



Appeal Decisions

Inquiry held on 15 March 2022

Site visit made on 14 March 2022

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

an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Appeal A Ref: APP/X2410/C/19/3242127

Appeal B Ref: APP/X2410/C/19/3242128

**Land at Fourways Farm, Narrow Lane, Wymeswold, Leicestershire
LE12 6SD**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended (the 1990 Act). The appeals are made by Mr Richard Yallop (Appeal A) and Ms Helen Bexley (Appeal B) against an enforcement notice issued by Charnwood Borough Council.
 - The notice was issued on 29 October 2019.
 - The breach of planning control as alleged in the notice is:
Unauthorised change of use from agricultural equipment store and aircraft hangar to a mixed use of agricultural equipment store, aircraft hangar and residential dwelling.
 - The requirements of the notice are to:
 1. Permanently cease the residential element of the mixed use of the hangar as agricultural equipment store, aircraft hangar and residential dwelling.
 2. Remove the kitchen, including appliances, which includes but is not limited to fridge, microwave and cooker hob, and all kitchen units.
 3. Remove all furniture and the shower unit from the mezzanine floor area.
 4. Permanently cease maintaining the garden area and remove raised bed area, non-native planting and domestic paraphernalia such as heaters and boat etc
 5. Remove all debris and materials accumulated as a result of taking steps above from the site.
 - The period for compliance with the requirements is 2 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(d) and (f) of the 1990 Act.
 - **Summary Decision: The appeals are allowed following correction of the enforcement notice in the terms set out below in the Formal Decision and the enforcement notice is quashed.**
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Procedural Matters and Background – both appeals

1. As set out above there are two appeals on this site. They relate to the same enforcement notice and the same grounds of appeal, therefore, to avoid duplication I have dealt with them together.
2. The Inquiry sat for one day and all oral evidence was affirmed at the Inquiry. At the request of the main parties I carried out an accompanied site visit on the 14 March 2022.
3. Since there is no ground (a) appeal, and hence no deemed planning application, I cannot consider matters of planning merit. My decision rests on the facts of the case, on relevant planning law and judicial authority.

4. The evidence before me indicates that the building identified as a hangar in the enforcement notice was erected in the early 1990's. There is no dispute that the building is immune from enforcement action and that later in the 1990's a mezzanine floor was inserted in the building and a kitchen and toilet were installed on the ground floor. In 2018 a certificate of Lawful Use or Development was issued by the Council for *'the mixed use of the Land for agricultural and aviation activities, including use of the grass airstrip by resident and visiting aircraft and the storage of four light aircraft and associated agricultural machinery in the existing hangar'* (2018 LDC). It was confirmed at the Inquiry that this LDC had been issued in respect of the whole of the land occupied/owned by the appellants.
5. The appellants purchased the site in 2013 and the previous owners of the site included Mr Walter Harold Turner, Mr Charles Kenwyn Brown and Mrs Linda Muriel Brown. In 2017 Tenacity Planning Consultants (TPC) submitted a planning application on behalf of the appellants for the proposed erection of a temporary dwelling and siting of 2 static caravans for short term holiday let at Fourways Farm (2017 App). The 2017 App was subsequently refused by the Council and a similar application was resubmitted after the 2018 LDC had been issued and it was also refused (2018 App). All of the applications in 2017 and 2018 were made by TPC.
6. In 2019 Mr Church submitted an LDC application (the 2019 LDC) on behalf of the appellants in respect of the *'existing residential use within the mixed-use agriculture and aviation hangar'*. That application was refused as the Council considered that the immunity time limits were disapplied due to deception by the appellants or on their behalf.
7. At the start of the Inquiry the Council conceded that it accepted that a residential use of the land affected by the enforcement notice had been continuous for 4 or 10 years with reference to the time limits at section 171B of the 1990 Act.

The Notice

8. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority.
9. To reflect the meaning of 'development' at section 55 of the 1990 Act I intend to correct the description of the alleged breach by deleting the word *'unauthorised'*, at section 3 of the enforcement notice, and replace it with *'without planning permission the material'*. It is clear from the evidence before me that both parties are aware that a 'material' change of use constitutes the alleged breach and there is no dispute that the correction can be made without injustice to either main party.
10. The submitted Statement of Common Ground states that the plan accompanying the enforcement notice correctly identifies the planning unit to which the notice relates. However, at my request both parties outlined, at the Inquiry, whether they still considered that to be correct and if not what, in their opinion, constitutes the planning unit. They also made oral submissions as to whether the description of the alleged breach as a 'mixed use' was correct and what the relevant time limits in relation to section 171B of the 1990 Act were in relation to this case.

