planning authority became aware that one of the stable buildings was converted/refurbished to provide kitchen/rest room facilities, with a shower and toilet in the tack room next door. A photograph taken in 29 November 2016 shows that by that time a fully fitted kitchen was installed in the stable block. An application was submitted retrospectively for the stable block extension and

rest room in April 2017 and planning permission was granted subject to conditions in June 2017 (see above). The stationing of the shepherd's hut on the land was brought to the attention of the local planning authority in October 2017. The appellant was advised in November 2017 that living on the land was a breach of planning control. The retrospective planning application was unsuccessful.

38. The Council considered that the appellant intended to live in part of the stable block when she sold her dwelling as it was at that time conversion work was carried out. The kitchen that was installed went beyond what was necessary to prepare a hot drink and a snack. The content of the design and access statement accompanying the 2017 application indicated the appellant understood that the stable block should not be used for residential purposes. The Council maintained that it was clear to the appellant that no residential use or overnight stays should be carried out on any part of the land.
39. The appellant maintained that she did not intentionally go out of her way to break any planning regulations. She relied on newspaper articles that indicated sleeping in a shepherd's hut did not require planning permission. The manufacturers of the hut did not advise otherwise. The appellant submitted that the planning condition only applied to the stable building and not the wider site. The Council had not demonstrated that she was aware that planning permission was required and, in that knowledge, had acted deliberately. The change of use was not intentional unauthorised development.
40. The 2017 planning permission authorised a kitchen/rest area with cloakroom. The Council has confirmed that in physical terms the living space and utilities in the stable block are not significantly different to the approved plan. Nevertheless, the wording of and reason for condition 3 make clear that the use of the facilities should be ancillary to the equestrian use and a residential use was not acceptable. The appellant should have been aware of this. It appears that the introduction of the shepherd's hut was regarded as a way round the control on using the room in the stable block for over-night accommodation. The reliance on newspaper articles was naive and the failure to first seek advice from the local planning authority was an important omission in view of the planning history.
41. However, there is not the evidence to show that the appellant had a deliberate plan from the outset to establish a residential use on the site following on from the sale of the dwelling on West Ashling Road. The sequence of events suggests that the appellant intended to spend a lot of her time at the site because that is what she enjoyed, returning to rented accommodation in the evenings. She too readily accepted the suggestion by a friend that a shepherd's hut would be a way of resolving the situation she found herself in. This action is not comparable with carrying out development in the firm knowledge and having received advice from the local planning authority that planning permission was required.
42. I conclude that the carrying out of intentional unauthorised development has not been demonstrated and accordingly no weight will be attached to this consideration.

Fallback

43. The shepherd's hut is adapted for human habitation and falls within the statutory definition of a caravan. The use of land as a caravan site, under specified circumstances, is permitted development under article 3 and Schedule 2 Part 5 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The relevant provisions in the GPDO relate to a certificate being issued by an exempted organisation for the stationing of not more than five caravans for use by its members for the purposes of recreation.
44. The appellant considers that the keeping and riding of horses on the land is a form of recreation and that the sleeping overnight on the land would also constitute a form of recreation. She has confirmed she is a member of a camping club and argues that if she obtained an exemption certificate the hut could remain on site and continue to be used for overnight sleeping accommodation in connection with the use of the land for recreational purposes.
45. No evidence has been provided of any approach to a camping club for an exemption certificate. This lack of evidence substantially reduces the force of the appellant's case and does not assist in demonstrating that there is reasonable possibility (that is more than a theoretical possibility) of the development happening. The period for which a certificate is to continue in force should not exceed one year, although there is nothing to prevent seeking a renewal. A year is a lesser period of time than the appellant is seeking through the planning application. The use of the hut for sleeping accommodation would have to be for the purposes of recreation. The implication is that the appellant would have a permanent lawful home elsewhere, which would be more desirable than a mixed use that fails to comply with planning policies. The existing use is the main cause of the harm, not the physical form of the shepherd's hut. In conclusion, the fallback has little weight.

