



Appeal Decisions

Hearing Held on 8 February 2023

Site visit made on 9 February 2023

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/P3040/C/21/3285162 ('Appeal A') **Spring View, Flintham Lane, Screveton, Nottingham NG13 8QY**

- 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 Charles Booth against an enforcement notice issued by Rushcliffe Borough Council.
- The enforcement notice was issued on 20 September 2021.
- The breach of planning control as alleged in the notice is that individuals are living on the Land who are not named individuals within condition 3 of planning permission 18/00030/FUL or resident dependants of those named individuals. [Condition 3 of the relevant permission lists the persons by whom the permitted use may be carried on.]
- The requirements of the notice are to cease residential occupation on the Land by any recipient of the notice who is not an individual named by Condition 3 or a resident dependant of such a person.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed and the corrected enforcement notice upheld.

Appeal Ref: APP/P3040/C/21/3285166 ('Appeal B') **Spring View, Flintham Lane, Screveton, Nottingham NG13 8QY**

- 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 Charles Booth against an enforcement notice issued by Rushcliffe Borough Council.
- The enforcement notice was issued on 20 September 2021.
- The breach of planning control as alleged in the notice is that the Land has been subdivided into 10 pitches, in contravention of the site layout plan approved as part of the discharge of condition 6 of planning permission 18/00030/FUL and in contravention of condition 5 of that planning permission. [Condition 5 provides that there shall be no more than 6 pitches on the site and no more than 2 caravans per pitch.]
- The requirements of the notice are to restore the Land to six pitches to be in accordance with the approved site layout plan.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed and the corrected enforcement notice upheld.

Appeal Ref: APP/P3040/W/21/3286564 ('Appeal C')

Plots 4, 4A & 6 Spring View, Flintham Lane, Screveton, Notts NG13 8QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Douglas Price against the decision of Rushcliffe Borough Council.
- The application Ref 21/02102/VAR, dated 13 September 2021, was refused by notice dated 4 November 2021.
- The development proposed is the material change of use of land for stationing caravans for residential occupation with associated hard standing, internal access road, fencing, package treatment plant, utility buildings and additional landscaping without complying with conditions 1, 3, 4, 5 and 6 imposed by planning permission ref 18/00030/FUL.

Summary Decision: The appeal is dismissed.

Preliminary Matters

Notifications

1. The hearing had been due to take place in December 2022 but was postponed because I was not satisfied that all those upon whom the notices had been served had been made aware of the appeals or of the hearing arrangements. Subsequently the Council gave further notifications, including to all the existing occupiers of the appeal site, of the rearranged date. Although some of those letters (to plots 2, 3, 3A and 6) were returned to the Council as undeliverable, I am satisfied that adequate notice of the arrangements was given.
2. One of the existing occupiers informed me at the site visit that he had been unaware of the hearing arrangements; however, as the occupier of Plot 1, I am satisfied that notice was sent by the Council and not returned as undelivered. In any event there is no dispute that this occupier complies with the present occupancy condition and the plot has not been subdivided. Hence I am satisfied that no prejudice would arise from any lack of notification.
3. The same arises in respect of Plot 6, where the occupiers are in compliance with the present occupancy condition. That plot has been subdivided but the occupier, Mr Webster, confirmed at the site visit that he was content to remove the boundary and reinstate it as a single plot. Plot 2 was empty at the time of my site visit. There was no Plot 3A. Plot 3 is occupied by Mr Steele (who states he is a close relative of, and dependent upon, the occupiers of Plots 1, 6 and 6A) who attended the hearing.
4. The appellants have all left the site. The agent originally representing them confirmed at the end of November 2022 that he was no longer instructed by them. He did at that point remain instructed by a Ms Burton, one of the original applicants for planning permission in Appeal C, but he confirmed shortly before the rearranged hearing that he would not be attending.
5. I had been informed that Ms Burton had been resident on Plot 4A (as recorded in my first pre-hearing note). Plot 4A was not on the list of those occupiers who had been notified by the Council of the rearranged hearing, but Ms Burton's planning agent had been made aware of those arrangements. This plot was vacant at the time of my site visit, however, and nobody of that name identified herself to me at the hearing or during my site visit.

