
Appeal Decision

Inquiry Held on 13 - 15 July and 7 December 2021

Site visit made on 8 July 2021

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/U2235/C/21/3270626

Land at Tanner Farm Caravan Park, Goudhurst Road, Marden, Tonbridge, Kent, TN12 9ND

- 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 Arcadia Estates (Kent) Ltd trading as Tanner Farm Caravan Park against an enforcement notice issued by Maidstone Borough Council.
- The enforcement notice, numbered 18/500016, was issued on 24 February 2021.
- The breach of planning control alleged in the notice is failure to comply with condition No 3 of a planning permission Ref 13/0794 granted on 24 June 2013.
- The development to which the permission relates is: "Erection of multi-use building including reception/shop, store, kitchen area and tractor/implement store as shown on Design and Access Statement and drawing no.2191/P/30 A received 09/05/13 and drawing no. 2191/P/31 A received 09/05/13." The condition in question is No 3 which states that: "The development hereby permitted shall be carried out in accordance with the following approved plans: 2191/P/30 A received 03/05/13." The notice alleges that the condition has not been complied with in that the multi-use building has not been built in accordance with the approved plan 2191/P/30 A.
- The requirements of the notice are:
 - a) Dismantle and remove the conservatory on the south eastern elevation of the building.
 - b) Dismantle and remove the decking on the south eastern side of the building.
 - c) Remove the close board fencing located to the front of the building and adjacent to the highway.
 - d) Reinstall the barn doors on the north-western elevation to the store area, remove all the unauthorised fenestration (including doors) and reinstall windows and doors to bring the development in accordance with the approved plan 2191/P/30 A of planning permission 13/0794 dated 24.06.2013 for the erection of a multi-use building including reception/shop, store, kitchen area and tractor/implement store.
 - e) Remove all resulting materials, rubbish and debris from complying with steps (a) to (d) above, from the Land.
- The period for compliance with the requirements is six (6) months from when the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(b) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Decision

1. It is directed that the enforcement notice be:

- (i) corrected by deleting requirement 5(d) and substituting:

“d) Remove all the unauthorised fenestration (including doors) and install the barn doors on the north-western elevation to the store area and all other windows and doors necessary to bring the development in accordance with the approved plan 2191/P/30 A of planning permission 13/0794 dated 24 June 2013 for the erection of a multi-use building including reception/shop, store, kitchen area and tractor/implement store”; and

- (ii) varied by substituting eight (8) months as the period for compliance in section 6 of the notice.

Subject to this correction and variation the appeal is dismissed, and the enforcement notice is upheld.

Application for costs

2. At the inquiry an application for costs was made by Arcadia Estates (Kent) Ltd against Maidstone Borough Council. This application is the subject of a separate Decision.

Background and procedural matters

3. This appeal was previously linked to three others Ref 3216208 (formerly appeal A), 3220859 (formerly appeal B) and 3220871 (formerly appeal C). Appeal A was against an enforcement notice which alleged a material change of use of the appellant's land. However, that was withdrawn on the first day of the inquiry, so the appeal fell away. Appeals B and C were against the Council's refusal to grant lawful development certificates in respect of use and operations on the appellant's land, on applications made under s191 of the 1990 Act. However, those appeals were withdrawn by email on 19 November 2021.
4. Issues raised on appeals A - C no longer fall to be addressed by me and, in accordance with the Planning Practice Guidance, costs applications concerning them will be considered by the Planning Inspectorate's Costs and Decisions Team.
5. The remaining appeal was initially made in the name of "Mr Tanner Farm Caravan Park." However, early in the inquiry, it was confirmed¹ that the owner of the land is Arcadia Estates (Kent) Ltd, of which Mr Tanner is a director. The appeal therefore proceeds in the name of that company.
6. Given the relatively late linking of appeal D, the timetable for submission of evidence did not enable the submission of proofs of evidence four weeks prior to the inquiry, as normally required. However, I agreed the Statements of Case could serve as proofs. Nevertheless, the appellant submitted further statements on 14 July 2021, which set out evidence in relation to ground (b).²
7. The notice alleges a breach of condition but, as highlighted in my pre-inquiry note of 2 July 2021, the Council's Statement of Case (SoC) suggested in the context of ground (c), that the deviations from the approved plan could be sufficiently material to mean the development did not have planning permission. The Council also suggested in its SoC that, if I found the development was carried out in accordance with the approved plans, it would

¹ Inquiry document (ID) 5.

