



Appeal Decisions

Hearing held on 26 May 2022

Site visit made on 26 May 2022

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal A: APP/J1535/C/20/3261707

Land at Greenacres, Bassetts Lane, Willingale, Ongar CM5 0QJ

- 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 Henry Lowe against an enforcement notice issued by Epping Forest District Council.
- The enforcement notice was issued on 25 September 2020.
- The breach of planning control as alleged in the notice is: On 13 June 2017, by way of an appeal to the Planning Inspectorate (under *ref APP/J1535/A/14/2225844*), planning permission was granted for "a change of use to a mixed use for the purposes of agricultural and a residential caravan site at Greenacres, Silver Lane, Willingale, Essex CM5 0QL in accordance with the terms of the application *ref EPF/0657* dated 24 March 2014 and the location plan submitted with it "subject to conditions.
- Conditions 1, 3 and 6 state:

Condition 1:

The use hereby permitted, and the occupation of the land shall be carried on only by the following and their resident dependents: William Lowe senior, William and Susan Cathleen Lowe, Jim and Joanne Scamp.

Condition 3:

There shall be no more than 2 pitches on the site. No more than a total of three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than two caravans shall be a static caravan, shall be stationed on the land at any time.

Condition 6:

The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in i) to iv) below:

- i) Within two months of the date of this decision a site development scheme shall have been submitted for the written approval of the local planning authority. The scheme shall provide details of (a) the internal layout of the site, including the siting of caravans, demarcation of pitches, hardstanding, access roads, parking and amenity areas, area of land to be used for agricultural purposes, (b) boundary treatment and planting, and (c) proposals for the restoration of the site to its condition before the development took place (or as otherwise agreed in writing by the local planning authority) at the end of the period the site is occupied by those permitted to do so.
- ii) If within 11 months of the date of this decision the local planning refuse to approve the development scheme or fail to give a decision within the prescribed

period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained, and the caravans shall only be positioned in the approved locations.

It appears to the Council that the conditions have not been complied with fully in that:

Condition 1 has been breached as the Land has been occupied by persons other than those persons specified.

Condition 3 has been breached by exceeding the two pitches permitted and by stationing more than two static caravans on the Land.

Condition 6 has been breached as a result of the layout of the Land not being in accordance with the submitted scheme that was subsequently approved by the Council under ref EPF/2017/17; the breach has been brought about by a new access having been created on to the Land from the highway, additional caravans having been sited, the demarcation of additional pitches, hardstanding having been laid on the new pitch and the access route, additional parking and amenity areas and boundary treatments having been established.

- The requirements of the notice are:
 - i) That persons not named in condition 1 of the appeal decision of the Planning Inspectorate dated 13 June 2017 (under ref APP/J1535/C/14/2225844), vacate the Land.
 - ii) That the number of static caravans/tourers on the Land is reduced to no more than two (2) static caravans and one (1) tourer as permitted by the Planning Inspectorate decision dated 13 June 2017 (under ref APP/J1535/A/14/2225844).
 - iii) Following compliance with steps i and ii above, to remove from the Land all the hardstanding and paraphernalia in connection and associated with the unauthorised development.
- The period for compliance with the requirements is within 2 months after this Notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2) (a), (b) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal B: APP/J1535/W/20/3261706

Land at Greenacres, Bassetts Lane, Willingale, Ongar CM5 0QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Henry Lowe, against the decision of Epping Forest District Council.
- The application Ref EPF/0856/20, dated 27 April 2020, was refused by notice dated 25 June 2020.