6. One of the occupants of Plot 5, Ms Price, also attended the hearing. She lives on the plot with her brother who is one of the named occupiers in the present occupancy condition.
7. The residents of one of the occupied plots thus remained unaccounted for at the time of the hearing: Plot 4. At the time of my first pre-hearing note I had been informed that this was a Mr Swale, his wife and children. The plot was evidently occupied at the time of my site visit: a static caravan was on the plot with an open window; I saw a garden shed with an open door; a car was in the driveway beyond the closed gates, and an apparently well-fed dog was also observed. None of those attending the site visit were able (or willing) to tell me who the occupier was.
8. Nonetheless I am satisfied that adequate notice of the appeals and hearing arrangements was given by the Council to the occupiers of this plot, a letter having been sent and not returned.

Events following the hearing

9. I adjourned the hearing to the site visit, at which I was informed by one of the third parties (a local resident) of some further documents relevant to a police incident log that were sought to be submitted. These were sent to the Inspectorate shortly afterwards. The documents have not been returned, but nothing turns on them. As there are no appellants with a continuing interest in the case, the documents have not been distributed; however, I am satisfied that no prejudice to anyone ensues because I have not relied on the documents in any way in reaching my decision.
10. Also following the hearing, the Inspectorate was informed that an agent representing the owner of Plots 2 and 2A, Mr Fletcher, had contacted the Council seeking to make representations and contending that no notifications from the Council had been received about the appeals or the hearing. No approach was made directly to the Inspectorate.
11. Both plots were empty at the time of my site visit, Plot 2 retaining a couple of sheds but no other signs of occupation. The notification to Plot 2 was returned to the Council as undeliverable; however, the notification to Plot 2A was not so returned and I have no reason to think that it was not delivered, with other occupants of the site evidently (by reason of their appearance at the hearing) having been informed. The owner of both plots is a named occupier in the present permission.
12. The agent is said to have contended that Mr Fletcher still owns all of the plot, that there is no longer a Plot 2A and that Mr Fletcher intends to return to Plot 2 when he is at liberty to do so. This being the case, Mr Fletcher has no apparent interest in the appeals because their outcomes would not alter his own position. Appeal A concerns the identity of the occupiers of the site. Mr Fletcher is apparently not presently in occupation, and is anyway named on the existing permission. The communication from his agent, relayed by the Council, reveals an intention to cease the subdivision of Plot 2 (insofar as it does still exist) which would amount to complying with the notice that is the subject of Appeal B. Appeal C concerns a request to vary the occupancy and layout conditions relating to other plots on the site, with the application not expressly relating to Plot 2.

13. Therefore this combination of Mr Fletcher having been duly notified of the appeals and appearing to have no tangible interest in their outcome meant that I declined to receive any further representations and the hearing was closed in writing on 14 February 2023.

The scope of the appeals

14. The enforcement notices relate to the entire site approved on appeal by an Inspector in 2018. They relate to the non-observance of planning conditions attached to that permission. The notices make reference to paragraph (a) of section 171A(1) of the 1990 Act: having raised this at the hearing and no prejudice to anyone being contended as a result of this error, I shall correct this to refer to paragraph (b).
15. The planning appeal however is not expressed to relate to the whole site, with the 'red line' having been drawn around the subject plots. Nonetheless the application was validated by the Council as amounting to an application made under section 73 of the 1990 Act; that is, to carry out development formerly authorised but without complying with conditions attached to that permission. It follows that any such application should relate to development of the same description on the same application site. Consideration of recent caselaw in *Finney* [2019] EWCA Civ 1868 and *Armstrong* [2023] EWHC 176 (Admin), as well as the *Reed* [2014] EWCA Civ 241 case brought to my attention by the Council, fortifies my view on the proper scope of the appeal.
16. The Council's first reason for refusing the planning application raised an argument about intensification and about whether the proposal amounted to a 'minor material amendment' to the 2018 permission, the refusal reason contending that permission could not be granted on a section 73 application because the application is effectively for development falling outside the scope of the section.
17. The 2018 permission was expressed to be for "the material change of use of land for stationing of caravans for residential occupation" (with associated operational development). This operative description is broadly stated and contains no limit on the number of caravans, the number of plots or the identities of the permitted occupiers. Those matters are all controlled by the imposition of planning conditions. What is being proposed here is not a different use (whether 'intensified' or otherwise) from that authorised by the operative grant of permission in 2018. It is, subject to the question of the site area, a straightforward application of section 73 of the 1990 Act. The task on such an application is to determine what planning conditions should apply to the permission.
18. As set out in my first pre-hearing note, whilst any conditions could potentially be discharged or varied so as to have specific application only to particular plots on the site, it appears to me that any permission containing such conditions would usually be commensurate with the original application site. This is because any such application is to carry out the same development for which permission was previously granted and the only question arising is the conditions to be applied.
19. The application is expressed to relate only to plots 4, 4A and 6 of the 2018 permission. I am not therefore being asked to consider (in the planning appeal) the occupancy or layout conditions in relation to the remainder of the site.

