
Appeal Decision

Hearing Held on 6 September 2022

Site visit made on 6 September 2022

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/R4408/C/20/3258711

Land to the rear of 1 Pleasant View Street, Barnsley S71 1BF (formerly known as 2 - 44 Pleasant View Street, Smithies, Barnsley S71 1QW)

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Allan Hanrahan against an enforcement notice issued by Barnsley Metropolitan Borough Council.
 - The enforcement notice, numbered 2020/ENQ/00473, was issued on 10 August 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission the material change of use of land for the siting of a static mobile home for human habitation and the carrying out of operational development comprising of the construction of hardstanding, walls to provide bays for the mobile home ('The Unauthorised Works').
 - The requirements of the notice are: (i) Cease the residential occupation of the mobile home for human habitation purposes and remove the mobile home from the land; (ii) Cease the residential occupation of the mobile home for human habitation purposes and remove the mobile home from the land; (iii) Remove all boundary walls, fencing and hardstanding and restore the land to its previous condition prior to the breach described in paragraph 4 of the notice.
 - The period for compliance with the requirements is one month from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (d) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice be varied by:
 - The deletion of the existing sub-paragraph 5(ii) and the renaming of existing sub-paragraph 5(iii) as sub-paragraph 5(ii); and
 - The deletion of the words "For requirements 5(i), (ii), (iii) – within one month from the date this notice takes effect" in relation to the time period for compliance at paragraph 6(i) and the substitution with the following words, "For requirement 5(i), six months from the date this notice takes effect and, for requirement 5(ii), seven months from the date this notice takes effect.
2. Subject to these variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

Procedural Matter

3. The enforcement notice has three requirements, listed as paragraphs 5(i), (ii) and (iii). However, the second requirement simply repeats the first and is superfluous. Therefore, I shall vary the notice by deleting the existing requirement at paragraph 5(ii) and renaming the paragraph 5(iii) as paragraph 5(ii).

The Appeal on Ground (d)

4. An appeal on ground (d) is made on the basis that at the time the enforcement notice was served, it was too late to take enforcement action against the matters stated in the notice. That relates to section 171B of the Town and Country Planning Act 1990 which sets the time limits within which enforcement action must be taken. The relevant period for a change of use of land for the stationing of a caravan for human habitation, as described in the notice, is ten years from the date of the breach. If the associated works, including hardstanding and the erection of the wall were integral to, or part and parcel of, the change of use then the period would also be ten years in relation to those structures.
5. The appellant accepts that the material change of use has occurred within ten years of the date the notice was served and his argument on ground (d) does not relate to that element of the notice. His case relates solely to the wall and hardstanding. He contends that those works were constructed well in advance of the decision to bring the caravan onto the site and that they did not facilitate the material change of use. If the operational development was not integral to or part and parcel of the material change of use the period for taking enforcement action would be four years.
6. At the Hearing he stated that the wall was originally intended as a boundary treatment to enclose the paddock and retain his horses. He also suggested that he levelled off the land and put down the hard surface to make the ground more suitable for horses to walk on in contrast to its previous uneven state following the demolition of the terrace of houses in the 1980s. He contends that the wall and hard surface were constructed around eight years ago, four or five years before the caravan was brought onto the site.
7. However, the appellant's claims are not supported by any corroborative evidence. Photographs taken by the Council in March 2020 depict the wall and the hard surface. The wall appears relatively new judging by the condition of the brickwork. The Council also noted that a planning application to convert the amenity block on the appellant's existing site immediately adjacent was made in 2018 and that officers visiting the site made no record of the wall or hardstanding at that point in time. It could be that officers simply didn't notice the works but the site is clearly visible from the driveway leading to the appellant's property.
8. Thus, there is some uncertainty over the date of construction. In any event, I find the appellant's contention that the works were undertaken for the benefit of horses to be somewhat implausible. The wall has a domestic air and seems elaborate for the purposes of retaining animals. A simple post and rail fence would be more common for such a purpose. In addition, the tarmacadamed

area relates precisely to the area where the caravan is situated, running from the unit to the driveway. That leads me to believe that it was specifically laid for the purpose of bringing the caravan onto the land. There is a wider area of compacted hardcore beyond the tarmac enclosed by the wall and hedging but that also relates to the external living space around the caravan.