- The application sought planning permission for the material change of use of the land to a mixed use for purposes of agriculture and a residential caravan site without complying with conditions attached to planning permission PINS Ref *APP/J1535/A/14/2225844*, granted at appeal, dated 13 June 2017.
 - The conditions in dispute are No 1, 3 and 6 (as worded above in connection with Appeal A).
 - The reasons given for the conditions are indicated in the decision letter as being:
 - 1) The use and occupation will be made personal to the people named because their gypsy status, accommodation needs and the best interests of the children have been factors weighing in favour of a grant of planning permission on this Green Belt site;
 - 3) A restriction on the number of pitches and on the number and type of caravans on the two pitches is to control the harm to openness, the degree of encroachment and local amenity;
 - 6) A site plan is required to show and confirm the existing siting of the caravans, together with the pitch sizes and incidental works. An acceptable site layout is necessary to ensure that the caravan site continues to be concentrated on the yard area in order to control the impact of the mixed use on the Green Belt.
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Decisions

Appeal A

1. The enforcement notice is quashed.

Appeal B

2. The appeal is dismissed.

Background

3. In June 2017, following an appeal, planning permission was granted for a material change of use of the land to a mixed use for purposes of agriculture and a residential caravan site. This permitted, on two pitches, the stationing of a total of three caravans, with no more than two of these being of the static type. A condition imposed also required for the approval and implementation of a suitable site development scheme. The said scheme was approved in October under ref PL/EPF/2021/17 relating to, amongst other plans, drawings nos 13_594_010 'Site Development Scheme' and 13_594_011 'Site Restoration'.
4. The Council subsequently identified an irregularity, being of the opinion that the site layout was not implemented in accordance with the approved scheme, due to additional caravans sited on the land, a new vehicular access created along with additional parking and amenity areas and with different boundary treatments installed. Further, the terms of the condition requiring that the condition be personal to named occupants, comprising certain members of the Lowe and Scamp families, was also seen to having been contravened.
5. The appellant, Henry Lowe, was not one of the named occupants permitted to reside at the site but, in his Witness Statement dated 26 May 2022, he has confirmed that he has been living at the site since August 2020 along with his daughter and grand-daughter. In addition, another grand-daughter has recently moved to the site. Mr Lowe's brother and his brother's family also live at Greenacres but, I understand, they reside there without contravening the terms of the said planning permission.

6. In the circumstances, and with the stationing of an additional two static caravans on the land the Council saw it expedient to issue an enforcement notice alleging breaches of conditions, and this notice is now at appeal.

Preliminary Matter

7. Although the enforcement notice alleges that the land has been subject to breaches of condition, on 20 May 2022, one week prior to this Hearing, the Council issued another enforcement notice against the same development. However, the new notice alleges a material change in the use to create a new planning unit for use as a caravan site by gypsies and travellers, along with the formation of a new vehicular access and the laying of hardstanding.
8. I understand that by the date of the Hearing no appeal had been lodged against the new enforcement notice and it is not, in itself, a material consideration in the current appeal. Accordingly, I have not taken this document into account, nor its contents, in reaching my conclusions on the current appeals.

Matters concerning the enforcement notice

9. In cases where there is a dispute as to whether a material change of use has occurred it is first necessary to ascertain the correct planning unit and the present and previous primary uses of that unit. This is a concept which has evolved as a means of determining the most appropriate physical area against which to assess the materiality of change
10. The leading case for determination of the planning unit is *Burdle v SSE & New Forest DC* [1972] 1 WLR 1207 which confirmed that an Inspector may correct or vary an enforcement notice under s176 to ensure it was directed to the correct planning unit. In *Burdle*, it was held that the planning unit is usually the unit of occupation unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes. In this particular instance, whilst the use of the land is for the same purposes, I would consider both functional and physical separation as having occurred here. As a result I would suggest that an additional planning unit, physically separated by high wooden fencing and with a substantial piece of land between, has now been created.
11. Turning to relevant case law, in the judgement of *Stone & Stone v SSCLG & Cornwall Council* [2014] E.WHC 1456 it was held that whether or not an occupier of land has created a new planning unit is a question of fact and degree for the decision maker.
12. Also referring to the planning unit, in the case of *De Mulder v SSE* [1973] 27 P&CR 369 it was held that a local planning authority cannot arbitrarily divide a planning unit and serve notices directed at different parts or different elements of an overall use if this would achieve a more restrictive effect than one notice directed at the whole activity on the whole planning unit. However, importantly, the same broad principle applies to appellants, in the sense that a planning unit cannot be arbitrarily divided to make the case that one component of a mixed use of the whole planning unit is lawful on part of it.
13. Regarding a material change in the use of the land, in the case of *Reed v SSCLG* [2014] JPL 725 the Court of Appeal held that the Inspector should have directed himself as to the test to be applied if he was to conclude that an