Nonetheless I do consider Appeal C to have to relate to the 2018 application site as a whole, given what section 73 of the 1990 Act says about its application. As it is not anyway a requirement for a section 73 application to be accompanied by a plan of the site (per article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015/595) I shall disregard the 'red line' site plan submitted with Appeal C and consider the appeal to relate to the original site.

20. Although the application in Appeal C was directed only at the original Plots 4 and 6, the question arising is what planning conditions should apply to the permission as a whole. Thus the outcome of Appeal C will inevitably reflect my findings in the other appeals. However for the avoidance of doubt I cannot support the Council's first reason for refusing permission and am satisfied that the changes sought could (if permitted) be made pursuant to section 73 of the 1990 Act.

Baseline for consideration

21. Although some representations have been received to the effect that breaches of the 2018 planning conditions are so extensive as to mean that there is no existing permission, I agree with the Council that the 2018 permission has been implemented and is extant. Before turning to the main issues, it is necessary to set out my understanding of the extent to which that permission subsists, in order that appropriate comparisons may be drawn.
22. The permission granted in 2018 was for six pitches on the site, each to host a maximum of two caravans of which one could be a static mobile home. The permission was expressed, through a personal 'occupancy' condition, to be in favour of 13 named individuals and their resident dependants.
23. Condition 4 provides that 'when the land ceases to be occupied by those named in condition 3 above the use hereby permitted shall cease and all caravans [...etc...] shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 6 hereof'.
24. Some of the pitches were empty at my site visit and thus it appears that parts of the land have ceased, at least temporarily, to be occupied by those named by the 2018 permission. I do not have sufficient information about the circumstances of those absent named occupiers to reach a concluded view about whether they have ceased occupying for the purpose of condition 4 or about whether those pitches are likely to become occupied (consistently with the 2018 permission) in the future.
25. Although suggested to the contrary by the Council, on the basis of the information available to me I do not consider that the restoration obligation arises until such time as the land ceases to be occupied by all the named occupiers; and it then applies to the site as a whole. It does not on the face of it arise on a 'plot by plot' basis, and I have seen nothing approved under condition 6 of the 2018 permission to suggest otherwise. The 2018 permission does not specify which of the site's plots any particular named person is authorised to live on: the permission applies to them all, and to the site as a whole.

26. I am conscious that this analysis might effectively place the restoration obligation on the 'last man standing' on the site, who may not even have rights over other plots on the land. However, the obligations would in fact fall on each of the landowners of the site at that point, even if they have themselves vacated the site previously. The 2018 Inspector found that it was clear from the evidence that all of the then-proposed occupants would function together as an extended family group, offering mutual support. With the possible exception of the occupants of Plot 4, whom nobody at the site visit could or would identify, I have no reason to consider that this does not continue to be the case for those currently residing on the site and having land interests in it.
27. The Council accepted at the hearing that a 'resident dependant' permitted to occupy the site would not necessarily have to be resident on the same pitch as those upon whom s/he is dependent. I discuss below whether this is the case for Mr Steele, who resides alone on Plot 3 but asserts that he is, or has been, dependent upon his nephews occupying other plots.
28. Therefore, although not obviously occupied as such at present, I find that the 'baseline' for analysis as to the impacts of varying the relevant conditions is the layout of the six pitches as envisaged by the 2018 Inspector. As to the extent of occupation, I find this to be approximately the same now as envisaged in 2018, when taking the site as a whole (although apparently with fewer occupants than when the notices were issued or when the planning application was refused, and generally with fewer caravans than were authorised by the 2018 permission). Whilst Plots 2 and 2A and 4A are empty, two of those plots result from subdivision, and there is over-occupation in Plot 6 (which has been subdivided). Thus although spread differently across the site, I observed around the same amount of occupation of it as was envisaged by the 2018 Inspector.

