
Appeal Decision

Site visit made on 16 August 2021

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/A1910/C/20/3265457

Land at Berkhamsted Golf Club, The Common, Berkhamsted, Hertfordshire

- 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 H Craft of Berkhamsted Golf Club against an enforcement notice issued by Dacorum Borough Council.
- The enforcement notice was issued on 19 November 2020.
- The breach of planning control as alleged in the notice is without planning permission, the creation of a new vehicle parking area.
- The requirements of the notice are: -
 - Step 1. Cease the use of the land, outlined in red, for parking vehicles
 - Step 2. Remove all materials used in the provision of the car park from the land including (but not limited to) gravel and concrete.
 - Step 3. Restore the land to its former condition and natural level before the breach of planning control took place.
- The periods for compliance with the requirements are: -
 - Step 1. One (1) month after the date the notice takes effect.
 - Step 2. Four (4) months after the date the notice takes effect.
 - Step 3. Four (4) months after the date the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended (the 1990 Act).

Summary Decision: The appeal succeeds in part and the enforcement notice is upheld as corrected and varied in the terms set out below in the Formal Decision.

Procedural Matters

1. After assessing the appellants' evidence, I considered that some of that evidence could reasonably be construed to apply to grounds (b), (c) and (d) set out in section 174(2) of the 1990 Act. The appellant was given the chance to clarify whether they wanted to appeal on these grounds with regards to the use of the land for the parking of vehicles and to submit any additional evidence in support of those grounds. The appellant confirmed they did wish to appeal on those additional grounds and both main parties have had the chance to submit evidence and comments on these matters and therefore, no injustice would be caused to them. I have dealt with the appeal on this basis.
2. During the appeal process the appellant submitted a proposed landscaping scheme¹ in relation to the vehicle parking area. The Council was given the chance to comment on that scheme. In addition, planning permission² (the 2021 permission) for an *'Overflow parking area with associated landscaping*

¹ Ref Nos: 1308-001; 1308-002; 1308-003; 1308-004; 1308-201; 1308-401; 1308-402 and 1308-G502

² Ref No: 21/02829/FUL

(*amended scheme*)' was granted by the Council on the 21 September 2021. I have been provided with a copy of the decision notice and the approved plans associated with that planning permission. This is a material consideration in the ground (a) appeal and the deemed application for planning permission. Section 180 of the 1990 Act provides that where, after the service 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 the permission. In this case the 2021 permission has been granted after the service of the notice.

3. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. However, the sections relevant to this appeal have not materially altered. As such, in the circumstances of this case I do not consider that it is necessary to seek the further views of the parties. I am required to consider the appeal on the basis of the current Framework.

The ground (b) and (c) appeals

4. These grounds entitle the appellant to argue that, in respect of any breach of planning control which may be constituted by the matters stated in the enforcement notice, those matters have not occurred (ground (b)) and/or those matters (if they occurred) do not constitute a breach of planning control (ground (c)). In these grounds of appeal the onus of proof is firmly on the appellant to show that some or all of the alleged matters had not in fact occurred by the time the notice was issued, on the balance of probabilities and/or that if they occurred that they do not constitute a breach of planning control.
5. The appellant is not disputing that the operational development associated with the parking area has occurred neither are they arguing that it does not constitute a breach of planning control. They are disputing that the use as a vehicle parking area is not a change of use and that even if it is a change of use that it is not a material change of use and therefore the use does not constitute a breach of planning control.
6. The land affected by the enforcement notice is close to the club house and a hardsurfaced car park relating to Berkhamsted Golf Club. A separate access drive and a honeycomb structure filled with shingle have been laid to form an additional parking area.
7. The land is used for the parking of vehicles associated with Berkhamsted Golf Club. The appellant has stated that the parking of vehicles, on this part of the overall site occupied by the golf club, has occurred for the last 40+ years. The length of time that the use has been occurring is not relevant to a ground (b) appeal. Nevertheless, the use of the land as a vehicle parking area has occurred and the ground (b) appeal must therefore fail.
8. What is meant by 'development' is set out in section 55(1) of the 1990 Act and includes the making of a material change in the use of any buildings or other land. Whether a business or activity amounts to a material change of use is a matter of fact and degree, amongst the considerations being whether there is a change in the character of the use of the land.