Other matters

46. The appeal site is within the 5.6 kilometres zone of influence for Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar, an internationally important wildlife site. Evidence has indicated that bird species in the SPA are being adversely affected by disturbance, including recreational disturbance. With reference to Natural England's advice, the development without mitigation would be likely to have a significant effect on the SPA in combination with other plans or projects. The Council's Appropriate Assessment highlights a decrease in survival rates and populations of over-wintering birds due to an increase in disturbance by increased numbers of visitors.
47. The Bird Aware Solent Strategy is now in place with a range of management and education measures and initiatives as mitigation to reduce disturbance. The appellant has entered into a unilateral undertaking to make an appropriate contribution of £346 towards mitigation measures in the event planning permission is granted. The contribution is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development of a single dwelling.

48. I conclude that the development in conjunction with the mitigation will not have an adverse effect on the integrity of the SPA/Ramsar. There is compliance with Local Plan Policy 50.
49. The residential component of the mixed use is small scale and is unlikely to result in any undue disturbance to neighbours. By living on site no trips would have to be made to specifically look after the horses, although other trips would be related to the residential use. The change of use would not result in a significant increase in traffic at the site. There is sufficient space for on-site parking and the site access is of an adequate standard. The effects on traffic and parking raise no concern in respect of the relevant criteria set out in Policy 39.
50. The Parish Council drew attention to the pressure in the area for on-site living accommodation on small holdings based on agricultural need and was concerned that to allow the residential use without an agricultural justification would set an undesirable precedent. On this issue the development plan provides the appropriate policies against which to assess the acceptability of the proposals.

Planning balance

51. The change of use of the land to a mixed use through the addition of a residential component meets the individual need of the appellant but is not residential accommodation justified by a need to be near a place of work. There is conflict with the development strategy. The location does not encourage access by sustainable modes of transport. A high quality living environment is not provided. The scheme does not enhance local character, although harm could be contained by use of planning conditions. The change of use does not contribute to a sustainable pattern of development. The development is contrary to Policies 2, 33, 39 and 45 of the Local Plan and is not positively supported by Policies 37 and 48.
52. There is not support from the Framework for the development, having regard to policies on rural housing, sustainable transport and design of buildings.
53. The personal circumstances of appellant is a primary factor in support of the development. The appellant is willing to accept a personal planning permission whereby the use would cease and the caravan would be removed when her occupation ceases. Planning Practice Guidance advises that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. Having taken into account the history of events and reasons leading to the current position, this is not an exceptional occasion where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission.
54. Notwithstanding the positive social benefits for the appellant, the material change of use is not a sustainable form of development and the presumption set out in Policy 1 of the Local Plan is not engaged. When assessed against the development plan as a whole the development is not acceptable. The relevant policies within the Framework result in the same conclusion. Other considerations are not of sufficient weight to indicate a different outcome.
55. Whilst I have ruled out a personal time limited permission, I am very conscious of the potential serious interference with the appellant's human rights in terms

of the home and family life. I must consider whether a shorter temporary personal permission would enable an acceptable balance to be achieved between the appellant's individual rights and the public interest.

56. Planning Practice Guidance identifies the type of circumstances where a temporary permission may be appropriate. In this case a trial run is not needed in order to assess the effect of the development on the area. Another possible instance is where it is expected that the planning circumstances will change in a particular way at the end of the temporary period.
57. The appellant suggested that in the event a personal permission is not granted, a three year temporary permission would be appropriate. It was anticipated in the appeal statement that by the end of the three year period her health should have improved and she should have saved some money in order to pay for alternative accommodation in the locality.
58. A three year timescale also was indicated some two years ago in response to the PCN in December 2017. This inconsistency suggests the grounds for a three year period lack substance or that a more realistic view is now being taken on the length of time to secure alternative accommodation. The optimism as regards the appellant's health was not confirmed at the hearing. The appellant relies on her individual circumstances as opposed to more general changes in planning provisions such as allocation of housing land or increasing the supply of homes through other development plan policies. Little indication was given of what actions would be taken or what options would be open to ensure the appellant secured a new home at the end of a three year period.
59. The planning objections to the development and the uncertainties are such that a temporary planning permission is not justified as a way forward. It is necessary and proportionate to refuse planning permission. An extension to the compliance period offers an alternative response.