Main Issues

29. Permission was granted on appeal in 2018 as previously described, subject to a number of planning conditions. Condition 1 required the development to be carried out in accordance with a number of plans, subject to any modifications to the site layout plan approved in accordance with Condition 6. A copy of the site layout plan approved under Condition 6 was attached to the Appeal B notice. Condition 5 restricted the number of pitches on the site to six, consistently with the plans approved under other conditions.
30. The failure to comply with the approved site layout is not disputed: the notice alleged that the site was divided into 10 pitches. This was at some point reduced to nine. Although some were empty and unoccupied, there were nine pitches evident at the time of my site visit, resulting from the subdivisions of Plots 2, 4 and 6.
31. The Council's reasons for alleging harm as a result are, as explained in the appeal correspondence and at the hearing, essentially two-fold: first, that the pitches should not be there at all unless justified by the personal circumstances leading the previous Inspector to grant permission, and thus perpetuating the harm to the character of the area and the amenities of nearby residential properties without justification; and secondly, by increasing that harm as a result of what is described as an intensification of the use of the site. Additionally, harm is alleged to have arisen to the living conditions of the

occupiers of the site because the resultant pitches, where subdivision has occurred, are too small to facilitate a reasonable standard of living.

32. A further condition attaching to the 2018 permission is Condition 3, which limited the benefit of the permission to those named in it and to their resident dependants. Occupation by other persons is said to perpetuate the harm but without the requisite justification found by the previous Inspector.
33. The 2018 Inspector identified as the first main issue then in the case as being whether the development accorded with local and national policies concerning the provision of gypsy and traveller sites and the protection of the countryside. As the development was found not to comply with policy, he then went on to consider the weight to be attached to the personal circumstances of the proposed occupiers and the availability of alternative accommodation, having regard to Human Rights and the best interests of the children and the Public Sector Equality Duty.
34. The 2018 Inspector then reached an overall planning balance to the effect that moderate harm would result to the character and appearance of the area, contrary to policies CS 9 and 10, but that other factors including the personal circumstances of the proposed site occupiers justified a personal permission.
35. Inevitably these matters require some degree of reconsideration when deciding what planning conditions ought now to apply to the permission granted in 2018. Therefore the main issues in the case are essentially those identified by the 2018 Inspector, although my considerations are necessarily more limited because my task is to consider what planning conditions should apply to the permission that already exists. Although the 2018 permission contains several conditions, I am not asked to consider any aspects other than those relating to the site layout and numbers of pitches and caravans, and the condition relating to the permitted occupiers of the site. I consider these in turn below.

Reasons

Site layout and numbers

36. Nobody present at the hearing or the site visit spoke in favour of any changes to the authorised site layout or pitch (or caravan) numbers. To the contrary, the occupiers of Plots 6 and 6A indicated their willingness, at the site visit, to recombine the plots.

Character and appearance

37. Core Strategy policy 9 sets out the criteria by which applications for Traveller sites will be assessed. Although not an application for a new site, the policy appears to me relevant to a proposal to increase the number of pitches on an existing site. It requires that the proposal does not have unacceptable adverse impacts on (among other matters) the character or appearance of the area. It also seeks to avoid conflict with other policies including those relating to landscape character. One such policy is policy 10, which (again, among other matters) requires new development to be designed so as to reinforce valued local characteristics and to have regard to its impact on the local context including landscape character.
38. The Council's Landscape Character Assessment (2009) identifies that the site falls within the 'Aslockton Village Farmlands' character area, consisting of rural,

remote and tranquil arable farmlands and dispersed small settlements. As noted by the 2018 Inspector, the development has not altered the field patterns, but has introduced an uncharacteristically urban form of development on this particular field. He found that the development then proposed would constitute a moderately detrimental visual intrusion into the countryside setting, and found conflict with the development plan as a result.

39. Such concerns could only be augmented by the development here proposed: the 2018 Inspector restricted the number of pitches and caravans because of the need to safeguard the character and appearance of the area and to very strictly limit development of this nature in the countryside. The subdivision of some of the six plots has, or would, inevitably result in the introduction of additional visible development (whether or not 'buildings') at a greater density than as originally approved, or as is characteristic of the nearby village. Although not expanding the site, it would notably increase the density of the development upon it in a way that would not be characteristic of the area and would result in additional visual intrusion where observable.
40. Although the site is not readily discernible in long-range views, it is conspicuous to the adjoining road. The subdivision of plot 6 in particular has resulted in the accumulation of vehicles and structures in the small plot on the southern side immediately next to the road, giving the impression of a cluttered site. I find that the existing planning conditions relating to site layout and numbers, inasmuch as they seek to avoid adverse impacts on the character or appearance of the area, are supported by the development plan for the area.