9. In order to assess the materiality of any change of use, it is necessary to establish the appropriate planning unit. In my judgment, the planning unit would encompass the whole of the land occupied by Berkhamsted Golf Club. There are no arguments within the appeal parties' evidence to contradict my assessment. The primary use of that planning unit is as a golf course which facilitates the playing of golf. The parking of vehicles by visitors and members of the golf club can reasonably be treated as a use that is incidental to that primary use. An incidental use may be changed, expanded or decreased without giving rise to a material change of use as long as it remains subsidiary to the primary use of the planning unit as a whole.
10. Based on my observations and the evidence before me, in my judgement, the overall character of the use of the planning unit remains as a golf course and the incidental parking of vehicles use is still subsidiary to that primary use. In addition, in response to the appellant's ground (c) appeal, the Council have conceded that the use of the land for parking vehicles in this case would not be a material change of use in itself.
11. Consequently, the use of the appeal site for the parking of vehicles associated with Berkhamsted Golf Club has not, on the balance of probabilities, resulted in a material change of use of the land. In this respect, the appeal on ground (c) succeeds. As the ground (c) appeal succeeds I intend to correct the notice by deleting Step 1 within section 5 of the enforcement notice as it relates to ceasing the use of the land for parking vehicles. This includes deleting the time for compliance with it. Consequently, I also intend to renumber Step 2 as Step 1 and Step 3 as Step 2.
12. As there is no dispute that the operational development in the formation of the vehicle parking area constitutes a breach of planning control the enforcement notice will not be quashed.
13. The ground (d) appeal only relates to the material change in use of the land. Given my findings above in respect of the ground (c) appeal relating to that material change of use the ground (d) appeal does not fall to be considered.

The ground (a) appeal and deemed planning application

Main Issues

14. The main issues are:

- Whether the vehicular parking area constitutes inappropriate development in the Green Belt, having regard to the effect on the openness and purposes of the Green Belt, the Framework and relevant development plan policies;
- The effect of the development on the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (AONB);
- The effect of the development on biodiversity;
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, whether this amounts to the very special circumstances required to justify the development.

Reasons

15. The appeal site comprises an irregular shaped piece of land between The Common and a formally laid out carpark that serves Berkhamsted Golf Club. A roughly rectangular area of hardstanding has been formed by the laying of a honeycomb structure that has been filled with shingle. This hardstanding is accessed via a hardsurfaced drive that links onto the access road that serves the golf club and a number of other properties. The appeal site forms part of the land associated with the golf course and properties within Castle Village are nearby. The properties in Castle Village are an appreciable distance from The Common itself. The combination of mature landscaping extending along parts of The Common and the appreciable distance of the Castle Village properties from that road give the surrounding area a rural flavour.

Whether the vehicular parking area constitutes inappropriate development in the Green Belt

16. The site lies within the Metropolitan Green Belt. Policy CS5 of the Adopted Core Strategy (CS) states, amongst other things, that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. Paragraph 150 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes engineering operations and there is no dispute that the creation of the vehicular parking area constitutes such an operation. As the creation of the parking area has not involved the construction of a new building it is reasonable to consider that paragraph 149 of the Framework is not relevant in this case.
17. The evidence before me indicates that prior to the vehicle parking area being constructed the land was grassed. There is little evidence to indicate that the contours and ground levels of the appeal site have been substantially altered by the development. Consequently, due to the nature of the physical changes to the appeal site in these respects the development has a limited spatial impact on the openness of the Green Belt.
18. Nevertheless, the hardstanding has been constructed to provide a formalised overflow parking area for the golf club. Vehicles can be parked on that area for large parts of the day and I observed a number of vehicles parked on it at the time of the site visit. Parking spaces are not formally laid out on the shingle hardstanding but the submitted landscape plans³ indicate that it could accommodate about 35 vehicles. These plans assume vehicles would be parked in rows with circulation space between them. The parking of this many vehicles for large parts of the day will have had a spatial impact on the openness of the Green Belt as a matter of fact.
19. However, openness also has a visual dimension. I accept that, the vehicular parking area itself is an appreciable distance from The Common and that there are a number of mature trees adjacent to the junction of The Common and the golf club's access road. These trees help to soften the visual impact of the development from The Common when approaching from a northerly direction. Nonetheless, I observed that when approaching the site from a southerly direction that the hardstanding and vehicles parked on it are readily apparent