11. The planning unit is a concept which has evolved as a means of determining the most appropriate physical area against which to assess the materiality of a change of use. The broad criteria for determining the appropriate planning unit are set out in the *Burdle* judgment¹. Whenever it is possible to identify a single main purpose of an occupier's use of land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered.
12. Secondly, the judgment identified that it may be appropriate to consider the entire unit of occupation in the case of a composite or mixed use where an occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another and where those uses are not confined within distinct and separate parts of the site. Thirdly, it may frequently occur that on a single unit of occupation two or more physically separate and distinct areas of land are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose, together with its incidental and ancillary activities ought to be considered as a separate planning unit.
13. The Council stated that in its opinion there are 2 separate planning units within the area occupied/owned by the appellants as in the third scenario highlighted in *Burdle*. It considers that the blue hatched area indicated on the plan attached to the enforcement notice is physically distinct from the wider site and the dwelling could be owned and occupied by someone who has nothing to do with the aviation and agricultural uses. However, the appellant considers that either scenario 2 is applicable to the whole of the land occupied/owned by the appellants or scenario 3 applies to the parts of the hangar utilised as part of the residential use together with remainder of the area shown hatched blue on the plan.
14. The area hatched blue on the plan attached to the enforcement notice (the area hatched blue) relates to the whole of the hangar and an area in front of the hangar that is used as an informal parking area and a sitting out/landscaped area. A pond straddles the boundary with an adjoining property and is within the landscaped area. There is no fence or wall around the garden area but there is a raised area/bund where it adjoins the access drive.
15. Based on my observations and the evidence before me scenario 2 is precisely what is described in the enforcement notice. Furthermore, only part of the hangar was being used, on the date the notice was issued, for residential purposes. The other parts of that building have been and are also used for agricultural and aviation activities as found lawful in the 2018 LDC. The mezzanine floor area has a lockable door at the top of the stairs. However, there is free access between the kitchen/toilet area of the building and the remainder of the hangar as there is an open doorway between them. Furthermore, the mezzanine area in itself does not include all the facilities for day-to-day private domestic existence. The external area in front of the hangar acts a parking area that would be available to all users of the site. Moreover, the landscaped/sitting out area is not private or screened off and whilst it appears to be used by the appellants as a domestic garden there is free access over it for visitors or other users of the site.
16. In addition, there is a functional relationship between the uses, as the residential accommodation has been used in connection with the aviation and agricultural use. Mr Yallop has worked on the land since 2013 farming,

¹ *Burdle & Williams v SSE & New Forest RDC* [1972] 1 WLR 1207

maintaining and repairing machinery and maintaining the airstrip and Miss Bexley stated that he regularly stayed overnight using the mezzanine accommodation from 2013 whilst their main residence was in Shepshed. Moreover, the kitchen and toilet facilities are/have been used by visiting vets, pilots and by Mr Yallop for hygiene purposes. Furthermore, prior to the enforcement notice being issued there is no evidence before me to indicate that the residential accommodation has been used as the main residence of anyone.

17. Consequently, it seems to me therefore that, at the date the notice was issued, the whole of the land occupied/owned by the appellants was in a mixed use with three primary uses, in the form of residential, aviation activities and agriculture, existing within the same planning unit. The area hatched blue was therefore, at that date, not a separate planning unit.
18. There is no dispute that the lawful use of the land cited in the 2018 LDC should be included in the description of the alleged breach and that the description does not need to refer to what the use changed from. Both parties agreed at the Inquiry that the word 'dwelling' was superfluous and should be deleted. As such, I intend to delete the wording *'from agricultural equipment store and aircraft hangar to a mixed use of agricultural equipment store, aircraft hangar and residential dwelling'* and substitute it with *'to a mixed use of residential, agricultural and aviation activities, including use of the grass airstrip by resident and visiting aircraft and the storage of four light aircraft and associated agricultural machinery in the existing hangar'*. Taking into account all of the above I consider that these corrections can be carried out without injustice to both main parties.
19. In light of the above, the hatched blue area is only part of the planning unit as the planning unit is the whole area owned/occupied by the appellants. There was no dispute at the Inquiry that I could correct the plan attached to the enforcement notice without injustice to either main party. However, it does not matter if the notice is only directed at part of the planning unit therefore it is unnecessary for me to correct the plan.
20. Notwithstanding all of the above, if read in a straightforward way, and not forensically, the alleged breach is expressed in a manner and form that is understandable. My conclusion is that the notice tells the recipients fairly what they have done wrong and what they must do to remedy it. For the reasons given above, I conclude that the enforcement notice is valid and that no injustice would be caused by correcting the errors and misdescriptions in accordance with my powers under section 176(1)(a) of the 1990 Act.

