

## Appeal Decision

Inquiry held on 8 June 2021

Hearing held on 8 June 2021

Site visit made on 17 June 2021

**by Grahame Kean B.A. (Hons), Solicitor HCA**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 November 2021**

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**Appeal Ref: APP/F2605/C/19/3243316**

**Land known as Oak View, Hypocrite Lane, Wroo Road, Attleborough,  
Norfolk NR17 1AR**

- 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 Act).
  - The appeal is made by Ms A Collins against an enforcement notice issued by Breckland District Council.
  - The notice was issued on 15 November 2019.
  - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the Land from land used for agriculture to a mixed use of land used for agriculture, the keeping and breeding of dogs and residential use.
  - The requirements of the notice are:
    - Permanently cease the use of the land for the keeping and breeding of dogs.
    - Permanently cease the residential use of the Land.
    - Permanently remove all caravans, shipping containers, kennels, structures, sheds, fencing and all associated items and infrastructure from the Land.
  - The period for compliance with the requirements is 9 calendar months from the date the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2) (c), (d) (f) and (g) of the Act.
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### Formal Decision

1. The appeal is allowed on grounds (f) and (g), and it is directed that:
  - In the third Requirement "Permanently" is deleted and replaced with: "With the exception of the structures identified in the attached annotated aerial image as No 6 Chicken huts; No 8 Hay and straw storage barn for sheep; and No 10 Lambing shed, permanently";
  - The annotated aerial image appended to this Decision be annexed to the notice; and
  - the enforcement notice be varied by the deletion of "9 calendar months" and the substitution of "12 calendar months" as the period for compliance.
2. Subject to these variations the enforcement notice is upheld.

### Procedural matter

3. The rules regarding the holding of oral events into appeals, ie hearings and local inquiries, are now some twenty years old and lag behind the recent
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amendments to s319A of the Act which are intended to give the Secretary of State more flexibility to change/combine the mode of determination of appeals.

4. Consequently there are practical difficulties in keeping within the hearings and inquiries procedure rules, whilst endeavouring to adopt a flexible approach in order to determine appeals efficiently and effectively. Under SI 2002 No. 2685 for example it is not strictly possible to keep an inquiry open at a site inspection such that evidence from a party in attendance may be considered. There will usually be sound reasons why, in an event scheduled as an inquiry all evidence should be given formally, but not always. Sometimes compliance with the current state of the event rules militates against the intended purpose of the combined procedures envisaged in s319A.
5. Nevertheless there are some respects in which the rules have been designed to work together. Transition from an inquiry (under SI 2002 No. 2685) to a hearing is facilitated by Rule 3(2) of the Hearings Rules (SI 2002 No. 2684) which provides that anything done under the Inquiry Rules that could have been done under any corresponding provision of the Hearing Rules shall have effect as if done under that corresponding provision.
6. A site inspection in the inquiry may be dispensed with by agreement and if a hearing ensues, an accompanied site inspection under the Hearings Rules can take place provided the Inspector is satisfied that a matter would be better resolved by adjourning the hearing to the appeal site, all parties have the opportunity to attend, no party would be placed at a disadvantage, and the main parties do not reasonably object.
7. In this appeal I held a virtual Inquiry using the Microsoft Teams platform. The evidence presented concerning matters of fact on legal grounds was formally examined under oath or affirmation. By prior agreement and in accordance with s319A of the Act, after all formal evidence had been taken and the inquiry proceedings concluded, the procedure was changed<sup>1</sup> to a hearing. This enabled me to hold an informal discussion of the appellant's circumstances at a site inspection and elicit any further information that might be relevant in a more informal setting.

### **Preliminary matters**

8. There is no appeal on ground (a), therefore any submissions on planning merits of the alleged unauthorised development are not relevant to consider.
9. The appeal was previously made also on ground (b) which was formally withdrawn at the inquiry.
10. The expediency of the Council's decision to issue the enforcement notice is challenged, based on a contention that the container is a building. In *Britannia Assets v SSCLG & Medway Council [2011]* there was held to be no jurisdiction for an Inspector to determine whether the local planning authority had complied with its obligation under s172 of the Act. Therefore whether it was expedient to issue the notice is not a matter I can pursue in this appeal.