³ Ref Nos: 1308-G502 and 1308-004

in views from The Common and the light colour of the shingle draws the eye to the development. In addition, the parking area currently has no landscaping within it to visually soften the appearance of the cars parked within it.

20. I acknowledge that, when approaching from that direction the hardstanding and vehicles are seen in the context of the formally laid out car park and buildings associated with the golf club. Additionally, the submitted landscape scheme indicates that a beech hedge could be planted adjacent to the eastern and southern sides of the parking area and as an extension to the existing beech hedging that bounds the formally laid out car park. This would provide some screening of the parking area from the public realm when the hedge is in full leaf. Nonetheless, at other times of the year the hardstanding and vehicles on it would be readily apparent to passing pedestrians and drivers/passengers in vehicles. Given the existing hedge, beech hedging would not appear out of keeping in the locality. However, the angular lines of the edges of the shingle hardstanding and the proposed hedge line draw/would draw attention to this parking area and emphasise its urbanising effect. This is in contrast to the curved line of the existing hedge that follows the curved south-eastern boundary of the formally laid out carpark. That curvature assists in mitigating the visual impact of that car park.
21. Nevertheless, as stated previously there is no dispute that the grassed area adjacent to the formally laid out car park, including what is currently the shingle hardstanding, has been used for overflow parking by visitors and members of the golf club. I have found within the ground (c) appeal that the use for parking incidental to the golf course use does not require planning permission. How long that use has been ongoing, its intensity and frequency is disputed. Moreover, the aerial photographs only provide a snapshot in time. However, those photographs do indicate that on at least one occasion that the informal parking covered an appreciably larger area than the current shingle hardstanding occupies. But the appellant has also stated that in the winter months and after heavy rainfall the grassed area could become muddy, unsightly and a safety hazard. As such, during those times it is highly likely that drivers would have avoided parking on the grassed area.
22. The overall submitted landscaping scheme includes tree and heathland planting, some of which would be on land adjacent to the appeal site. The shingle hardstanding in combination with the landscaping scheme would ensure that vehicle parking is restricted to a specific area. This scheme would also eventually assist in softening the visual impact of the parking area, but I am not satisfied that it would mitigate its visual impact altogether. Moreover, the use of that parking area would be more attractive to drivers arriving at the site when compared to the previous situation especially in the winter and after heavy rain. As a result, it is highly likely to be used on a more frequent basis all year round.
23. Taking into account all of the above, in my judgement, the creation of the vehicular parking area has and would have a limited effect on openness when compared to the previous situation. Therefore, the development does not preserve the openness of the Green Belt and it amounts to inappropriate development in the Green Belt when considered against paragraph 150 of the Framework. Given the urbanising effect of the parking area I further find the hardstanding and cars parked upon it cause the development to conflict, to a

limited degree, with the purposes of including land within the Green Belt which include assisting in safeguarding the countryside from encroachment.