Applications for costs

21. At the Inquiry applications for costs were made by the appellants against the Council and by the Council against the appellants. These applications are the subject of separate decisions.

The ground (d) appeals

22. The appeals on ground (d) are made on the basis that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. The time limits within which enforcement action must be taken in respect of breaches of planning control are set out in the 1990 Act. In this case, given my findings above the relevant

time period is set out in section 171B(3) of that Act and the burden of proof lies with the appellants. The enforcement notice was issued on 29 October 2019, so in order to succeed on this ground the appellants need to show, on the balance of probability, that the material change of use alleged in the notice (as corrected) began before 29 October 2009 and continued for at least 10 years thereafter without any significant interruption.

23. As stated previously, the Council conceded at the Inquiry that it considers that the residential use element has been continuous for at least 10 years. However, it considers that the breach of planning control was deliberately concealed therefore the appellants should be deprived of the immunity offered by section 171B of the 1990 Act.
24. The mezzanine floor area has within it lounge furniture including a settee and coffee table, a television, a bed, an organ, a dining table and chairs, a shower cubicle and other items of furniture. This area has been formed within part of the roof space of the hangar and is lit by a roof light. Access to it is by a steep set of stairs from within the hangar. The base of the stairs is adjacent to the wall and doorway to the kitchen. The kitchen is small in area and contains some cupboards, a sink, fridge and small appliances including a worktop hob, microwave and kettle. Adjoining the kitchen through a dividing wall/door is a toilet.
25. Statutory declarations submitted by the previous owners Mr Brown and Mr Turner indicate that the mezzanine floor and all the furniture within it, the stairs, kitchen and toilet were installed by 1998. Dated photographs support those statements. Mr Turner also states that lighting was originally powered by a generator but mains water, electricity and a telephone line were installed by 1999. There is no evidence before me to indicate that these facilities have been significantly altered or refurbished since that time.
26. Mr Brown's statutory declaration also states that '*for a protracted period from 1998, I used this upper floor accommodation overnight on a personal basis whilst commuting to and from work in Loughborough*'. There is no specific date included in this statement as to when the protracted period ended. Mrs Brown's statutory declaration states that '*for a continuous period up to and during 1998 we used this upper floor accommodation*'. She goes on to state that '*later after moving to East Leake we continued to visit the farm with our caravan, my son often overnighing with a friend in the upstairs accommodation...*'. Mr Turner's statutory declaration states that '*our original intention was to enhance the attractiveness of the grass airstrip by offering overnight accommodation to visiting pilots. Whilst this has been a useful facility, it was used additionally and frequently by the owners until the property's sale*'. All three of the statutory declarations indicate that the residential accommodation was used frequently on an unbroken basis from the late 1990's until it was sold in 2013.
27. Three letters from a Dr J.D Bence, Mr Collington and Mr Tudor have also been submitted. Dr Bence indicates that he has been using the facilities at Fourways Farm as a pilot and visitor since May 2009 until May 2019 on a weekly to monthly basis. He also states that when he started flying from the airfield the hangar and facilities were well established and had been used for several years. Mr Collington's letter identifies that his family have farmed and kept livestock in fields surrounding the appeal site for well over 20 years. He goes

onto state that the living accommodation in the hangar and the garden area have been in place for at least 12 years as he frequently called in to see previous and present owners over this time when carrying out daily checks of livestock. Mr Tudor states that he saw the facilities within the hangar in 2008 when he was first shown around it when he acquired his aircraft and that the on-site accommodation has not changed in the subsequent years.