² ID6 and 7.

not object to the notice being corrected to allege subsequent alteration/conversion of the building.

8. Accepting either suggestion would have necessitated correction of the notice. However, having regard to the potential injustice that might result, the Council confirmed on the first day of the inquiry that it was content for me to determine the appeal based on the notice as originally drafted, namely in terms of a breach of condition.
9. Though a case on ground (b) was not clearly advanced in its SoC, the appellant confirmed in opening that it believed the building had, at one time, been constructed in accordance with the planning permission, but was subsequently altered. The 14 July 2021 statements were submitted in support of that contention. The Council was confident the building was not constructed at any time in accordance with the approved plan, though there was no suggestion it did not conform to the footprint and overall dimensions indicated on the plan. The dispute between the parties on ground (b) was therefore clear.
10. Although the appellant had cited grounds (c) and (d), Mr Morgan said in closing that this was on the basis that the notice was alleging a material change of use of the building to residential use. As it alleges a breach of condition, and the Council is intent to proceed on that basis, he said grounds (c) and (d) would not be pursued, and so I will not consider them.
11. The appellant had also pleaded ground (f) but suggested no lesser steps which would remedy the breach. In closing, the appellant accepted that, if I concluded on ground (b) that the building had not been completed in accordance the planning permission, and therefore in breach of condition, then ground (f) could not be maintained. (If ground (b) succeeded, the notice would be quashed, and ground (f) would not fall to be considered anyway).
12. Because of restrictions imposed in response to the Covid-19 pandemic, the inquiry opened in a virtual format, using Microsoft Teams, and it continued that basis throughout. As it had been agreed that I would benefit from seeing the site before hearing evidence and submissions, the parties were happy for me to carry out an unaccompanied inspection. I did so on 8 July 2021, before the inquiry opened, and I spent some 2 ½ hours on and around the appellant's land. I was unaccompanied throughout and spoke to no one about the merits of the appeals. Much of that time was devoted to looking at matters relating to former appeals A – C, but the parties were nevertheless content that I had seen enough to determine this remaining appeal without an accompanied site visit.
13. All witnesses gave evidence under affirmation.

Ground (b)

14. To succeed on this ground, the appellant must prove on the balance of probability that the matters alleged in the notice have not occurred as a matter of fact.
15. The building is now in use as a dwelling. However, the appellant's case, as summarised in its closing submissions³, is that it was first completed as a

³ ID17.

multi-use building in accordance with planning permission Ref 13/0794 (the planning permission) and it was in use, "prior to the residential modification and usage." If that is the case, ground (b) will succeed and the subsequent conversion/change of use to a dwelling would need to be the subject of separate enforcement action, if the Council considered that expedient.