The effect on the landscape and scenic beauty of the AONB

24. AONBs are a statutory national landscape designation and all relevant authorities have a general duty⁴ to have regard to the purpose of conserving and enhancing their natural beauty. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to these issues.
25. There is no dispute that the appeal site is within the Chilterns AONB. The AONB was designated to protect its special qualities which include the steep chalk escarpment with areas of flower-rich downland, woodlands, commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.
26. The views from The Common into the surrounding AONB are limited to some extent by the topography and the mature landscaping along parts of The Common. Nevertheless, the distance of the Castle Village properties from The Common and the landscaped features of the golf course combine to ensure that, from the public realm, this part of the AONB retains a rural character.
27. The trees adjacent to the development help to soften its visual impact when viewed from a northerly direction. Furthermore, as stated previously the hardstanding and vehicles are seen in the context of the formally laid out car park and buildings associated with the golf club. Also the area on and around the appeal site has been used for overflow parking by visitors and members of the golf club prior to the development occurring. In addition, the submitted landscaping scheme would provide some screening of the parking area from the public realm when the hedge is in full leaf.
28. Nevertheless, when approaching the site from a southerly direction the hardstanding and vehicles parked on it are readily apparent in views from The Common and the light colour of the shingle draws the eye to the development. Moreover, the parking area currently has no landscaping within it to visually soften the appearance of the cars parked within it. In addition, the angular lines of the edges of the shingle hardstanding and the proposed hedge line draw/would draw attention to this parking area and emphasise its urbanising effect.
29. As stated previously, the overall submitted landscaping scheme includes tree and heathland planting, some of which would be on land adjacent to the appeal site. The shingle hardstanding in combination with the landscaping scheme would ensure that vehicle parking is restricted to a specific area. This scheme would also eventually assist in softening the visual impact of the parking area, but I am not satisfied that it would mitigate its visual impact altogether. Moreover, the use of that parking area would be more attractive to drivers arriving at the site when compared to the previous situation especially in the winter and after heavy rain. As a result, it is highly likely to be used on a more frequent basis all year round.

⁴ Under section 85 of the Countryside and Rights of Way Act 2000

30. Considering all of the above, the creation of the vehicular parking area has and would have a limited and localised harmful effect when compared to the previous situation. Therefore, the landscape and scenic beauty of the AONB is/would not be conserved or enhanced. This is a sensitive area in which great care must be taken to assimilate development into the existing landscape.
31. The Council has stated that the appeal site car park as constructed is considered to be a major development in the Chilterns AONB. Paragraph 177 of the Framework states that when considering applications for development within National Parks, the Broads and AONB, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 60 of the Framework states that for the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
32. The parking area is for around 35 cars, is adjacent to a formally laid out car park to the golf club and it is viewed in the context of that car park and the buildings associated with the golf club and Castle Village. I have found that the harmful effect is/would be limited and localised. As a result, the vehicle parking area cannot reasonably constitute major development for the purposes of paragraph 177 of the Framework.
33. In conclusion, the landscape and scenic beauty of the AONB is/would not be conserved or enhanced and it follows that the development conflicts/would conflict with CS Policies CS24 and CS25 which, amongst other things, state that the special qualities of the Chilterns AONB will be conserved, and that all development will help conserve and enhance Dacorum's natural and historic landscape. It also conflicts/would conflict with saved Policy 97 of the Dacorum Borough Local Plan (LP) which states, amongst other things, that in the Chilterns AONB the prime planning consideration will be the conservation of the beauty of the area. It also conflicts/would conflict with paragraph 176 of the Framework.

The effect on biodiversity

34. Paragraph 174 of the Framework states, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 176 goes on to state, amongst other things, that the conservation and enhancement of wildlife are important considerations in AONBs.
35. Paragraph 99 of Circular 06/2005⁵ advises that the presence or otherwise of protected species and the effect new development might have upon them should be established before planning permission is granted. However, paragraph 99 goes on to advise that '*... developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development*'.
36. I also note that the site is within the Berkhamsted Common South Wildlife Site and that the evidence before me indicates that the site is bounded to the north

⁵ Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system

and east by parkland BAP priority habitats. There is no survey data before me in relation to the potential impacts of the development on the biodiversity that may have been or is on the site or utilising it. Nevertheless, the Council have recently granted the 2021 permission on the appeal site. Therefore, I consider that there is not a reasonable likelihood to indicate that any protected species were present on the site or potentially have been or would be affected by the development.