9. There is no stabling for horses or any evidence of the hardstanding having been used as a yard for equine purposes. If the purpose was to level off the paddock for the benefit of grazing horses, one would expect the topsoil to be replaced and reseeded. I can see no logical benefit of the works from an animal welfare perspective. Consequently, even if the works were commenced some time before the caravan was brought onto the site it seems likely to me that the true purpose of the wall and hardstanding was to make the site suitable for residential occupation and to facilitate the material change of use of the land. In other words, the physical works were an integral part of the change of use.
10. It follows that the relevant period for taking action against those works is ten years from the date the works were substantially completed. Even by the appellant's own admission, the wall and hardstanding were erected within that timeframe. Consequently, the appeal on ground (d) fails.

The Appeal on Ground (a)

11. The main issues are:

- i) Whether the development amounts to inappropriate development within the Green Belt, including an assessment of the effect of the development on the openness of the Green Belt;
 - ii) The effect on the character and appearance of the area;
 - iii) Whether the appellant/ occupants of the caravans fall within the definition of "gypsies and travellers" as set out in Annex 1 of Planning Policy for Traveller Sites (PPTS).
 - iv) Whether there is a need for additional gypsy and traveller sites in the area and whether the Council can identify a five year supply of deliverable sites to meet those needs;
 - v) The weight that should be afforded to the personal circumstances of the occupants of the caravan, having regard to their Human Rights and the best interests of the child;
 - vi) If the proposal does amount to inappropriate development within the Green Belt, whether the harm by way of inappropriateness, and any other harm, is outweighed by other material considerations so as to amount to the very special circumstances required to justify a grant of planning permission; and
 - vii) Whether any interference with the Human Rights of the occupants would be proportionate and justified having regard to the circumstances of the case.
- i) *Whether the proposal amounts to inappropriate development within the Green Belt*

12. The appeal site is located to the rear of the existing caravan site occupied by the appellant and his family which is itself behind the terrace of properties at Pleasant View Street on Smithies Lane. The lane marks the boundary of the Green Belt and the land is more urbanised beyond, with residential development to the north of Barnsley town centre.
13. As identified at paragraph 137 of the National Planning Policy Framework (the Framework) the Government attaches great importance to Green Belts, the essential characteristics of which are openness and permanence. New development within Green Belts is identified as inappropriate unless it falls within a limited number of exceptions. The PPTS identifies that traveller sites are inappropriate development within the Green Belt.
14. Paragraph 150(e) of the Framework does state that the material change of use of land is not inappropriate, providing that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Paragraph 149(g) also identifies that the redevelopment of previously developed land is not inappropriate where it would preserve the openness of the Green Belt.
15. In this case, the land was historically occupied by a terrace of houses which was demolished at some point during the 1980s. It is not clear if the Green Belt was designated after that point but, in any event, the former structures have long since been demolished. Judging by the photographs provided by the Council, the land was covered in vegetation prior to the development referred to in the enforcement notice and was free from any built structures. It essentially had an open character, consistent with the purpose of the Green Belt. In that sense it did not meet the definition of PDL set out within Annex 2 of the Framework.
16. Openness has both a visual and a spatial dimension. Although visibility from public vantage points is limited, the physical presence of the caravan, associated domestic paraphernalia and the boundary wall has resulted in a reduction in the openness of the Green Belt in a physical sense due to the volume and presence of those structures on space that was previously open and free from development. Thus, the openness of the Green Belt has been adversely affected, albeit to a modest degree.
17. In addition, the use has resulted in the encroachment of residential development into the countryside, through the additional hard surfacing and the presence of the caravan and associated cars and domestic items. That is contrary to one of the five purposes of the Green Belt, as set out at paragraph 138(c) of the Framework.
18. Accordingly, the development does not preserve the openness of the Green Belt and conflicts with one of the key purposes of including land within it. As such, it does not meet the limitations of paragraph 150(e) of the Framework. Nor does it fall into any of the other exceptions at paragraphs 149 and 150 of the Framework and amounts to inappropriate development within the Green Belt. Policy GB1 of the Barnsley Local Plan (2019) (the LP) essentially follows national policy with regard to development within the Green Belt and the proposal would also contravene that policy. That is consistent with the Government's Planning Policy for Traveller Sites (2015)(PPTS) which identifies that traveller sites are inappropriate development within the Green Belt.