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<sup>1</sup> Inspectors as appointed persons are expressly excluded from exercising powers in S319A and therefore from changing the procedure from an inquiry to a hearing without in practice, the approval of the Planning Inspectorate acting in the shoes of the Secretary of State. The reasons are not entirely clear; especially as the converse is expressly reserved to the Inspector, at least during the hearing, under SI 2002 No. 2684, Rule 8(1)(b),(2).

### **Matters not in dispute**

11. Applications for a lawful development certificate (LDC) were made for a building on the appeal site used for residential accommodation, both refused. There is no other relevant planning history.
12. The site is located off the A11 outside Attleborough and surrounded by fields and agricultural land, having previously formed part of "Wroo Farm". It is accessed via a track off Hypocrite Lane/Wroo Road, is enclosed by post and wire fencing and contains a large collection of temporary moveable structures such as timber sheds, kennels, containers and a static caravan.
13. The appeal site was first occupied by the appellant in 2014 under an agreement describing it as clear arable grassland, obliging the appellant to keep any sheds or housings *"free of footings or the like which would imply permanent building structures"*.

### **Grounds (d) and (c)**

14. Section 174(2)(d) of the Act provides for an appeal if at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. An appeal on ground (c) is that the matters alleged in the enforcement notice do not constitute a breach of planning control.
15. The onus is on the appellant to demonstrate either ground is made out, on the balance of probabilities. I will deal with both grounds together as in this appeal the issues are somewhat intertwined.
16. The material change of use of the land, which is what the notice alleges, is subject to the ten-year rule in s171B(3). In the case of such breaches of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. The appellant occupied the site from 2014, less than ten years prior to the issue of the notice. Therefore any appeal based on ten years' use of the land fails.
17. An exception to the ten-year rule is made in s171B(2) for the change of use of any building to use as a single dwellinghouse, whereby no enforcement action may be taken after the end of the period of four years beginning with the date of the breach. For the reasons given below the four-year rule does not apply in this case either because, as I have found, there is no dwellinghouse as such on the appeal site.
18. The case for the appellant with regard to the container is that it was lived in by her as a dwelling which, if correct, and if she has been living in it for upwards of four years, means it will have acquired immunity from enforcement action under the four-year rule explained above. She maintains it was a building constructed and substantially completed by 16 August 2014 and previously referred in her LDC application to a *"building fixed to the ground in 2014 and used as a single dwelling house since this time"*.
19. Also on the site is a static caravan, a moveable structure that meets the statutory definition of a caravan. I saw it was being used to keep dogs in and on the particular occasion of my visit, newly born chicks. It was in a very poor condition and would not support normal habitable accommodation.

20. The Council became involved after a complaint in 2018, alleging a puppy farm was being run from the appeal site and the appellant was living on the site in a caravan. The Council made site visits on 25 and 28 September 2018. The appellant was present at the latter, and the Council officer noted:

*"Site meeting with Ms Collins. She advised that she had lived in the caravan on site for just over 4 years and was running a dog breeding business. Several kennels with various breeds seen on site plus other moveable structures".*

21. Email correspondence between the parties suggests that the Council believed her to be occupying the static caravan at that time, that there were some 20 dogs on the site in one of the barns and there was an office on site. Replies to the planning contravention notice served on the appellant did not dispute the use of the site as residential, together with keeping and breeding of dogs, and the keeping of sheep, chickens and guinea pigs all for domestic personal use.
22. An aerial image superimposed with labels 1 to 10, clarified the use and location of the structures, arranged in a square-like formation around open ground:

1. Static caravan used to house dogs, whelping room;
2. Wood store;
3. Adapted shipping container – sleeping/residential accommodation;
4. Caravan used as bedding storage for dogs;
5. Field shelter used to house dogs;
6. Chicken huts;
7. Stables – housing for dogs;
8. Hay and straw storage barn for sheep;
9. Small sheds, dogs, guinea pigs;
10. Lambing shed.

23. The replies also confirmed that the use for keeping dogs, chickens and guinea pigs commenced when the appellant moved in, and as to the date that each structure was erected/brought onto the land: *"buildings 1-8 within one month (July 2014), building 9 within 6 months, building 10 May 2019"*.