16. Through evidence and submissions, it became common ground between the parties that I need to determine whether the building was substantially completed in accordance with the planning permission.⁴ Although the House of Lords' judgment in *Sage v SSETR & Maidstone BC* [2003] UKHL 22⁵ concerned the question of whether building operations were immune from enforcement action, both parties relied on that judgment as the leading authority on how to determine whether a building is substantially complete. It is clear from *Sage* that this is a matter of fact and degree, but a holistic approach should be taken regarding the "*totality of the operations which the person originally contemplated and intended to carry out.*" As per the leading judgment of Lord Hobhouse, "*when application for planning consent is made for permission for a single operation, it is made in respect of the whole of the building operation*" and what is required is "*a fully detailed building of a certain character.*"
17. As Lord Hope said in *Sage* where, as in this case, planning permission was applied for, it is easy to identify the totality of those originally contemplated and intended operations. The planning permission was for a "multi-use building, including reception/shop, store, kitchen area and tractor/implement store." Drawing 2191/P/30 A, referred to in condition 3, showed all the details. These included openings and subdivisions with separate areas designated as: "reception and shop" with mobility access; "store"; "office"; "info room"; "WC"; "kitchen (staff room); "lobby" and "tractor and implement store". Just under half the building's floor space was set aside for that latter element, which was to be served by 2 sets of barn style double doors. As per Lord Hope in *Sage*, if it can be shown that the operations stopped short of what was contemplated and intended when the development began, the building can be properly treated as an uncompleted building.

The Council's evidence

18. Mrs King's proof refers to the Council's record of a complaint received on 9 January 2018 in the following terms: "'General Purpose/Tractor Shed' is being converted into a house – Windows being added, tractor shed doors removed." That was the language used by the complainant, but it is unlikely that they had the *Sage* test in mind or made a judgement about whether the building was ever substantially completed in accordance with the planning permission. Insofar as the complainant indicated a building had been completed and was being converted, they apparently understood that completed building to be a "general purpose/ tractor shed."
19. Mrs King's proof also indicates she visited with a colleague on 16 January 2018 and took photographs, though the photographs bear the date 26 January 2018, and I take this to be the correct date of the visit. The record of that visit concluded, "The structure is not being built in accordance, looks like it is being built as a residential unit rather than shop/reception tractor

⁴ ID16 and 17.

⁵ ID3, 16 and 17.

store.” There is nothing in that to indicate the approved multi-use building had been substantially completed and the allegation in the notice is consistent with that initial view.

20. In her oral evidence, Mrs King said she felt from that visit that this was a “fairly new” building. Among other things the exterior materials were clean and new, and some window frames had been treated and some not. The photographs give no indication that there was ever a mobility access at the south-west elevation, as per the approved plan. Similarly, notwithstanding the terms of the initial complaint there is no indication that there were ever 2 sets of barn doors and roof lights on the northwest elevation, or a pedestrian door and 2 windows in the requisite positions on the southeast elevation.
21. Mrs King said she could not see clearly into the building in January 2018 and could not take photographs, as the windows were steamed up; she said it appeared there was a heater in the building to dry the plaster out. However, she said she could see it was “a shell” with some tools, and plastering work was on-going.
22. A further visit was made in August 2018 and the photographs taken on that occasion include some shots of the interior, through the windows. Empty rooms with plaster boarded stud walls can be seen and door openings with no doors. Those photographs also show the conservatory under construction, and these things appear to be all part of the works to facilitate use as a dwelling. Nevertheless, none of the photographs in themselves prove the building was not completed in accordance with the planning permission at an earlier stage, notwithstanding Mrs King’s impression that this was a “fairly new building”.
23. Following the initial visit in January 2018 a notice was served on 1 February 2018 under s330 of the 1990 Act seeking information. The covering letter referred in its heading to, among other things, “the conversion of the tractor store/office/shop building.” This is at odds with the initial conclusion that the structure was “not being built in accordance...” However, the service of a s330 notice was a preliminary step; it is aimed at gathering information necessary to take enforcement action. The reference to “conversion” of the building was not part of an allegation in any notice. By the time the enforcement notice was drafted 2 years later, Mrs King had concluded that action should be taken for failing to build in accordance with the planning permission.
24. In any event, as per her written statement, Mrs King said she never witnessed the building completed in accordance with the plans, and she had no evidence of what it may have looked like prior to her visits. Furthermore, Building Regulations records indicate only that a commencement visit was undertaken on 8 October 2013; the superstructure and superstructure roof were inspected on 27 November 2013; and the superstructure floor was inspected on 17 October 2014. No other Building Regulations inspections have been carried out and no completion certificate was requested. That does not necessarily demonstrate that other works were not undertaken, but the Building Regulations records do not assist the appellant further.
25. Requirement 5(d) of the notice is that the recipient must “re-instate” [*sic*] the barn doors and other windows and doors to bring the development in accordance with the approved plan. On the face of things, a requirement to reinstate windows and doors suggests the approved windows and doors had been previously installed. However, Mrs King said she had never witnessed