28. Helen Bexley, in response to my questions, stated that Mr Yallop stayed overnight at the hangar frequently for odd nights in the week and that they both stayed there most weekends from 2013 to 2020. Mr Yallop stayed overnight when aircraft were taking off early or late or to care for animals that were imminently about to give birth. She also confirmed that no pilots had stayed within the mezzanine accommodation since they had purchased the property in 2013. At the date the enforcement notice was issued the appellants' main residence was in Shepshed. Statutory declarations signed by both appellants confirms those facts.
29. The previous owners' statutory declarations do not include specific dates of when they stayed at the hangar. However, given that this was between 6 and 20 years prior it would be surprising if specific dates could be recalled. There is no explanation as to why Mr Brown would want to use the accommodation whilst commuting. Nevertheless, there is no suggestion that the accommodation was in use as a main residence by any of them. It appears that some of the owners used the accommodation as a form of holiday accommodation. In addition, these sworn statements clearly indicate that the accommodation was available from the late 1990's and was utilised by the owners/pilots on a frequent basis with different occupiers staying for short periods of time throughout the late 1990's until 2013. Given that the owners had installed the accommodation for the pilots and their own use it is reasonable to consider that they would have utilised it on a regular basis.
30. From 2013 until the date the enforcement notice was issued the appellants utilised the accommodation staying overnight for short periods of time. There is no evidence to indicate the appellants' version of events is less than likely. Furthermore, as it appears that the accommodation has been regularly in residential use, even though it was for short stays and by different occupiers at any one time, it is reasonable to consider that the Council would have been able to take enforcement action at any time regarding the residential element of the mixed use. The residential element of that mixed use being overnight stays for short periods of time.
31. Consequently, on the evidence before me, as a matter of fact and degree and on the balance of probability I find that the appeal site was in a mixed use with three primary uses, in the form of residential, aviation activities and agriculture before the material date of 29 October 2009 and has continued without material interruption thereafter such that a 10-year period of use has been demonstrated.

Concealment/positive deception

32. The Supreme Court in the *Welwyn Hatfield*² case concluded that positive and deliberately misleading false statements by Mr Beesley successfully preventing discovery meant that he could not rely on the time limits for taking

² *Welwyn Hatfield BC v SSCLG & Beesley* [2011] UKSC 15; [2011] JPL 1183

enforcement action in section 171B of the 1990 Act. In that case Lord Mance stated at paragraph 56 that *'Mr Beesley's conduct consisted of ... positive deception in matters integral to the planning process (applying for and obtaining planning permission) and was directly intended to and did undermine the regular operation of that process. Mr Beesley would be profiting directly from this deception ...'* (the *Welwyn* principle). It was held in *Matilda Holdings*³ that *'the Welwyn principle is not confined to situations in which the four matters identified by Lord Mance in paragraph 56 are made out. Those are a sufficient set of factors for the principle to apply, but not necessary tests. Nor is there an "exceptionality" test or an "egregious" test to be applied when determining whether there has been deliberate concealment'*.

33. The Council considers that the appellants have taken steps to positively deceive it in relation to the residential element of the mixed use. Sarah Hallam's proof of evidence states that within the planning applications submitted to the Council by the appellants there was no reference to the residential use and statements were submitted indicating that there was no residential use on the site.
34. A design and access statement (DAS) was submitted with the 2017 App and on page 7 it states that *'Most rural airstrips are already located on established farms that are served by a dwelling unfortunately this is not the case for Fourways Farm, as the applicants live several miles away'*. Within the conclusion of that DAS it states that *'there are no dwellings on site or in the immediate vicinity that could fulfil the operational requirements of the air strip'*. The 2018 LDC application also did not make any reference to the residential element of a mixed use.
35. The DAS submitted in support of the 2018 App had been amended and altered from that submitted with the 2017 App. The aerial photograph on the second page of the later DAS contains a label which states that the building is used for storing aircraft and agricultural machinery. A paragraph within the conclusion states that *'There are no existing dwellings on site or in the immediate vicinity that are available to the applicants. Therefore no other dwelling could fulfil the operation requirements of the airstrip.'*
36. All 3 of the applications were submitted by Tenacity Planning Consultants (TPC) on behalf of the appellants. Helen Bexley confirmed in cross-examination that the representatives of TPC saw the accommodation on the mezzanine level, at a meeting that was held on site, as they sat up there to discuss what the appellants wanted. She also stated that TPC did not say the accommodation was relevant to the 2017 App nor did they raise with the appellants whether it was lawful. If that is correct it would appear to indicate a high level of incompetence for a professional agent given the subject of the 2017 App.
37. However, only the appellants' version of what was discussed at that meeting is before me. Furthermore, any correspondence from TPC in relation to the approach to be taken by them in submitting the planning applications is not part of the evidence in front of me. Whilst Miss Bexley has a degree in quantity surveying, I have little reason to doubt her oral evidence that she had minimal experience of the planning process prior to submitting the 2017 App.