As to whether each structure had a solid foundation or hardstanding and was affixed to the ground the appellant replied via her agent: *"adapted shipping containe[r] has solid foundation, affixed to the ground. All remaining buildings Nos 1,2 and 4 to 10 Lightweight/portable/agricultural."*

24. Photographs from other visits on 31 May and 24 July 2019 show: (31 May) a static caravan surrounded by smaller sheds and/or kennel type structures; (24 July) a touring caravan next to a timber barn with hay inside and in front 2 kennels and a dog in front of one kennel. On one side of the barn is a green container and another barn on the other side.
25. Both barns or sheds had metal fences in front of the openings, creating a sort of compound for the dogs. Further, a white metal container with a mast, around which were small and large sheds containing logs, chicken coop and hen and various items of rubbish. Further images show the kitchen and lounge areas inside the static caravan with used dishes, tv, vacuum cleaner and other domestic items and furniture.
26. The static caravan is shown in images from July 2019, timber and metal fencing surrounds it, as does paraphernalia of domestic appearance including a chair and broom within a small area enclosed by the timber fencing that has a

gate. More images from October 2019 show it surrounded by sheds, kennels, dogs, and metal grilles or fencing. Such was its general appearance when I inspected the site. Another image labelled "Inside container" shows a sofa with duvet, pillow and bedding, table and various smaller domestic items.

27. This evidence taken with that given at the inquiry, suggests the container did have a use as an office but although a desk and cabinet might have remained there when the enforcement notice was issued, that does not gainsay the appellant's evidence described below as to when and why she moved into it.

28. At a further site visit on 25 September 2020 the senior planning enforcement officer noted *"the offender [sic] states that she is and has been living and sleeping in a container as a dwelling, which she states is a permanent structure, fixed to the ground"*. He requested an expert opinion on whether it was a dwelling or permanent structure, from a building control officer who replied:

*"It is not a habitable building. It is a temporary structure/ container designed to be lifted onto a vehicle in one lift, therefore once unbolted from the pad, it can be lifted and removed the same day, subject to the availability of suitable lifting gear having been brought to site."*

29. It is wrong and, in my view disrespectful to characterise the appellant as an offender, which term should only apply to criminal activities. Breaches of planning control would be unlawful, but they do not become criminal unless and until there is failure to comply with an effective notice. Files of this nature within the Council's offices would in principle be disclosable to the subject person and inappropriate use of such terms could well cause distress.

30. Secondly, why a building control officer should have a better idea of what constitutes a dwelling for the purposes of planning, rather than the professional planning officers who had responsibility for managing the planning enforcement process, is unclear. The officer made further comments about habitability clearly from his perspective that there was breach of building control regulations which are not directly relevant to the planning issues.

31. That said, I agree with the officer's factual assessment, which is helpful, of the structure's moveability. In planning terms when assessing what constitutes a building operation all relevant considerations need to be taken into account, including in particular the factors of size, degree of physical attachment and permanence.

32. As to size, it is established that the main characteristics of a building included whether it is of a size that would normally be constructed on site as opposed to being brought readymade onto the site. It can be readily be inferred from its appearance that the container was brought to the site in the form in which it has essentially remained. It is quite a small container but the size factor alone is not determinative.

33. As to the degree of attachment to the land, the container rests on concrete pads, not a slab over the entire footprint and there are no foundations as such despite the agent's statement. It is bolted in a few places with clamps or small brackets, but on inspection I was satisfied that they could be removed without undue difficulty and, as accepted during the inquiry, without specialist