where the openings were before her visit in January 2018. When cross-examined, she acknowledged that “some” of the black windows shown in the 26 January 2018 photographs are depicted on the approved plan but, when I compare them, the correlation is limited. Furthermore, despite the original complaint that tractor shed doors had been removed, Mr Morgan said there was only one set of such doors, not the two sets shown on the approved plans.

26. As I have said, the fact that neither Mrs King nor anyone else from the Council ever saw what they considered to be a substantially completed building which accorded with the planning permission does not prove that no such building was completed. However, the burden of proof falls on the appellant, on the balance of probability.

The appellant's evidence

27. In his proof of evidence, Mr Morgan said the building was erected after the planning permission in July and August 2013⁶ and was immediately used as a store, because plant and mowers had stood outside and were being stolen. The Building Regulations records show that at least the superstructure and superstructure roof were completed by November 2013. Mr Morgan says the building was also used as a tool room, repair shop, partial main reception, and kitchen area. He added that from October/November 2017 the building was used for residential accommodation for site workers and the use of the building as a store and reception effectively stopped in October 2017, because it was remote and unsighted from the main caravan park and was repeatedly being broken into.
28. During the inquiry and before he gave oral evidence, Mr Morgan submitted a further written statement dated 14 July 2021⁷. This conflicted with his proof of evidence in that Mr Morgan said the building was used as residential accommodation for workers from October/November 2016, rather than 2017. When cross-examined, he said the earlier reference to 2017 was an error and the “barn” was used as residential accommodation from 2016.
29. In that statement of 14 July 2021, Mr Morgan said he completed the purchase of the land on 15 July 2016, but when he first visited the appeal site on 23 December 2013, the building was erected with walls, floors, doors, windows and a roof and tractors/mowers were stored within it. When Mr Morgan inspected the building again prior to the acceptance of his offer to purchase the site in December 2015, he says it still had the same walls, floors, doors, windows, and a roof and 2 tractors and 2 or 3 ride-on mowers were in the tractor/implement store, which area was racked out on 3 sides.
30. Mr Morgan said there were also 2 work benches, strewn with tools and equipment as well as a chain saw, and brush cutter being serviced or repaired. He added that there were: internal water and electricity supplies; full lighting and a WC and desks and chairs were loosely scattered in the office and info room areas; and the kitchen area had a standalone sink unit and worktop. He said the “Barn building” was fully completed and was in use within his knowledge from August 2016. Fitting these statements together

⁶ I refer later to Building Regulations records which indicate only that works commenced in October 2013, whilst the superstructure and superstructure roof were completed by November 2013 and the superstructure floor by October 2014

⁷ ID7.

indicates the use as a store and reception was short lived; namely from around August 2016 to around October/November 2016.

