
Appeal Decision

Site visit made on 19 May 2020

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/Y9507/C/19/3241584

The Ranch, Water Lane, Angmering, West Sussex BN16 4ER

- 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 Mr John Edwards against an enforcement notice issued by South Downs National Park Authority.
- The enforcement notice was issued on 22 October 2019.
- The breach of planning control as alleged in the notice is without planning permission and within the last four years, the creation of an acoustic barrier in the form of a tyre wall, which is marked on the attached plan as a red line within the Site.
- The requirements of the notice are:
 - i) Dismantle the acoustic barrier which consists of a wall of tyres as marked as a red line on the attached plan.
 - ii) Once dismantled remove the tyres from the Site.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.

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

Preliminary Matters

1. I note that there have been three other recent appeals¹ relating to a mobile home on the site. These are the subject of a separate decision.

The Appeal on Ground (c)

2. An appeal on this ground is that “those matters” (the matters stated in the alleged breach of planning control) do not constitute a breach of planning control. The burden of proof for this ground is on the appellant, with the relevant test of the evidence being on the balance of probability.
3. There is no dispute that the acoustic barrier in the form of a tyre wall constitutes development within the meaning of Section 55 of the Act for which planning permission is required. No planning permission has been sought from or granted by the Council for the barrier.
4. The appellant suggests that the acoustic barrier in the form of a tyre wall benefits from the planning permission available within Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This relates to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means

¹ Appeal references APP/Y9507/C/19/3228664, APP/Y9507/C/19/3228665 & APP/Y9507/W/19/3237085.

- of enclosure. In order to constitute permitted development under this section, any wall would need to have some function of enclosure.
5. The boundary with the road is formed of a hedge, that block views into the site, and post and rail fence. Inside these for a section of the boundary are the tyres arranged in piles to form a barrier or wall and a close boarded fence has been erected such that the tyres are hidden in views from inside the site. As a result, the tyre wall only runs along a section of the boundary, such that it does not enclose the land.
 6. The appellant refers to the acoustic barrier being the secondary use of the tyres. The primary use, they suggest, was to continue the existing stack of tyres in place when they purchased the property. I understand that tyres were left on the land by a previous owner and are difficult to dispose of, so they were piled along the boundary. It is clear, therefore, that the tyres have not been placed with the intention of enclosing the land, but for other purposes.
 7. As a result, and having regard to all other evidence before me, I conclude that, on the balance of probability, the tyre wall does not have a function of enclosure. As such, it does not comprise a gate, fence, wall or other means of enclosure, so does not benefit from the planning permission available within Class A, Part 2, Schedule 2 of the GPDO.
 8. Since no planning permission has been granted for the development it thereby constitutes a breach of planning control.
 9. For these reasons, I conclude that the appeal under ground (c) should fail.

Formal Decision

10. The appeal is dismissed and the enforcement notice is upheld.

AJ Steen

INSPECTOR