increase in the number of caravans on the land had been such as to amount to a material change of use. Here, he did not expressly conclude that there had been a change in the character of the mixed use. Indeed, on the face of the decision the character of the mixed use remained the same for equestrian purposes and as a caravan site for gypsies. As such, it seemed that the sole basis on which he had concluded that there had been a material change of use was the simple fact that the additional caravan amounted to a "*doubling of the number of caravans*". Accordingly, the court found that the Inspector's reasoning was consistent with him having adopted an erroneous approach that mere intensification could amount to a material change of use.

14. The case of *Barton Park Estates Limited v SSHCLG & Dartmoor National Park Authority* [2021] EWHC 1200 (Admin) concerned an increase in the number of residential caravans on a site which enjoyed planning permission for such. However, no condition had been imposed to limit the number of caravans sited on the land. Nonetheless, the courts upheld the Inspector's decision that a significant increase in such amounted to a material change of use. In referring to the common ground that the test for deciding whether a material change of use has occurred is whether there has been a change in the character of the use, or in the definable character of the use the judge, here, made reference to the case of *Hertfordshire County Council v SSCLG & Anor* [2012] EWCA Civ 1473. Accordingly, it was held that the Inspector was entitled to conclude that the proposed use would bring about a material change in planning terms.
15. In the current case a new vehicular/pedestrian access has been created directly off Bassetts Lane for the benefit of the two static caravans now sited at the southern end of the site. The boundary of the original, larger site is ringed on the location plan attached to the enforcement notice.
16. As mentioned, there are now two separate and independent sites with a fenced-off field lying between. As such, the sites are not just physically demarcated by way of close-boarded timber fencing, the separation is distanced and compounded by the expanse of the field, which effectively acts as a buffer. The divide is further reinforced by the fact that the southern section of the original site has been independently named 'The Willows', as per a name plate attached to the fencing close to the entrance gates.
17. If taking the area of the original site in its entirety then the current position is that an additional two static caravans have been brought onto the land with their occupation for residential purposes. Their occupation and the approved site development scheme aside, the additional caravans present mean that there has been a clear breach of condition 3. However, given the original site's contextual arrangement this degree of intensification alone would be unlikely to change the character of the use, irrespective of any potential impact on the openness of the Green Belt.
18. The planning position has to be reassessed, though, with the site having been sub-divided along with the creation of a new and independent access off Bassetts Lane to facilitate the new arrangement of accommodation. The resultant break in the hedgerow, the extent of the cut-in to the verge off Bassetts Lane, the hardcore laid fronting the close-boarded fencing and gates erected have all compounded to change the character of this immediate stretch of the lane. Accordingly, both the resultant physical and visual impacts have given rise to significant implications.