- equipment. It sits between various structures which would have to be removed first but these are of a temporary construction and also removable.
34. The size and weight of the structure can inform an assessment of permanence. The container is on concrete pads and it has remained for several years in one place. However, whilst indicating a degree of permanence, this does not affect the mobility of the unit and no robust evidence suggests that the unit cannot be picked up and moved with suitable lifting gear.
35. Having regard to the evidence overall as to size, permanence and attachment, including its mobility, I find on the balance of probabilities and as a matter of fact and degree that a use of land is involved for the siting of the container, and not operational development. The container is not, therefore a building and any putative use as a dwelling cannot benefit from the four-year rule under s171B(2) of the Act.
36. It follows that it is not strictly necessary for me to conclude on whether, had the container been operational development, it had been used as a dwelling-house for the last four years. However a good deal of information was given by and on behalf of the appellant to explain her circumstances. It is not in dispute that she has been residing on the appeal site and in the container for sleeping, it had a portable toilet, a fridge and microwave. It became clear during the site inspection that she regularly used washing facilities elsewhere than on the appeal site. Although the static caravan contains a kitchen sink with crockery and saucepans, the main use was to accommodate and look after several dogs from time to time, including preparation of their food using the saucepans. However it is also clear from the evidence that hot meals were prepared by the appellant outside the static van on a barbeque-type gas-fired grill.
37. I have no reason to disbelieve the appellant's account of her domestic arrangements. It includes that when the caravan was offloaded on the site it was damaged and although she lived in it initially, she was eventually advised that it was unsafe for her to live there and she moved into the container to sleep. The accounts of exactly when that occurred vary but I am satisfied it was probably within a matter of weeks or at most around a couple of months from when she first occupied the appeal site, although she has continued to use the static van for some domestic activities.
38. The appellant feels safe and secure in the container. It was moved onto the site having been previously converted to a site office, and has a lockable door, windows, lighting, electrical sockets and means of heating.
39. Authorities are cited as to what constitutes a dwellinghouse. *Uratemp Ventures Ltd. v Collins* [2001] UKHL 43 was considered in *Grendon v First Secretary of State* [2006] EWHC 1711 (Admin) which held that the question of what was a "dwelling house" or "use as a single dwelling house" for the purposes of s.171B(2) had to be construed, paying proper regard to its legislative purpose, which in this appeal is concerned with land use and competing demands of private and public interest. *Uratemp* was a decision on different facts and on an entirely different statute, with a different purpose. It was not intended to lay down a universal definition of "dwelling house" applicable in any statute.
40. The fact that a single roomed structure may have basic amenities does not necessarily mean that it meets the test of having the facilities for day-to-day private existence set out in *Gravesham BC v SSE & O'Brien* [1982] 47 P&CR

142. Although there was a fridge and microwave in the container, there was no sink or facilities or other area purposed for food preparation or washing. The microwave was on top of the fridge in front of a bookshelf full of books, in the corner of a single roomed space with very little room for manoeuvre. There was no evidence of any significant food and utensil storage and the appellant is clearly heavily reliant on facilities outside the container for running water and washing facilities as well as preparing and eating hot food and washing up etc.
41. Overall therefore, I would have found on the balance of probability that the container did not meet the *Gravesham* test of having the facilities for day-to-day private existence and in terms of its use and physical characteristics it is not a single dwelling house for the purposes of s171B(2).
42. On that basis it is unnecessary to deal with the issue of concealment, although I record that I do not accept the Council's suggestion made in closing that the appellant was not telling the truth because, as it was said, she admitted to being embarrassed and must not therefore be telling the truth about living in the static caravan and/or the container at the relevant times. It was very clear to me that the embarrassment was in consequence of the challenging domestic arrangements the appellant has had to deal with and to which she was sensitive. The discrepancies between the officer's accounts of site visits and that of the appellant do not affect my findings on these grounds of appeal.
43. Therefore the residential use component of the mixed use alleged to be a breach of planning control is clearly a primary use of the land, and represents a material change of the former agricultural use. Section 55(1) of the Act states that the making of any material change in the use of any buildings or other land is "development" for which planning permission is required. As no planning permission exists for the residential use this is a breach of planning control.
44. The average number of dogs kept on the land was about 20 which were kept as pets although the appellant states that not all are used for breeding, and there was no kennelling for boarding purposes. In *Wallington v Secretary of State for Wales (1991) 62 P & CR 150*, accommodation of 44 dogs was not held to be incidental to the primary residential use. Whilst it concerned a dwelling-house the relevant point was that the other use should be no more than ancillary in nature.
45. What is incidental to the enjoyment of the dwelling-house (and by analogy to a primary residential use) must involve an element of objective reasonableness. The appellant is to be commended for her efforts in breeding dogs for supply to the police force who have confirmed a long-term working relationship with her. I am certain of the value of this work, however that is not relevant to the issues I have to decide. I reject claims that have been made of a "puppy farm" on the site. Although the extent of breeding was debated at the inquiry it would seem from the evidence to be fairly low, yet I am satisfied it is a significantly different use of land in its own right, and it is not necessary that a commercial purpose exists. I also agree with the Council that commercial in nature or not, the numbers of dogs exceed that which could be considered incidental to any lawful residential use. The use as alleged is unauthorised.
46. The other structures on the land do not amount to operational development. But they are temporary structures to accommodate the appellant and her animals and where they are part and parcel of the unauthorised development,

the notice properly requires their removal in accordance with established principles discussed at the inquiry, relating to removal of associated works.