Living conditions

41. The subdivision of some of the pitches inevitably allows for further caravans and residents and overall a more dense development. The creation of Plot 2A on the northern side has resulted in the absence of what was approved as an area of grassed amenity space, and to this extent the amenities of the existing occupiers, including those on retained plots, are reduced. For those in the plots that have been subdivided, the divisions have resulted in small plots that leave very little amenity space for the occupants once occupied by caravans and family vehicles.
42. I shall consider the question of the identity of the proposed (or actual) occupiers of the additional plots below when considering matters of need, but as far as the living conditions of local residents are concerned I accept that some additional impacts would inevitably result from an increased number of caravans, and hence households, on the site irrespective of who lives there. Whilst any increased number of occupants could have positive social or economic benefits to the area through increased spending power supporting local services and attendance in local schools, it would also have potentially adverse impacts on local residents in other ways, such as through increased amounts of traffic through the village.
43. By itself I would not consider the impact on the living conditions of nearby residents to warrant refusing to vary the condition limiting the number of pitches. However the condition does serve to secure the adequacy of amenity space available to the site's occupants, both within their own plots and the communal area provided in what is now Plot 2A. Therefore I find that the existing conditions relating to the site layout and numbers are supported by the

development plan for the area inasmuch as it seeks to secure an attractive and healthy environment with consideration given to the impact on the amenity of occupiers, as is the case with Core Strategy policy 10 and by extension with policy 9(3)(a).

Conclusions on site layout and numbers

44. There are presently no more single or family occupiers of the site than there are authorised pitches. Nobody present at the hearing advanced any case as to why the existing planning conditions in this regard should be varied. The apparent vacation of large parts of the site suggests that the personal circumstances justifying the 2018 permission might to some degree no longer obtain, and there is no evidence of any members of the original extended family group being unable to accommodate themselves on the site within the existing constraints. I find that the conditions are justified by reference to the development plan for the area and there are no considerations of sufficient weight to warrant removing or varying them.

Personal permission

45. At the hearing considerable consternation was expressed by or on behalf of local residents that the site has been occupied transiently by persons with no connection to the original permission and no apparent interest in the site or the local area. A number of references to criminal incidents were made, including firearms offences found at the site.
46. The previous Inspector found that the circumstances justified a personal permission to a number of people all related to each other and who it was envisaged would occupy the site in a mutually supportive way. I accept that there have been departures from this vision. Nobody at the hearing suggested that the site should be occupied free of any personal conditions: some of the site occupants expressed their own frustration at the transient occupation of it.
47. The question therefore is not whether to release the personal condition entirely, but whether it should apply to additional, or different, people.
48. The only site occupants suggesting such a course were the two who attended the hearing: Ms Price and Mr Steele, although their primary concerns were to establish whether or not they are already in compliance with the relevant condition imposed by the 2018 Inspector. It is appropriate that I reach a view on this question, because it inevitably affects my assessment as to whether the condition should be varied.
49. Ms Price set out her personal circumstances at the hearing, which included her reasons for relying on her brother with whom she lives, along with her teenaged daughter. From the matters she set out I am satisfied that she and her daughter are 'resident dependants' in the way envisaged by the 2018 Inspector, a position the Council appear to accept. Therefore her circumstances do not warrant a consideration of whether to amend the personal condition.
50. Mr Steele's position is slightly different, in that he resides alone on Plot 3 apparently under a temporary licence from the owner of the plot. His situation is thus a precarious one whatever the outcome of the appeal, as he does not appear to be at liberty to occupy any of the other plots on the site (even if subdivision is permitted) and could not suggest any existing permitted occupier who should be 'displaced' by any change to the personal condition. He could

not estimate when the existing plot owner might seek to return to the site, but did not give the impression that it was likely to be imminent.