19. As a consequence, I consider that the character of the development, as approved, has markedly changed with two separate and distinct settlements now evident. This, coupled with off-site effects from the additional, but independent vehicular access which serves only the area containing the two additional static caravans, has altered the approved development to the point where a material change of use has occurred, for which planning permission is required. I consider that the current use of the land, without the caravans restricted to the yard area, goes against that envisaged by the previous Inspector when she allowed the appeal and granted planning permission.
20. The appellant is of the opinion that condition 6 has not been breached and says that all its points have been complied with. Accordingly, it was put to the Hearing that the approved site development scheme (SDS) was implemented in accordance with that approved, and completed in accordance with the approved timetable. In this respect, the appellant says in paragraph 137 of his written Statement:
- "...There is no suggestion that that scheme has not been retained. All elements of the scheme set out in drawing no 13_594_010 have been retained, with no suggestion made to the contrary by the Council."*
21. In paragraph 138 of his Statement the appellant, in acknowledging that the condition is also worded to require that the caravans shall only be positioned in the approved locations, states:
- "This is the only part of condition 6 that the Council could allege to have been breached, as there are now caravans located in additional areas of the planning permission. This is also however a questionable breach as the caravans' approved under the 2017 permission remain located in the approved positions."*
22. In response the Council, in addition to the additional caravans and demarcation of additional pitches, cites the new vehicular access created, hardstanding having been laid on the new pitch, additional parking space and amenity areas and boundary treatments carried out which do not accord with the approved SDS.
23. From my observations it is somewhat contrary to suggest that the stated requirements of condition 6 have not been breached. The retrospectively worded condition is clear in its reference to *'upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained, and the caravans shall only be positioned in the approved locations.'*
24. Further, although the Council does not raise this point specifically, the condition's first sentence stipulates that the use shall cease and all caravans, structures, equipment brought on to the land to facilitate the use shall be removed if its requirements are not met. This is indicative of the condition's importance, and the reasoning why the Inspector saw fit to impose it.
25. In the circumstances, I am satisfied that condition 6 goes to the heart of the planning permission granted. The previous Inspector, in her decision letter, says that the reason for its imposition is due to the need to ensure that the caravan site continues to be concentrated in the yard area in order to control the impact of the mixed use on the Green Belt. Given the current arrangement, with three distinct and physically demarcated areas, a significant

loss of openness has resulted. I consider this flies in the face of the terms and conditions of the 2017 planning permission. As such, although the requirements of the said conditions themselves have been breached, this case should instead be dealt with as a material change in the use of the land.

26. Under the provisions of section 176(1) of the 1990 Act as amended it is open to me to correct any defect, error or misdescription in the enforcement notice or to vary its terms if I am satisfied that the correction or variation will not cause any injustice. It is considered that the Courts interpret the power to correct a notice very widely and that the powers in s176(1) can extend to making significant changes to the terms of the notice so as to put it on a proper footing. However, given my findings that the planning unit has been sub-divided and a material change of use has occurred for which planning permission is required and has not been granted, rather than merely constituting a breach of conditions imposed on the planning permission previously granted, I am not satisfied that there would be no injustice caused if I were to attempt to make the significant corrections necessary.
27. In other words I find that this notice, as issued, is incapable of correction. In such circumstances it is not open to me to correct the errors in accordance with my powers under s176(1)(a) of the 1990 Act since injustice would likely be caused were I to do so.
28. The enforcement notice is therefore invalid and will be quashed.

Appeal B

29. Section 73 of the 1990 Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. It applies to development to be carried out and is not itself retrospective to allow validation of completed development. Subsection 2 states that on such an application a local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. However, the provisions of the development plan should be taken into account.
30. Irrespective of the outcome of the application/appeal made the existing planning permission remains extant, and unaltered. The principle of the approved development is not therefore at risk and s73(2) makes clear that the consideration involves deciding which conditions should be attached to it. If allowing the proposal, conditions might be removed, but also new conditions might be imposed. A decision under s73(2) leaves the original planning permission unaltered. If the application is successful and a fresh planning permission is granted under s73(2)(a) it is an entirely new planning permission for development and will essentially be subject to conditions differing from those originally imposed. The new conditions must be ones which could have been imposed on the original permission. Accordingly, the extant planning permission cannot be rewritten.
31. However, in this particular instance the appellant, when questioned, accepted that the application form incorrectly stated that the development had not begun at the date of the declaration in April 2020. In such circumstances s73(A)(1) applies instead as the development has taken place without compliance with conditions imposed on the original permission, and should be dealt with under s73(A)(2)(c). In common with the approach to s73

applications it is open to the decision maker, if allowing the proposal, to both remove and/or add conditions to what would be, in effect, a parallel planning permission.

Main Issue

32. In allowing the previous appeal in 2017 the Inspector considered that the main issues centred on the effects on the openness of the Green Belt, the amenities of nearby residents and whether any harm would be clearly outweighed by other considerations to amount to the very special circumstances to justify the development.
33. As already mentioned the principle of the development has already been decided in that, despite the appeal, the original planning permission remains. As such, in respect of Appeal B, the primary main issue is whether conditions 1, 3 and 6 of planning permission APP/J1535/C/14/2225844 remain reasonable and necessary having regard primarily to the openness of the Green Belt and the overall character of this rural location. Local unmet need for gypsy & traveller site provision, along with the implications of the development for the Epping Forest Special Area of Conservation (SAC) and the site's sustainability in locational terms are also matters for consideration.