31. The appellant also submitted a further statement dated 14 July 2021⁸ in the name of John Mannington, the previous site owner. His earlier statements contained nothing relevant to the matters remaining before me, except confirmation that the land was sold to the appellant in 2016. Mr Morgan said he drafted Mr Mannington's latest statement, based on their conversations, but it was not physically signed by Mr Mannington, as he was away and did not have access to a scanner.⁹ That aside, the statement said construction of the building, which he called "the Machinery Building", started very shortly after planning permission was granted in June 2013, as they quickly needed to put the tractors, mowers, and equipment into a secure location.
32. That further statement says the building was erected "with walls, floors, doors, windows (fully glazed) and a roof". It adds the building was also "fitted with a reinforced concrete floor having been put in for the machinery end with storage racking and work benches. There was a temporary electricity supply for lighting, battery charging and tools." This statement does not indicate the number or location of windows and doors, or the degree to which the building generally accorded with the approved plan. It makes no reference to internal subdivisions, a WC, or kitchen facilities of any kind.
33. The Council also submitted an email exchange between Mr Mannington and a neighbour from 8 June 2021¹⁰. That neighbour asked Mr Mannington to confirm that when he sold the tractor shed as part of the campsite back in July 2016, it was "sold as an empty shell with absolutely no bathroom, or kitchen plumbed or even any plumbing inside at all." Mr Mannington replied:

"I can confirm that when we sold Tanner Farm Park, the machinery shed had no plumbing. There was a water tap outside on one corner but no plumbing for a kitchen or bathroom, either waste or mains water on the inside.

I would hesitate to say it was an empty shell as there was Park machinery kept one end and various equipment for the park the other end, but definitely no plumbing."
34. When cross-examined about this, Mr Morgan said Mr Mannington must have forgotten about the drainage as, when you install floors, you must install drainage and there were 4 inch soil pipes beneath the building. He said there were also water pipes, and electricity was provided temporarily via a cable. Although Mrs King's photographs from 15 August 2018 show a waste pipe being installed, Mr Morgan said this was just an improved system. He also said, "there was no kitchen, just a free-standing unit" plumbed into a vent pipe. However, he stated that stud walls were also in place, "pretty much" as per the approved plan, though the tractor shed may have been bigger and with only one set of doors, and the reception, shop and office areas were piled with equipment and chairs.
35. Particularly given the indication that the tractor shed may have been bigger than that approved, I do not get a clear picture of an internal layout closely

⁸ ID6.

⁹ A statement dated 11 July 2021 was also not actually signed and indicated Mr Mannington did not wish to become "involved or embroiled."

¹⁰ ID11.

corresponding with what was approved. Furthermore, on the face of his email, the reason Mr Mannington hesitated to describe the building as an “empty shell”, was simply that it was not empty; it contained park machinery and equipment.

36. Mr Morgan’s latest statement also referred to email correspondence with the Mrs King from 1 February 2018, in which she said planning permission would be required to change the use of “the tractor store area” to staff accommodation. He says this shows she knew the building was substantially complete and originally used as a tractor store and that it later changed to residential accommodation. However, the planning permission was not merely for a tractor store area and, whatever preliminary view Mrs King may have formed in early 2018, the enforcement notice alleges the building was not built in accordance with the planning permission. She says she never saw any evidence that it was.

Assessment of the overall evidence

37. The evidence from Mr Morgan and Mr Mannington satisfies me that the exterior walls and roof of the appeal building were completed in accordance with the location and dimensions on the plan approved under the planning permission. There is nothing from the Council to indicate otherwise, and the Building Regulations records show these were completed no later than November 2013. Even though there are no such records to confirm Mr Morgan’s claim that the floor was also complete when he first visited in December 2013, they do show the superstructure floor was complete by the time he inspected the building before his offer to purchase was accepted in December 2015.
38. By the time the appellant company was completing its purchase of the building and overall site in 2016, the building was being used to store tractors, mowers, and other equipment, and indeed to service and repair equipment for the caravan site. However, whilst the building had an unspecified number of glazed windows and doors, for the most part, there is nothing to indicate they were installed as per the approved plan. Indeed, on Mr Morgan’s own evidence, only one set of doors was installed for the tractor shed and that area was larger than shown on the approved plan.
39. Furthermore, Mr Morgan could only say that the internal subdivisions were “pretty much” in the locations shown on the plans and that the reception, shop, and office areas were piled high with equipment and chairs. That description is not consistent with his claim that the building was actually used as a partial main reception. Given that another building on the appellant’s site had been used as a reception and shop for some time, the concept of a partial main reception makes little sense. Indeed, the appellant did not challenge a neighbour when he said under oath, “we know the Reception and Shop has never moved into the building and remains in its ‘temporary’ location.”¹¹ Mr Morgan also said the location was unsuitable for a reception facility, as it was remote and unsighted from the caravan park.
40. The previous owner, Mr Mannington makes no reference to internal subdivisions. Whilst I take Mr Morgan’s point about the need to instal waste drainage pipes when completing the concrete floor, Mr Mannington’s email is