51. Mr Steele set out his reasons for claiming to be a resident dependant. They involve some recent serious health difficulties, following treatment for which he moved onto the site at the invitation of his family, and has been dependent on his nephews, living on other plots, in various ways. His health is now improved, but with uncertain prospects. Although not as dependent on his nephews as he once was, he claims to continue to rely on their support. Taken in the round I consider that Mr Steele is likely to be a resident dependant occupier at present, thus again not warranting consideration of amending the personal condition.
52. If Mr Steele's health continues to improve to the extent that he is no longer dependent on his relatives occupying the site, however, I have given consideration to whether to name Mr Steele in the condition.
53. Mr Steele is not one of the appellants and did not begin living on the site until after the notices were issued and the planning application refused, although he professed himself unaware of these matters at the time. Local residents making representations at the hearing considered themselves somewhat 'ambushed' by Mr Steele's representations, although he did submit correspondence on the appeal last July to the effect that he was occupying the site and wished to continue to do so, setting out his health issues in some detail. He has lived a peripatetic existence, having had no settled residence for very many years before moving onto the site. Although no details of a search for an alternative site were given by him, he was adamant that he has nowhere else to go and referred to sites in Newark and in Lincolnshire upon which he considered he would not be made welcome.
54. The position in relation to the need for and supply of Traveller sites is that the Council cannot presently demonstrate a five year supply of such sites, being seven pitches short, although several developments are in train to remedy this deficiency. A site delivering four pitches is approved and under development. A capital allocation of £1 million has been approved, coupled with an application for Levelling Up funding, to facilitate the acquisition of another site, anticipated to deliver six pitches in around two years' time. Further provision of another four pitches, albeit not within five years, is anticipated as part of an urban extension development.
55. Therefore, although the Council's existing position is one of a deficiency of sites to meet identified needs, there is a high degree of confidence that this situation will be remedied in the near to medium future, by which time I anticipate that both Mr Steele's health prognosis and the security of his tenure at the site will be more certain. Mr Steele's position on the site is not assured even if he is made a permitted named occupier, because he does not own any of the land and it is not clear which presently-permitted occupier would be displaced if he did. If he is in a position to acquire an interest in the land, that would be the appropriate juncture at which to consider whether to replace the existing plot owner (or other permitted occupier) with Mr Steele on the personal condition. If he does not acquire an interest in the land then by the time his existing licence to occupy the plot comes to an end, there is a reasonable prospect that the Council will have made adequate provision to meet the needs in its area.

56. For these reasons, and nobody else having sought any departures from the existing personal condition, I am not satisfied that varying the personal condition imposed by the 2018 Inspector would be justified at present.

Planning Balance and Conclusions

57. For the reasons given, I consider that the notices require minor corrections so as to refer to the correct paragraph of section 171A(1) of the 1990 Act, and that these corrections can be made without causing any injustice to any party (or other occupant of the site).
58. I have found that the existing conditions as to the layout and number of pitches and caravans are justified by the development plan for the area, and no contrary arguments have been advanced, with no participant in the hearing supporting this aspect. I find that the conditions remain necessary.
59. As to the existing condition concerning the permitted occupiers, I have not found sufficient justification to warrant varying this at the present time. The need for a personal permission so as to avoid transient occupation of the site, and to reflect the personal circumstances justifying the decision of the 2018 Inspector to grant permission, is indisputable. Two occupiers of the site who are not named in the permission attended the hearing, but I have concluded that they are resident dependants presently authorised under the existing permission. To the extent that circumstances may change in that Mr Steele at some point finds himself no longer to be a resident dependant, I find that there are reasonable prospects of meeting the future need arising elsewhere in the area.
60. Each of the appeals will fail, the corrected enforcement notices will be upheld, and planning permission will be refused on the deemed applications and the planning appeal.

Formal Decisions

Appeal A

61. It is directed that the enforcement notice be corrected by substituting "Section 171A(1)(b)" for "Section 171A(1)(a)" in paragraph 1. Subject to that correction 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.

Appeal B

62. It is directed that the enforcement notice be corrected by substituting "Section 171A(1)(b)" for "Section 171A(1)(a)" in paragraph 1. Subject to that correction 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.

Appeal C

63. The appeal is dismissed.

Laura Renaudon

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

None

FOR THE LOCAL PLANNING AUTHORITY:

Emily Temple, BSc (Hons) MRTPI	Planning Consultant
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James Bate	Team Manager
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Emily Greenwood	Appeals Assistant
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INTERESTED PERSONS:

Ms Price	Site occupant
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Mr Steele	Site occupant
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I heard also from parish representatives, the local councillor, and local residents.