19. Having regard to the policy restraint in relation to development within the Green Belt, the development is also contrary to the aims of policy GT1 of the LP which sets a criteria based approach for the assessment of sites for Travellers and Travelling Showpeople. In particular, that policy states that sites should generally be located in urban areas and have no other restrictive development constraints.

ii) Character and Appearance of the Area

20. Prior to the unauthorised development, the photographic evidence indicates that the land had effectively reintegrated into the surrounding countryside, in a visual sense, following the demolition of the dwellings in the 1980s. I recognise that the surface of the land may have been somewhat uneven on account of how it was backfilled following demolition but it was covered in vegetation and had the outward appearance of a paddock, enclosed by hedgerows.
21. The development of the site has undoubtedly resulted in the urbanisation of the area as a result of the introduction of the hardstanding, the presence of the caravan and associated domestic items. Although other built development exists alongside Smithies Lane, the site represents a notable expansion into the swathe of fields leading down to the disused canal. The sense of urbanisation and the consequential reduction in the open character of the land has harmed the character of the countryside in the vicinity of the site.
22. The site is well screened from public vantage points, being discreetly tucked away to the rear of Pleasant View Street. Due to the topography and significant intervening vegetation, it is not readily visible from public rights of way to the north, including the former towpath along the canal. However, it is visible from dwellings at Pleasant View Street and the Framework identifies that the intrinsic value of the countryside should be recognised for its own sake. Even with the mitigation of additional landscaping, the urbanisation resulting from the extension of development into the countryside would result in harm to the character and appearance of the area on account of the reduction in the open and green character of the area.
23. That harm is limited in extent on account of the localised nature of the impact and the fact that the site is well-screened. Nonetheless, it fails to respect the landscape character of the area, contrary to the aims of policy D1 of the LP and paragraph 174(b) of the Framework.

iii) Whether the occupants of the site fall within the definition of "gypsies and travellers" as set out in Annex 1 of Planning Policy for Traveller Sites (PPTS).

24. For the purposes of planning policy, the PPTS identifies "gypsies and travellers" as:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

25. Factors to consider when assessing whether someone meets that definition will include whether a person previously led a nomadic life, the reasons for ceasing

- such their nomadic life, and whether there is an intention to resume a nomadic life in future and in what circumstances.
26. The caravan is occupied by one the appellant's sons, his wife and their young child. They were not at the Hearing but were represented by the appellant. The parties did not explicitly comment on whether they fell within that definition in advance of the Hearing, although that appeared to be accepted by the Council in the way they had applied relevant planning policy. The appellant did confirm that they are a travelling family by heritage, having lived on the adjacent site for the last 16 years. At the Hearing, the Council confirmed that they were satisfied that Mr Hanrahan and his family fell within the definition and thereby met the terms of the occupation condition relating to the adjacent site. The appellant confirmed that his daughters and their families were away travelling at the time of the Hearing.
27. However, he also confirmed that his son who resides in the caravan does most of his work locally at the present time. However, he does travel to fairs with his father. Little information was provided in relation to his son's wife but the rationale for a settled base was expressed in terms of their growing family needs in relation to their young baby. From the information that has been presented it seems likely that the present childcare arrangements and home life have taken precedence over travelling, at least in the short term.
28. However, the family, including Michael, have clearly led a nomadic lifestyle and travelled throughout their time on the adjacent site. That lifestyle would appear to be part of Michael's heritage and although he has ceased to travel at present, it seems likely, from the information presented, that the family will continue to travel to fairs and work with his father when doing so in the future.
29. The Council has assessed the proposal against relevant policies for Gypsies and Travellers and confirmed at the Hearing that they were satisfied that the wider family fell within the definition set out within the PPTS. Consequently, although the information presented was somewhat limited, I am satisfied that the family living in the caravan on the appeal site meet the definition within the PPTS, such that they amount to Travellers for the purposes of planning policy.
- iv) *Whether there is a need for additional gypsy and traveller sites in the area, whether the Council can identify a supply of sites to meet those needs, and whether alternative sites would be available for the occupants of the caravan*
30. Paragraph 9 of the PPTS identifies that local planning authorities (LPAs) should set pitch targets for gypsies and travellers, as defined in Annex 1, which address the likely need for permanent and transit accommodation in their area. In addition, paragraph 10 requires LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets.
31. The Council's assessment of the local need for Gypsy and Traveller sites is based on the 2015 Barnsley Gypsy, Traveller and Travelling Showpeople's Needs Assessment (GTNA). At the time the appeal statements were submitted the Barnsley Gypsy and Traveller Five Year 'Deliverable' Land Supply Report – April 2020 to March 2025 (July, 2020) was the most up-to-date report on the need and supply situation. That has now been updated with the 2022 version of the report, as identified by the Council at the Hearing.