Reasons

34. In allowing the previous appeal and granting planning permission the Inspector justified making the use and occupation personal to the persons named in that application applicants due to their gypsy status, accommodation needs and also the best interests of the children which she considered were factors weighing in favour of granting planning permission on this Green Belt site. In terms of the number of caravans permitted at the site the Inspector imposed a condition restricting the accommodation to two pitches and three caravans (one of which being a tourer). She considered this necessary to control the harm to openness, the degree of encroachment and as an attempt to safeguard local amenity. She also considered that an acceptable site development plan should be implemented to show and confirm the siting of the caravans and ensure that the caravans continue to be concentrated in the yard area so as to control the impact of the mixed use on the Green Belt.
35. Paragraph 24 of the government's Planning policy for traveller sites (PPTS) makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. This is not a blanket ban on sites in the Green Belt, but is a significant material consideration.
36. Although residential use in general constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and can only be justified where very special circumstances can be demonstrated the appellant takes the view that, as a variation of a condition per se does not amount to development, the additional caravans now sited on the land do not represent inappropriate development. That stance is somewhat fallacious as it must also take into account the degree to which a condition(s) has been breached and the implications thereof. Moreover, given that I have found that a material change of use has occurred in this instance, this argument does not hold weight.

37. I note the appellant's reference to the judgements of *Wavedon Properties Ltd v SSHCLG* and *Samuel Smith Brewery v North Yorkshire CC*, both of which were made subsequent to the previous Inspector's decision in June 2017. However, I see no direct parallels with the current case, given the circumstances here. The latter highlighted that there are likely to be visual as well as spatial effects on the openness of the Green Belt, and it was held that whether those effects are likely to be harmful or benign will be for the decision-maker to judge.
38. In essence, a development cannot preserve the openness of the Green Belt when it causes harm to openness and, here, the stationing of additional caravans and any associated development has clear implications in this regard. In terms of such impact, I find that the identified breaches conflict with the aims and objectives of policies GB2A, GB7A and H10A of the Epping Forest District Adopted Local Plan, 1998 and Alterations, 2006 (ALP), and policies SP6, DM4 and H4 of the emerging replacement Local Plan, Submission Version (ELP), along with the advice in paragraph 147 of the Framework.

Other Considerations

39. With the reasons for the imposition of the conditions borne in mind it is necessary to examine what, if any, material changes in planning terms have taken effect since June 2017.
40. A new local Gypsy and Traveller Accommodation Assessment (GTAA) was published in September 2017. The GTAA shows there is an acknowledged need for gypsy & traveller sites within the District Council area. The assessment has provided the evidence base for local need and the provision of sites to inform the ELP, the draft of which was published in December 2017. In relation to the sites which are proposed as allocations for gypsy & traveller purposes in the ELP it was confirmed at the Hearing that many of these are expected to be extensions or intensifications of existing sites.
41. At the Hearing the Council acknowledged that it cannot currently demonstrate a 5 year supply of evidence provided at the Hearing and the appellant indicated that the need is significantly beyond that shown in the GTAA. Both main parties, though, have differing estimations as to the extent of the current need. It does appear that there has been a failure of policy here and I afford the recognised shortfall, and apparent lack of alternative sites, significant weight.
42. Nonetheless, I agree with the previous Inspector's approach. She mentions in her decision letter that the use and occupation are to be made personal to the people named in the application because their gypsy status, accommodation needs and the best interests of the children were factors weighing in favour of granting planning permission on this Green Belt site. Whilst these might equally apply in the current appeal it is also important to note the previous Inspector's reasoning that a restriction on the number of pitches and on the number and type of caravans is to control any harm to the Green Belt's openness, and to guard against undue encroachment and visual obtrusiveness. Further, I have already discussed the importance of condition 6 so as to ensure a satisfactory site arrangement, and the rationale behind it.
43. In its decision letter one of the Council's reasons for refusal refers to the effect of the development on the Epping Forest Special Area of Conservation (EFSAC). In the Epping Forest district area, the SAC requires protection against both recreational pressure (within 0-3km of the Forest and air quality (District

wide). The appeal site lies outside the 3km 'Zone of Influence' from the Forest and, as such, it is not necessary that a financial contribution be made towards recreational pressure. However, as the development will almost certainly generate additional vehicular movements, this will contribute towards air pollution.