³ *R (oao Matilda Holdings Ltd) v SSCLG* [2016] EWHC 2725 (Admin)

38. Nonetheless, I consider that it is highly likely that TPC asked the appellants how the accommodation had been used by them. At that point in time the appellants were not using it as their main residence as they were living in Shepshed. Moreover, it appears that whether the accommodation would fulfil the operational requirements of the airstrip may also have been discussed.
39. Without specific evidence from TPC it is not entirely apparent as to why they decided not to make any reference to the mezzanine accommodation or its use within any of the 3 applications. They may have formed their own professional opinion that the residential use of the accommodation may not be lawful based on what they had heard from the appellants. Additionally, in my judgement, it is likely that they considered that omitting any reference to the accommodation would increase the appellants' chances of success of gaining planning permission for a temporary dwelling on the site. This is because the accommodation could have been seen as reducing the weight of the arguments in support of the 'need' for security and vital overnight facilities.
40. The consultants at TPC who submitted the planning applications are not members of the Royal Town Planning Institute. However, it would be highly unprofessional and unlikely that they would knowingly undertake positive deception in the planning process. Moreover, it is also highly unlikely that they would advise the appellants to positively deceive the Council given the high-profile judgments like *We/wyn* that have recently been made.
41. The information within the DAS associated with the 2017 App was correct as at that time the appellants were living in Shepshed and they considered that the accommodation did not meet the operational requirements of the airfield. There is no dispute that the appellants did not stop Mrs Baker, the Council's Planning Officer, from viewing any part of the hangar or the mezzanine accommodation when the site visit for the 2017 App was undertaken. The residential accommodation is not laid out as would reasonably be expected in a traditional dwelling. The kitchen facilities are very limited, the kitchen itself is small in size and it is open to the hangar. The stairs up to the mezzanine are formed of open treads and the stairs themselves are steeply inclined.
42. Nonetheless, the stairs are carpeted, they are located close to the kitchen doorway and the mezzanine walls are clearly apparent when standing in the hangar looking towards the kitchen. However, Mrs Baker stated under cross examination that she does not remember seeing the stairs up to or the mezzanine accommodation itself during the site visit. In addition, she stated that she had seen the caravan stationed on the site, had enquired what it was used for but did not ask to see inside it. Moreover, Miss Bexley stated that the Council Officers seemed surprised that the hangar was on the site.
43. I acknowledge that the 2017 App related to the erection of a temporary dwelling and siting of 2 static caravans for short term holiday let and not to the use of the hangar. However, in my experience, if a planning officer considers that unauthorised development has occurred or is occurring they would try/ask to see all parts of a site. In this case, Mrs Baker did not see or ask to see the mezzanine floor accommodation. Conversely, the appellants did not point out the mezzanine floor to Mrs Baker.
44. The 2018 LDC application and the evidence submitted in support of it does not make any mention of the residential accommodation within the hangar. That evidence included a signed statement from the appellants. But that is not