32. The July 2020 position statement identified a five-year need of 3.2 pitches and a supply of 19 pitches based on two allocated sites, one north of Industry Lane for 11 pitches and an extension of the existing site at Burntwood Cottages to provide 8 pitches. The Council provided an update of the position in 2022 at the Hearing. Although the five-year need is now estimated to be 5.6 pitches, the two allocated sites have not been developed or occupied at present and both remain available according to the Council. Consequently, it remains satisfied that it can demonstrate a five-year supply of deliverable sites.
33. Although the appellant suggested that the need for sites may be significantly higher than that presented in the GTAA no supporting information was provided and the comments were anecdotal. I also note that the 2020 and 2022 position statements factor in potential demand arising from families on the waiting list for the public site at Smithies Lane. The Council notes that the 2015 GTNA will be updated in future to support a review of the Local Plan. However, on the basis of the information presently before me, and in the absence of anything to the contrary, I have no reason to doubt the Council's contention that the allocated sites are deliverable within the five-year period and sufficient to meet the identified need over that timeframe. The fact that the land may presently be privately owned does not indicate that the sites are not available now or capable of being developed within a five-year period. The sites were promoted through the plan making process and there is nothing before me to indicate that there is any constraint to their development.
34. Although the appellant contends that no other sites are available it is not clear whether the occupants made any attempt to find alternative accommodation before moving onto the site. The appellant was resolute in his position that he didn't wish for any of his children to live on sites that were not in the ownership of the family. Criteria based policy GT1 of the LP also provides a mechanism through which unallocated sites may obtain planning permission subject to the relevant considerations. However, there is no suggestion that any other site has been sought or considered, albeit that there is no requirement for the appellant to do so, or to demonstrate a need to live specifically on the appeal site.
35. In view of the above, whilst I recognise that suitable accommodation can be difficult to secure, the information presented does suggest that alternative sites are available but there is no evidence of any concentrated effort to secure an alternative in this case.

v) Personal Circumstances and Best Interests of the Child

36. The appellant maintains that the caravan was brought onto the land in order to accommodate the growing needs of his family which can no longer be accommodated on the adjacent site. Under the terms of planning permission 2013/0373 no more than two caravans may be stationed on that land for use by the appellant and his family. Since that permission was granted the appellant's children have grown into adults and his three daughters and two sons are now married or with partners, along with children of their own.
37. Prior to moving onto the land I understand that the appellant's son shared accommodation with his brother but upon having a family there was a need to find separate accommodation. The appellant expressed a strong desire that the family continue to live together, in close proximity. As noted, he stated that he would not want any of his children and their families to move onto land that

is not in the ownership of the family. That position is somewhat restrictive given the limitations of the existing site and location within the Green Belt.