44. In this regard, and with the parties seemingly agreed that this can be mitigated through an appropriate contribution, the appellant has produced a draft Unilateral Undertaking to this end. I am satisfied that were I allowing the appeal such an approach would resolve this particular matter.

45. In terms of locational accessibility, it is clear that the site lies within the open countryside. However, the appellant says that this is a sustainable location for a gypsy & traveller site. To substantiate this assertion reference is made to the previous Inspector's comments, whereby in paragraph 97 of her decision letter she states:

"...the site is within a reasonable distance of a settlement for access to schools, shops and other facilities and has convenient and safe access to schools, shops and other facilities and has convenient and safe access to the main road network. The Council withdrew its objection on accessibility grounds at the inquiry."

46. Irrespective of the above I would consider, due to the location, that there will be heavy reliance on the private motor vehicle. I note that, despite the Council previously withdrawing its evidence on this point at the previous appeal, it has here been re-introduced. However, given that I am dismissing this appeal on the substantive matter of Green Belt issues which, save for the personal permission stipulated through condition 1, were the reason why conditions 3 and 6 were imposed, it is not necessary for me to explore this matter further.

47. The appellant mentions Article 8 of the European Convention on Human Rights, enshrined in UK law through the Human Rights Act 1998. This provides that everyone has the right to respect for his private and family life, his home and correspondence. In this regard there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary, amongst other things, for the protection of the rights and freedoms of others.

48. Accordingly, if Article 8 is engaged, then interference with those rights can be justified by the Council if it is a legitimate aim, in accordance with the law and necessary in the public interest. In this particular instance, though, with the enforcement notice quashed, the refusal of permission for the continuation of the use of the land without compliance with the said conditions does not in itself hold direct implications for the appellant's private and family life. That will be a matter for the future and the involvement of the main two parties.

49. I have had regard to the appellant's final comments and the additional policies which he has put forward indicating that these provide some support to the proposal. However, I find these additional representations are at best peripheral and do not get to the heart of the matter.

Planning Balance

50. As mentioned, it is beyond my remit to rewrite the extant planning permission, save for examining the conditions breached; those the subject of this appeal.
51. Whilst bearing in mind the other issues highlighted these do not outweigh the harm to the Green Belt, and it is the impact on its openness which is the determinative matter in this appeal, particularly given the reasons why the said conditions were imposed in the first instance. I consider that each of the conditions fulfill a planning purpose and, taken together, would be expected to ensure that a satisfactory and coordinated site arrangement is achieved, serving to minimise any impact on the Green Belt's openness.
52. In this context, from the evidence adduced, there is nothing compelling to suggest that the terms and conditions of the planning permission should be removed, varied or relaxed. The conditions and their reasons for imposition are just as relevant now as they were in June 2017, and the particular changes in circumstances which I have highlighted since this time does not reasonably warrant that I conclude otherwise.
53. For the above reasons, and having had regard to all matters raised, I conclude, that the conditions at issue are all applicable and appropriate to serving a planning purpose in limiting the use of the land. Accordingly, I consider them reasonable and necessary in the circumstances.

Conclusion

54. For the reasons given above I conclude that the appeal should be dismissed.

Timothy C King

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green (agent)
Henry Lowe (appellant)
William Lowe

FOR THE LOCAL PLANNING AUTHORITY:

Emily Temple (consultant)
Caroline Brown (planning officer)
Matt Cranitch (planning officer)

INTERESTED PARTIES

David Stokes – Chair, Willingale Parish Council