¹¹ ID12.

clear that there was only a water tap outside, with no mains water inside and no plumbing for a kitchen or bathroom.

41. In closing, Mr Morgan highlighted the fact that, whilst the building in *Sage* was classified as an unfinished dwelling house, it was unfit for habitation. The interior walls were unfinished, without lining or plaster, none of the windows, including that on the upper floor was glazed and there was no guttering. Mr Morgan suggested the corollary of this was that if a building has walls, a roof, glazed windows, and properly constructed floors and doors it must be defined as substantially complete. I do not accept that. The particular facts of *Sage*, as distinct from the essential reasoning of the judgment, do not determine the cut-off point between a building which is not substantially complete and one which is.
42. Mr Morgan also drew attention to Lord Hobhouse's reference in *Sage* to another appeal where the appeal building had become a viable building more than four years before the service of the enforcement notice such that, in the form which it then took, it was immune from enforcement action. In the appeal before me, the building had become viable as a tractor and equipment store and, with its temporary electricity supply, it could also be used to service and repair equipment. It was also viable as a building in which to "pile up" or store office equipment and chairs.
43. Nevertheless, notwithstanding the provision of a single free standing kitchen unit with sink and worktop, the evidence does not provide a picture of a fully detailed building of the character described in the planning permission, namely a multi-use building, including reception/shop, store, kitchen area and tractor/implement store, as shown on drawing 2191/P/30 A.
44. It is striking that:
 - there are no photographs showing the building substantially completed in accordance with the planning permission;
 - there is no evidence from any contractors who carried out the work to complete the building in accordance with the planning permission, or even from those who altered it to its current state, the existing fenestration and as-built floor plan being different to that which was approved;
 - I have seen no invoices detailing work to complete the building as approved, or to alter it;
 - there is no evidence from any other staff who worked in the building, using the facilities indicated on the approved plan, or from customers or local people to show the building was completed in accordance with the approved plan.
45. The building was capable of use for limited purposes and was put to that use because there was apparently an urgent need. I note that Mr Mannington described this building as "the Machinery Building" and Mr Morgan referred to it consistently as "the Barn." The building was not intended to be constructed merely as a tractor/equipment store or barn. Taking a holistic approach in accordance with *Sage*, the evidence indicates that the building stopped short of what was contemplated and intended by the planning permission and was therefore uncompleted.

Conclusion on ground (b)

46. I conclude on the evidence that the building was not substantially completed in accordance with the planning permission and the appellant has not proved on the balance of probability that the matters alleged in the notice have not occurred as a matter of fact. The appeal therefore fails on ground (b).
47. Although the use of the expression "re-instate" [*sic*] in requirement 5(d) of the notice was not determinative of which openings were in fact previously installed, that expression is not entirely apt. To improve the notice, I will correct that requirement to refer to installation, rather than reinstatement of openings. Given my overall conclusion on ground (b), and the fact that the issues were fully explored during the inquiry, I am satisfied this correction will cause no injustice.