38. Clearly, therefore, there are strong family ties between the occupants of the appeal site and their family residing at the adjacent site. I recognise the desire to live within a family group which is no doubt culturally important to the occupants. On a practical level, there is also likely to be support with childcare and other domestic arrangements. Although not a matter raised explicitly by the appellant it seems to me that it is likely to be in the best interests of the child to have a settled base, close to other family members, with associated ties.
39. If I were to dismiss the appeal and uphold the enforcement notice there would be significant consequences for the home life as described above. In effect the family would lose their home. It is uncertain if a suitable alternative site would immediately be available to prevent them becoming homeless. The alternative sites referred to by the Council do not appear to be developed as of yet and there is a waiting list of six families at the Smithies Lane site according to the GTNA 2022 position statement. Options to move back onto the adjacent site would be constrained by the limitation in the number of caravans that can occupy the land.
40. The child is not yet at school age and no specific health issues have been raised. Nonetheless, in all probability, upholding the notice would have adverse impacts on the well-being of the child and family on account of having to leave the site and the uncertainty of finding accommodation close to their family. Those are matters that attract significant weight in the decision making process and the consequences would be of such gravity as to engage the operation of their Article 8(1) Convention rights¹.

vi) The Green Belt Balance

41. The material change of use is inappropriate development which has resulted in harm to openness and the encroachment of residential development into the Green Belt. In accordance with paragraph 148 of the Framework I attach substantial weight to the harm to the Green Belt. The development has also caused harm to the character and appearance of the countryside and I attach limited weight to that harm on account of the localised and relatively concealed nature of the impact. Overall, the development is contrary to the policies of the development plan with respect to the Green Belt, character of the area and the provision of sites for Gypsies and Travellers.
42. In accordance with paragraph 147 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
43. The evidence presented indicates that there is a small need for additional traveller pitches in the Borough but that need is catered for on account of allocated sites within the development plan. There is nothing to indicate that those sites are not capable of being brought forward within a five-year period. Consequently, the Council has planned for the estimated need for additional

¹ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998

pitches in its area and the evidence in that respect does not add weight in support of the appeal.

44. Notwithstanding that, the occupants of the caravan clearly have long-standing links to the area and are in need of accommodation due to the limitations relating to the neighbouring site. Whilst the Council has planned to meet the need for additional sites through allocations in the development plan the information before me is that the two sites have not yet been developed. Therefore, refusing planning permission and upholding the notice would potentially have severe consequences for the home life of the occupants who would be forced to leave the site.
45. It is not clear whether that would lead to a life on the road but that cannot be ruled out. The appellant could not point to any real attempt to find alternative sites but that does not lessen the potential severity of the impact on the occupant family. Thus, the personal circumstances carry significant weight. It is also likely to be in the best interests of the child to remain on a settled base. The best interests of children must be a primary consideration in all actions made by public authorities. I must consider the Article 8 rights of the children in that context. No other consideration can be treated as inherently more important. However, such matters are not necessarily determinative and may be outweighed by other considerations.
46. I am very mindful of the human rights of the family and must also have due regard to the protected characteristics of Gypsies in relation to the Public Sector Equality Duty (PSED) when applying the duties of section 149 of the Equality Act 2010.
47. However, even though I attach significant weight to the personal circumstances of the occupants, including the best interests of the child, that weight does not *clearly* outweigh the substantial weight I attach to the harm to the Green Belt and the weight attached to the harm to the countryside. The development is clearly contrary to the relevant policies of the development plan, the Framework and the PPTS and the very special circumstances needed to justify inappropriate development within the Green Belt have not been demonstrated. Subject to an assessment of proportionality a permanent planning permission is not justified.

vii) Proportionality Assessment

48. There is no doubt that Article 8, a qualified right, is engaged. Interference with a person's right to respect for his private and family life and the home may be justified in the public interest. In this case, the interference would be in accordance with the law provided that planning policy and relevant statutory duties are appropriately and lawfully applied. The interference would be in pursuit of a legitimate aim – the economic well-being of the country, which encompasses the protection of the environment through the regulation of land use. The means that would impair individual rights must be no more than necessary to accomplish that objective.
49. For the reasons set out above, the combined harm arising from the impact on the Green Belt and character and appearance of the area attracts substantial weight. The Government attaches great importance to the protection of Green Belts and the legitimate aims of protecting the environment attract substantial