37. In addition, I consider that planning conditions could be imposed in relation to the submission, approval and implementation of a landscaping scheme and the provision of bat and bird boxes that would ensure that the development provided net gains for biodiversity if I was minded to allow the appeal. The 2021 permission includes planning conditions in these respects.
38. Consequently, with the imposition of planning conditions the development would comply with CS Policy CS26 and saved LP Policy 102 which state, amongst other things, that development will contribute towards the conservation of habitats and species and the impact of development proposals on Wildlife Sites will be an important planning consideration, according to their rarity and value. It would also comply with the Framework in this respect.

Other considerations

39. The golf course has been in existence for a substantial amount of time and provides sport and recreational opportunities for residents and visitors to the surrounding area. The formally laid out car parks provide 104 car parking spaces. The appellant has stated that there are approximately 4-5,000 rounds of golf per month at the golf club and that this equates to around 133 to 166 golfers every day during the busy seasons. In addition, there are 15-20 staff on site each day. The golfers are on site for approximately 5-6 hours and given the location of the golf club and the bulky nature of golf equipment most players will drive to the club. As such, it appears that at peak times there is a demand for additional parking spaces over and above that of the 104 that were previously laid out. The appellant considers that the vehicular parking area is an important part of providing a functional and high-quality sport and recreation facility.
40. As stated previously, the grassed area between The Common and the formally laid out car park was being used for overflow car parking. The grassed surface was regularly damaged and muddy due to its use. I acknowledge that the grassed surface when churned up and muddy would not have been attractive in visual amenity terms.
41. The golf club also provides employment for 25 people, which increases in the summer months. I acknowledge that the club brings people into the area and helps to support the local economy. The positive economic contribution made by the business is consistent with paragraph 88 of the Framework which states, amongst other things, that significant weight should be placed on the need to support economic growth and productivity. The additional parking provision will help to ensure that it continues to attract members and guests
42. However, the 2021 permission indicates that the vehicular parking area as constructed is not the only way to provide additional parking for the golf club. As such, this limits the weight I can give these matters. I consider that the

above considerations have considerable weight, collectively, in support of the development.

43. The 2021 permission is for an amended design of the vehicular parking area with associated landscaping. The differences between the development before me and the 2021 permission relate to a reduction in the overall area of the hardstanding through the introduction of a curve to its south-eastern edge and a relatively large planter within the central part of the vehicular parking area. In my judgement the appellant is highly likely to implement the 2021 permission if the deemed application for planning permission is not granted. This constitutes a fallback position and in this respect it has considerable weight.
44. However, the reduction in the overall area of the hardstanding associated with the fallback position would mean that it would have an appreciably lesser impact spatially on the openness of the Green Belt. The reduction in the size of the vehicular parking area through the introduction of the curve and the central planter in combination with additional landscaping would also appreciably soften its visual and urbanising impact when viewed from the public realm in comparison to the scheme before me. As such, the 2021 permission would have a smaller impact on the openness of the Green Belt than the development before me. For these reasons, the 2021 permission would also have a lesser impact on the landscape and scenic beauty of the AONB. In these respects the fallback position attracts little weight in favour of the development before me.
45. The appellant considers that if it is not possible to park outside the formally laid out car parks, this would result in members and visitors having to park on the surrounding highway and verges, which could obstruct traffic and cause highway safety issues. I acknowledge that if excessive parking occurred on the surrounding highways and verges that this could obstruct traffic to some extent. Yet, there is little evidence before me to indicate that without the vehicular parking area excessive parking would occur on the surrounding highways and verges. Consequently, this matter attracts little weight.
46. In addition, the Council has not identified any harm in relation to highway safety and the living conditions of the occupiers of nearby dwellings in relation to noise and disturbance. However, the lack of harm in these respects does not weigh for or against the development.

Other matters

47. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.