47. The notice does not specifically target animals other than the keeping and breeding of dogs and the kennels and other structures associated with their accommodation. As to the other animals there is no evidence that they are kept for business purposes, the most that could be said was that the appellant occasionally sold eggs from the chickens at or below cost. At one point there were said to be some 27 chickens, 25 guinea pigs, and 3 sheep, not specifically for breeding. There is no good reason for me to disagree, such was the general order of numbers when I visited. Clearly the appellant derives considerable comfort from being surrounded by her animals and wishes these arrangements to continue. The extent to which the requirements of the notice may be excessive in this respect is dealt with in ground (f).
48. The appeal on grounds (c) and (d) therefore fails.

### **Ground (f)**

49. An appeal on this ground is that the steps required by the notice exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
50. The requirements of the notice are clear as to what the appellant must do. The container and other structures are, subject to what follows, part and parcel of the unlawful use of the site and their removal is necessary to achieve the aim of the notice which is to remedy the breach of planning control.
51. It was undisputed that the other structures on the land (ie other than the container) are not "buildings" for the purposes of the Act. The appellant argues that the structures used for agriculture or that have an agricultural use could be reinstated if the notice were upheld and complied with. Therefore she says the notice should not require their removal, ie the barns and sheds used for lambs/sheep and poultry.
52. The Council's reply is that since all the animals are supposed to be pets, they are all integral to the residential use and seems to think that they should all be removed, including the sheep, in accordance with established case law<sup>2</sup> and that "*this is why all structures are included in the requirements of the notice*".
53. Removal of the sheds, barns and so forth would probably entail removal of the animals too, but sheep graze freely, and chickens run around the open ground, and do so moreover on part of the appeal site that is agreed to be agricultural land, distinguishable from the square of structures in the middle of the site that include the residential use. When read properly, the enforcement notice is not directed in terms at these animals. There is no hint that they are targeted in the reasons or other parts of the notice. In my opinion "Items" in the notice must refer to physical structures, as opposed to sentient beings.
54. I disagree that none of the animals or buildings would be present if it were not for the residential use of the site. It is true that by the appellant's own

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<sup>2</sup> Statement, paragraph 4.8, and see *Murfitt v Secretary of State for the Environment and East Cambridgeshire District Council* [1980] 5 WLUK 47 and *Somak Travel Ltd v Secretary of State for the Environment* [1987] 5 WLUK 176).

admission the animals, even the sheep which are few in number are kept as pets, yet on another occasion I have noted she was told that the sheep were her best option to keep the grass cut<sup>3</sup> and the poultry produce eggs that are consumed.

55. I find that the sheep and poultry have a productive and agricultural function on the land that is beyond any mere connection to residential use. They must be allowed to stay. As to their accommodation I agree with the appellant's agent that it would be excessive to require its removal. I will therefore amend the notice to clarify by means of adding the marked up aerial image that the requirements exclude from removal items 6, 8 and 10.
56. Both parties' other points about permitted development are slightly misplaced in my view, given there are no buildings as such on the land, but in any case no such rights can exist currently in connection with an unlawful mixed use of the land. Clearly the notice does not and cannot require cessation of any agricultural use that may be carried on. The definition of agriculture in s336(1) of the Act is wider than in connection with permitted development rights that require the use to operate as a trade or business and includes for instance the breeding and keeping of livestock and the use of land for grazing land.
57. The appellant places much reliance on the comfort and security provided to her by her animals, and as an integral part of her domestic arrangements. Given that the residential use must cease it cannot be certain what can be agreed under the policies and no doubt wise guidance of the Council as to other uses or structures on the land, that would enable the appellant to take up a hobby farming/therapeutic use that is not part of a residential use. But at least for the present it might be said, in the words of Franck<sup>4</sup>:

*Sheep may safely graze and pasture,  
In a watchful Shepherd's sight.  
Those who rule with wisdom guiding  
Bring to hearts a peace abiding  
Bless a land with joy made bright.*

58. The appeal on this ground thus succeeds to this extent.

### **Ground (g)**

59. I have had regard in this ground to the human rights legislation as it applies to the appellant, who stands to lose her home if the notice is upheld, including the representations from both parties.
60. Section 174(2)(g) of the Act provides for an appeal if any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed. The appellant through her agent has requested a 12 to 18 months' compliance period to be substituted in the enforcement notice, in order to allow her sufficient time to find a new home. The Council has stated that it would not oppose a 12 months' period for compliance.
61. I have had full regard to the complicated nature of the appellant's domestic arrangements and it is not necessary to rehearse these in any detail. It is not unusual in my experience to find that many people such as the appellant, who

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<sup>3</sup> Email from the appellant to Council 4.10.2018.

<sup>4</sup> Aria: Johann Sebastian Bach. The speaker compares this idyll to the inhabitants of a state under a wise ruler.

is a high functioning individual with a responsible job in the caring sector, live what some may regard as an unorthodox or alternative lifestyle. She faces considerable challenges in dealing with the enforcement action and finding a resolution to her accommodation issues such as would give her the appropriate level of comfort and security that she needs.

62. A period of 12 months would be a reasonable period to allow for this to happen and within which to comply with the notice. It should also allow adequate time for the Council to determine any future proposals for the appeal site. The Council has powers to extend the period for compliance if needed, but I must also consider the reasons for the notice that include the harm caused by the development to the character and appearance of the locality and the unsustainable nature of residential development in this location.
63. The appeal succeeds on this ground and the notice will be varied accordingly under powers contained in s176(1)(b) of the Act.

### **Conclusion**

64. For the reasons given above I conclude that the requirements are excessive and a reasonable period for compliance would be 12 months, and I am varying the enforcement notice accordingly, prior to upholding it. The appeal under grounds (f) and (g) succeeds to that extent.

*Grahame Kean*

INSPECTOR

## APPENDIX 1



1. STATIC CARAVAN, USED TO HOUSE DOGS,  
WHELPING ROOM

2. WOOD STORE

3. ADAPTED SHPPING CONTAINER - SLEEPING /  
RESIDENTIAL ACCOMMODATION

4. CARAVAN USED AS BEDDING STORAGE FOR  
DOGS

5. FIELD SHELTER - USED TO HOUSE DOGS

6. CHICKEN HUTS

7. STABLES - HOUSING FOR DOGS

8. HAY & STRAW STORAGE BARN FOR SHEEP

9. SMALL SHEDS, DOGS, GUINEA PIGS

10. LAMBING SHED

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|------------------------------------------------------------------------------------------------------------|-----------------|----------|---------------|
| A                                                                                                          | BRECKLAND ISSUE | 16-07-19 | HC            |
| REV                                                                                                        | AMENDMENT       | DATE     | CHG           |
| DRAWING STATUS INFORMATION                                                                                 |                 |          |               |
| PSB SERVICES (NORFOLK) LIMITED<br>UNIT 1, ENTERPRISE HOUSE<br>LYNN ROAD<br>SWAFFHAM<br>NORFOLK<br>PE37 7PT |                 |          |               |
| ADDRESS<br>OAK VIEW<br>WROO ROAD<br>ATTLEBOROUGH<br>NORFOLK<br>NR17 1AR                                    |                 |          |               |
| DRAWING TITLE<br>SITE <input type="text"/>                                                                 |                 |          |               |
| SCALE                                                                                                      | DRAWN BY        | DATE     |               |
| NTS @ A4                                                                                                   | YC              | 09-2019  |               |
| DRAWING NUMBER<br>19181-03                                                                                 |                 |          | REVISION<br>A |

## APPENDIX 2

### APPEARANCES

#### FOR THE APPELLANTS:

Mr Carruthers

He called:

Howard Cardus      Planning Agent

Christopher Clarke

Annie Collins

#### FOR THE LOCAL PLANNING AUTHORITY:

Nikki Fonseca      Senior Associate, Planning & Environmental Team,  
Birketts LLP

She called:

Gary Collins      Senior Planning Enforcement Officer

Chris Curtis      Planning Enforcement Manager