Conclusion on ground (a)

60. For the reasons given above I conclude that the appeal on ground (a) should not succeed.

Appeal on ground (f)

61. The issue is whether the requirements are excessive, given the purpose of the notice.
62. The reasons for issuing the notice make clear that its purpose is to remedy the breach of planning control to uphold development plan policy and objectives of the Framework. That being so the unauthorised residential use should cease and the shepherd's hut which facilitates the use should be removed.
63. Domestic facilities within the stable block were allowed under the 2017 permission. The internal layout and facilities within the building are not materially different to those shown on the approved plan. The fitted kitchen by all accounts was installed prior to permission being granted and was authorised by that permission. To require the removal of the fitted kitchen and bath, as now requested by the Council, would be excessive. The planning condition provides a means of controlling the use of the stable block.

64. The appellant considered that the shepherd's hut should not be required to be removed from the land because it could be put to beneficial use on the equestrian unit, as a secure area to store tack or to store feed. However, the stationing of the shepherd's hut on the land has been an integral part of enabling the residential use. It should be removed in order to fully remedy the breach.
65. The appeal on ground (f) does not succeed. This outcome does not affect any permitted development rights the appellant may chose to exercise in the future.
66. Following the correction to the description of the alleged breach of planning control step (i) of the requirements also requires correction. Amended forms of wording were put to the main parties for comment. On reflection, to avoid making the step more onerous than necessary to address the breach, the corrected wording will refer back to the corrected allegation and will be: "Discontinue the use of the Land for the purposes of human habitation resulting from the stationing of a mobile shepherd's hut and the use of part of a stable block." The correction is able to be made without injustice.

Appeal on ground (g)

67. The issue is whether the compliance period of six months is reasonable and proportionate.
68. The appellant requested that the compliance period be extended to a year because she has nowhere else to live and she cannot afford to rent or buy in the local area where she needs to be to look after her horses. She believes she is low priority in terms of housing.
69. The appellant has been hopeful of securing a 'permanent' permission whereby she could live on site for as long as she wished or at least a permission for a 3 year period. I consider that there are strong grounds for extending the compliance period having regard to the situation the appellant finds herself in, with the prospect of losing her home on the appeal site. The potential impact on the health, housing needs and welfare of the appellant, and her family, is a very important consideration. All things being equal a short compliance period is likely to have a greater impact than a longer one on someone who may lose their home.
70. Also very relevant are the reasons why effective enforcement is important in the public interest, including maintaining the integrity and public acceptance of the decision-making process. To extend a compliance the period beyond a year usually requires exceptional circumstances.
71. Balancing all the considerations I conclude that an extension of the compliance period to a year is reasonable and proportionate. The appeal on ground (g) succeeds.

Overall conclusion

72. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and a variation and refuse to grant planning permission on the deemed application. This outcome would not violate the human rights of the appellant.

DECISION

73. It is directed that the enforcement notice be corrected:

- In paragraph 3 by the deletion of the wording of the alleged breach of planning control and the substitution of the words: "Without planning permission the material change in the use of the Land from use for the keeping of horses to a mixed use for the keeping of horses and for the purposes of human habitation through the stationing of a mobile shepherd's hut together with the use of part of a stable block".
- In paragraph 5 by the deletion of the wording of step (i) and the substitution of the wording: "Discontinue the use of the Land for the purposes of human habitation resulting from the stationing of a mobile shepherd's hut and the use of part of a stable block."

74. It is directed that the enforcement notice be varied in paragraph 6 by the deletion of six months and the substitution of twelve months as the time for compliance.

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

Diane Lewis

Inspector

APPEARANCES

FOR THE APPELLANT:

Stephen Jupp BA(Hons) LLM MRTPI	Chartered Town Planner
Ms Bobbie Argent	The Appellant
Nigel Howick	Former work colleague of the Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Tarja Long	Principal Planning Enforcement Officer
Sue Payne	Planning Officer

INTERESTED PERSONS:

Richard Hitchcock	Chair of Westbourne Parish Council
David Roberts	Local resident

DOCUMENTS submitted at the hearing

- 1 Letter of notification of the hearing and list of people notified
- 2 Submission of Westbourne Parish Council
- 3 Representation from Mr Roberts
- 4 Plan of settlement boundaries
- 5 Officer report on application ref WE/18/00840/FUL
- 6 Habitats Regulations Assessment
- 7 Draft unilateral undertaking
- 8 Local Plan Policy 50