Planning balance

48. At paragraph 147, the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. I acknowledge that other considerations do not have to be rare or uncommon to be special.

49. I have found that the development results in limited harm and does not preserve the openness of the Green Belt, that it is in conflict with one of the purposes of including land within the Green Belt and that it is inappropriate development. I attach substantial weight to that harm. I have also found that the development results in limited and localised harm to the landscape and scenic beauty of the AONB. I attach great weight to the harm arising from this additional matter.
50. Against the totality of this harm there are other considerations which I have set out above and carry weight in support of the development. For the reasons given above, I find that the other considerations do not, either individually or cumulatively, clearly outweigh the totality of the harm to the Green Belt and the other harm identified above. Consequently, the very special circumstances necessary to justify the development do not exist. Furthermore, the development conflicts with CS Policies CS5, CS24 and CS25 and LP Policy 97. With regard to paragraph 219 of the Framework these policies are broadly consistent with the Framework and the conflict with them has substantial weight. The development is contrary to the development plan as a whole and material considerations do not indicate that the appeal should be determined other than in accordance with the development plan.

Conclusion – ground (a) appeal and deemed planning application

51. For the reasons set out above, I conclude that the appeal on ground (a) should not succeed. I shall refuse to grant planning permission on the deemed application.

The ground (f) appeal

52. An appeal on ground (f) is a claim that the requirements of the notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any harm to amenity resulting from the breach. In this regard the notice (as corrected) requires the complete removal of the materials used in the provision of the car park. It is clear therefore that the purpose of the notice requirements falls within section 173(4)(a) - to remedy the breach of planning control.
53. The appellant considers that the concrete section of the parking area should not be required to be removed given the length of time that has been on the site. This could reasonably be treated as falling within a ground (d) appeal rather than a ground (f) appeal. Moreover, I note that the enforcement notice cites the use of gravel whereas the appellant refers to shingle. Nonetheless, I do not consider that the citation of specific materials is necessary therefore I intend to delete the wording '*including (but not limited to) gravel and concrete*' from Step 1 (corrected numbering). Furthermore, the removal of materials would be limited by virtue of section 180 of the 1990 Act.
54. I have considered varying the steps required to add an alternative to complete removal of the materials by compliance with the 2021 planning permission. However, the purpose of the notice is to remedy the breach of planning control, which can only be achieved by complete removal of the materials used in the formation of the parking area. In addition, condition 1 of the 2021 permission requires the car park to be reformed in accordance with the approved plans within 3 months of the 22 September 2021. Instead of varying the requirements of the notice the appellant is able to rely on the provisions of

section 180 of the 1990 Act in that the notice shall cease to have effect so far as inconsistent with the 2021 permission.

55. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control. I shall vary the enforcement notice prior to upholding it. The appeal on ground (f) succeeds to that extent.

The ground (g) appeal

56. This ground is that the period for compliance falls short of what should reasonably be allowed. This involves consideration of what the recipient of the enforcement notice will have to do in practice to carry out the remedial steps and consequently how much time should be allowed for that purpose.

57. As I have deleted the original Step 1 relating to the use of the land for the parking of vehicles the remaining steps only relate to removing the materials and restoring the land. Moreover, as I have stated previously, the appellant is able to rely on the provisions of section 180 of the 1990 Act in that the notice shall cease to have effect so far as inconsistent with the 2021 permission.

58. For the reasons given above, I conclude that the period for compliance with the notice does not fall short of what is reasonable. The appeal on ground (g) fails.

Formal Decision

59. The appeal is allowed in part, on grounds (c) and (f), it is directed that the enforcement notice is corrected by:

- the deletion of Step 1 within section 5 of the enforcement notice, including the time for compliance with it.
- the renumbering of Step 2 as Step 1.
- the renumbering of Step 3 as Step 2.

And varied by:

- The deletion of the wording *'including (but not limited to) gravel and concrete'* from Step 1 (corrected numbering).

60. Subject to these corrections and variations, 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.

D. Boffin

INSPECTOR