Ground (g)

48. This ground is that the 6 month period for compliance with the notice falls short of what should reasonably be allowed.
49. The appellant said nothing in written or oral evidence to support this ground and there is no evidence that it would take more than 6 months to undertake the required works.
50. However, Mr Morgan mentioned in closing that a family is living in the appeal building. As the appellant was unrepresented and compliance with the notice will depend on the occupiers vacating, I allowed the appellant some latitude in expanding on this aspect in closing. The Council did not object.
51. Compliance with the notice will involve a serious interference with the occupiers' rights to respect for private and family life and the home under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. Those rights do not come into play in consideration of legal grounds, such as ground (b), but they are engaged on ground (g), where I have some discretion. I must be satisfied that the compliance period is proportionate in the circumstances.
52. The appellant indicated that the occupiers have an Assured Shorthold Tenancy. These can be for as little as 6 months. No copy of the tenancy agreement was available at the inquiry. The appellant suggested the tenancy was for a minimum of a year but was unable to say when it commenced. Accordingly, it was unclear when the fixed term would expire, or whether it had already.
53. Notwithstanding that I closed the inquiry on 7 December 2021, I gave the appellant until 1700 on 14 December 2021 to submit a copy of the tenancy agreement. I also asked the Council to submit details of the current regulations or guidance concerning notice periods, which have been altered throughout the Covid-19 pandemic.
54. The appellant did not submit a copy of the tenancy agreement, and there is nothing before me to indicate that the fixed term is still subsisting. I will proceed on the basis that the appellant is already able to give notice to terminate the tenancy under s21 of the Housing Act 1998. The information

submitted by the Council¹² confirms that the requisite notice period is once again 2 months, as per the pre-pandemic position.

55. Assuming this was the case, the Council indicated before the inquiry closed that it would have no objection to the notice period being extended to 8 months, to allow for notice to be given to the tenants and for that to expire before the works commence. On the basis that I am not persuaded the works need take longer than 6 months, I am content that this is a reasonable and proportionate response, and I will vary the notice accordingly. To this extent, the appeal succeeds on ground (g). Although this would be entirely a matter for the Council, the fact that it will retain the power under s173A(1) to extend the period for compliance was discussed at the inquiry.

Conclusion

56. For the reasons given above I consider that the appeal should not succeed, save that the period for compliance should be extended under ground (g).

J A Murray

INSPECTOR

¹² ID18.

APPEARANCES

FOR THE APPELLANT: Mr Neil Morgan, Director of the appellant company

Mr Morgan gave evidence himself and called no other witnesses

FOR THE LOCAL PLANNING AUTHORITY: Emmaline Lambert of counsel

She called	Susan King BA(Hons) MRTPI Senior Planning Officer in Enforcement at Maidstone Borough Council
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INTERESTED PERSONS:

Mr Chris Featherstone, local resident

Nicky Cross, local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

1	Appendix S to Sue King's proof
2	Council's opening submissions
3	<i>Sage v SSETR & Maidstone BC</i> [2003] UKHL 22
4	Email from the Council dated 14 July 2021 confirming withdrawal of the enforcement notice the subject of appeal A Ref 3216208
5	Email from Mr Morgan dated 14 July 2021 @09:44 enclosing witness statements, commenting on <i>Sage</i> , and confirming the appellant company's name as Arcadia Estate (Kent) Ltd
6	Statement of John Mannington dated 14 July 2021
7	Statement of Neil Morgan dated 14 July 2021
8	Evidence of a former solicitor being struck off
9	Drawing 2191/P/32 approved under permission Ref MA/13/1956 (already in evidence at appendix P to the Mrs King's proof)
10	Summary table of data relating to guests staying at the caravan park for more than 28 days in the restricted period
11	Email exchange between John Mannington and Ben Parker 8 June 2021
12	Mr Featherstone's statement of 15 July 2021
13	Compiled application 2 re LDC - conditions
14	Supporting documents addendum re LDC - conditions
15	Documents regarding further evidence
16	Council's closing submissions
17(a) & (b)	Appellant's closing submissions

18	Note for Inspector on assured shorthold tenancy notice periods ¹³
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¹³ At my request, and by agreement with the appellant, the Council submitted this by email on 13 December 2021.