- weight. I am also mindful that the Council has identified sites to meet the needs of Gypsies and Travellers through the plan led process.
50. When set against that I recognise the close family ties between the occupants of the caravan and their family on the neighbouring site and the fact that living together helps to facilitate their traditional way of life, having regard to the PSED.
51. Overall, I am of the view that interference with the Article 8 Convention rights of the family is necessary and proportionate in pursuit of the legitimate aim of regulating land use in the public interest. To refuse to grant planning permission and to dismiss the ground (a) appeal would strike a fair balance and would not result in a violation of their rights under Article 8.
52. In view of my conclusions in that regard I have also considered whether there are other means of achieving the legitimate aims identified above, including through a temporary planning permission or through an extension of the period for compliance with the notice. I have addressed this matter even though the appellant has not sought a temporary permission or made a case for an extension to the compliance period.
53. Although the same main considerations apply to a temporary permission, the balance is different. The development would still amount to inappropriate development that would harm the openness of the Green Belt and encroach into the countryside, with consequential harmful effects on the character of the area. I am required to give substantial weight to any harm to the Green Belt, notwithstanding that the harm would only be felt for a temporary period. The additional limited harm to the character and appearance of the area would be tempered on account of the temporary nature of the consent.
54. Moreover, I am not satisfied that the planning policy circumstances or the supply of alternative sites would be any different at the expiry of any temporary period, whether that was a three or five year period. The Council already has an adopted Local Plan which makes provision for the needs of Gypsies and Travellers and contains a criteria-based policy under which other sites may be considered.
55. The appellant expressed very strongly that he would not want his family to live on sites not within their ownership and, given the strength of his conviction in that regard, it is not clear that situation would change if a temporary permission was granted. In other words, the chances of finding an alternative site would not necessarily be any greater than they are at present. Even if the allocated sites referred to by the Council were brought forward it is not clear that they would be considered by the family.
56. The weight I attach to the personal circumstances of the occupants, including the best interests of the child remains significant on account of the severity of the likely impacts. However, overall, that weight would not clearly outweigh the harm to the Green Belt and other harm that has been identified, even if considered for a temporary period. The development would remain contrary to the aims of the development plan, the Framework and the PPTS.
57. The interference with the family unit's Article 8 Convention rights would be necessary and proportionate and the development is not acceptable, even for a time limited period.

58. Accordingly, I shall dismiss the appeal on ground (a) and refuse to grant planning permission in relation to the deemed application.

Compliance Period

59. In considering a proportionate response it is necessary to weigh the legitimate public interest in removing the unauthorised and harmful breach of planning control against the impact upon the family life and Convention Rights of those residing at the site. The period for compliance with the enforcement notice is one month from the date the notice takes effect.
60. Although the refusal to grant a temporary planning permission would be proportionate a compliance period of one month is unduly short given the arrangements that would need to be made. Whilst the physical work of removing the caravan and associated works could be completed within a month, a more proportionate arrangement would be for a longer period to enable the family residing in the caravan the opportunity to find alternative accommodation and/or make plans in that respect. It also strikes me that the physical works of removing the hardstanding and wall could only practically be undertaken after the family had ceased living on the site and a phased approach would be more appropriate whereby the physical works are completed after the residential occupation has ceased and the caravan has been removed.
61. A period of one month would require rapid upheaval and a much greater likelihood of unnecessary hardship, particularly given that the family has a young child. Consequently, I find that the compliance period in the notice does not strike a fair and proportionate balance and would not amount to a justified interference with the rights of the family.
62. In my view a more proportionate response would be to allow a period of six months to cease the residential occupation and remove the caravan and a further month after that for the physical works. That would provide a fair and justified balance between the need to remedy the breach in the legitimate public interest and the interference with the Convention Rights of the family. I shall vary the terms of the notice accordingly.

Conclusion

63. Subject to the variation in the period for compliance I shall uphold the enforcement notice, refuse to grant planning permission on the deemed application and dismiss the appeal.

Chris Preston

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Allan Hanrahan	Appellant
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FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Dougherty	Group Leader for Enforcement
Mr Chris Byrne	Enforcement Officer

INTERESTED PERSONS:

Mr Selby	Neighbouring land interest
Mrs Dickinson	As above