- surprising as the subject of that application was the mixed use of the land for agricultural and aviation activities and taking into account my findings on the likely reason why TPC had omitted reference to the accommodation.
45. The altered DAS submitted with the 2018 App included additional information and was laid out in a different way to the previous DAS. Miss Bexley explained in her oral evidence that she did not undertake a side-by-side comparison of the 2 documents. Moreover, she also stated that Mr Yallop has been unwell at that time and therefore she skimmed the document. As such, even though she agreed the contents of that document there is little to contradict her evidence that she did not notice the alterations to the conclusion. Nonetheless, she conceded in cross examination that the statement, cited above, in the conclusion *'could be argued that it was misleading'*.
 46. The Council only became aware of the residential accommodation within the hangar after the submission of the 2019 LDC. Mr Church replaced TPC in providing planning advice to the appellants and he submitted the 2019 LDC on their behalf. In his oral evidence to the Inquiry he stated that it was his recommendation to the appellants that the 2019 LDC be submitted. He stated that after interviewing 2 previous owners of the site he considered that the residential use had subsisted for well over 20 years and could provide a fallback position in support of a future planning application. It is therefore reasonable to deem that it was the change in professional advisors that led to the submission of the 2019 LDC rather than the final part of a plan put in place by the appellants.
 47. Both parties have made reference to appeal decisions⁴ where the matter of positive deception was considered. Whether there has been deception is a fact sensitive question. A spectrum of wrongdoing exists, ranging from cases where a developer is simply unaware of the need for planning permission to at the other extreme those who carry out a deliberate, elaborate, and sustained plan to deceive the Council from first to last. I do not have the full facts of those cases before me and therefore cannot be certain that the circumstances involved are the same as that before me. In any case, I am required to determine the appeals on their own merits.
 48. In this case, the appellants were not on the electoral register at Fourways Farm and no Council Tax was paid for the property prior to 2019. The TV licence in 2014 was cited as 'The Secretary' rather than the appellants names. However, none of those factors are surprising as at that time the appellants considered that their main residence was in Shepshed.
 49. There is no dispute that the previous owners did not apply for planning permission, building regulations or Council Tax for the formation of the mezzanine floor accommodation or its residential use. Mrs Hallam stated in her proof of evidence at paragraph 3.15 that *'The Council accept that the acts of passive omission, such as in this case, by not paying council tax, failing to apply for building regulations or planning permission, failing to register to vote or register the dwelling with the Council and such similar actions as described as "keeping a low profile" are themselves insufficient to disapply the time limit set out in 171B(2) of the Town and Country Planning Act 1990.'* However, within her proof at paragraph 3.3 she had stated that *'If the residential unit was created and used when Mr Brown states, the Council are of the opinion*

⁴ Core Documents CL02 & CL04

that he actively concealed the residential use and deceived the Council by not applying for planning permission or building regulations for the works undertaken and in addition failed to register the dwelling with the Council.' She conceded in cross-examination that the Council stood by paragraph 3.15.

50. The statement within the conclusion of the 2018 App DAS is misleading. Prior to the submission of the 2019 LDC the 3 planning applications made no mention of the residential use of the site or the physical presence of the mezzanine floor accommodation. On the balance of probability, those omissions and misleading statements were more likely than not, aimed at increasing the chances of success in gaining planning permission for the 2017 and 2018 Apps. However, the evidence does not demonstrate that the residential use and mezzanine floor was deliberately concealed or that there was a planned course of deception designed to circumvent planning control and escape enforcement. Overall, in my judgement the appellants' and the previous owners' conduct did not amount to the degree of deception necessary to engage the principles set out in *Welwyn*. They appear to have mostly pursued deliberate inaction rather than taking sustained or actively deceptive steps.
51. Consequently, as a matter of fact and degree, there was no concealment of the residential use element of the mixed use alleged in the enforcement notice (as corrected) by positive deception in matters integral to the planning process. The *Welwyn* principle is not engaged, and the appellants are not deprived of the immunity offered by section 171B of the 1990 Act.

Conclusion

52. On the balance of probabilities, the appeals on ground (d) should succeed in respect of those matters which, following the correction of the notice, are stated as constituting the breach of planning control. The enforcement notice will be corrected and quashed. In these circumstances, the appeals on ground (f) do not need to be considered.

Formal Decisions – both appeals

53. It is directed that the enforcement notice is corrected by:
- Deleting the word '*unauthorised*', at section 3 of the enforcement notice, and replace it with '*without planning permission the material*'.
 - Deleting the wording '*from agricultural equipment store and aircraft hangar to a mixed use of agricultural equipment store, aircraft hangar and residential dwelling*' and substitute it with '*to a mixed use of residential, agricultural and aviation activities, including use of the grass airstrip by resident and visiting aircraft and the storage of four light aircraft and associated agricultural machinery in the existing hangar*'.
54. Subject to the corrections the appeals are allowed and the enforcement notice is quashed.

D Boffin

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Simon Stanion of Shakespeare Martineau instructed by John Church

He called:

Helen Bexley Appellant

John Church John Church Planning Consultancy Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth of No 5 Chambers instructed by Katherine Harrison – Solicitor -
Charnwood Borough Council (CBC)

He called:

Sarah Hallam Senior Planning Enforcement Officer – CBC

Helene Baker Senior Planning Officer – CBC

DOCUMENTS

CBC22 – Certificate of Lawful Use or Development – P/18/0874/2 dated 22 August
2018

CL04 – Appeal Decisions – Land at Went Vale Farm – dated 24 April 2017

(Ref Nos follow on from those within Core Document List)