



Appeal Decision

Site visit made on 10 May 2023

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/X2220/C/22/3293695

The land known as Lime Tree Cottage, East Street, Ash, Canterbury, CT3 2DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Andrew Anderson against an enforcement notice issued by Dover District Council.
- The notice, numbered ENF/18/00082, was issued on 28 January 2022.
- The breach of planning control as alleged in the notice is without the benefit of planning permission, the unauthorised erection of a building for occupation as a dwelling house and an attached glazed extension shown edged black and hatched in the approximate location on the attached plan.
- The requirements of the notice are to:
 1. Remove the roof of the building and reconstruct a single pitched, gable ended roof with a ridge height of no more than 6.2m above original ground level, with an eaves height of no more than 2.5m above original ground level to reflect the appearance, form and design of the previously approved building as shown on drawing EMA-2015-156-03 REV 6 of the approved scheme for the garage/games room. Finish and make good the altered roof with re-using the existing roof tiles or roof tiles to a matching specification. Finish soffits, eaves and guttering in accordance with the details shown on drawing EMA-2015-156-03 REV 6 as attached to the notice.
 2. South Elevation – Remove the windows in the south elevation at first floor level, remove the garage doors and make good. Clad the entire elevation in horizontal timber as shown on drawing EMA-2015-156-03 REV 6 attached to this notice to 60cm above ground level, stained in a dark brown colour. The façade below the cladding to be finished in brick to match the brickwork used in the construction of the building.
 3. East Elevation – Remove the windows and install openable garage doors in the approximate position as shown on drawing EMA-2015-156-03 REV 6 attached to this notice to allow vehicle access to the ground floor of the building and make good any exterior finishes to the brickwork, with materials and pointing to match the surrounding wall.
 4. North elevation – Remove first floor windows, demolish the conservatory extension and make good the external wall. Clad the entire elevation in horizontal timber as shown on drawing EMA-2015-156-03 REV 6 attached to this notice to 60cm above ground level stained in a dark brown colour. The façade below the cladding to be finished in brick to match the brickwork used in the construction of the building.
 5. Internal alterations – Remove the kitchen and all fixtures and fittings, remove all ground floor and first floor dividing and partitioning walls and bathrooms including all fixtures and fittings. Reposition the internal staircase to the far northern end of the interior of the building, to facilitate access to the first floor, allowing for the use of the building to be used for the purposes of vehicle parking at ground floor and as ancillary accommodation at first floor, as shown on drawing EMA-2015-156-03 REV 6 as attached to this notice.
 6. Remove all resultant materials, goods, fixtures and fittings, rubble and rubbish arising from the above works from the land.
- The period for compliance with the requirements is nine calendar months.

- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) and (f) 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 is corrected and varied by:
 - Deleting the words 'building for occupation as a dwelling house and an attached glazed' from section 3 and substituting with 'dwellinghouse with conservatory'.
 - Deleting requirement 1 from section 5 and substituting with 'Demolish the dwellinghouse and conservatory extension and remove from the land all resultant materials, goods, fixtures and fittings, rubble and rubbish arising, **OR** carry out requirements 2 to 6 (inclusive)'.
 - Deleting requirement 2 from section 5 and substituting with 'South-eastern elevation – Remove the windows at first floor level. Finish the elevation in horizontal timber cladding, stained in a dark brown colour to 60cm above ground level as shown on drawing EMA-2015-156-03 REV 6 attached to the notice. The elevation below the cladding to be finished in brick, as existing.'
 - Deleting requirement 3 from section 5 and substituting with 'North-east elevation – Remove the windows and make good any exterior finishes to the brickwork, with materials and pointing to match the surrounding wall.'
 - Deleting requirement 4 from section 5 and substituting with 'North-west elevation – Remove the windows, demolish the conservatory extension and make good the external wall. Finish the elevation in horizontal timber cladding, stained in a dark brown colour to 60cm above ground level as shown on drawing EMA-2015-156-03 REV 6 attached to the notice. The elevation below the cladding to be finished in brick to match the existing.'
 - Deleting requirement 5 from section 5 and substituting with 'Internal alterations – Remove the kitchen and all fixtures and fittings, remove all ground floor and first floor dividing and partitioning walls and bathrooms including all fixtures and fittings. Reposition the internal staircase to the far northern end of the interior of the building and insert a partitioning wall to the adjacent garage space as shown on drawing EMA-2015-156-03 REV 6 as attached to the notice, so as to facilitate the use of the building for the parking of vehicles at ground floor level and for purposes incidental to the enjoyment of the main dwellinghouse at first floor level.'
 - Deleting requirement 6 from section 5 and substituting with 'Remove from the land all materials, goods, fixtures and fittings, rubble and rubbish arising from compliance with requirements 2-5 (inclusive).'
2. Subject to the correction and variations, the appeal is dismissed, 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.

Preliminary Matters

3. The appeal was made under grounds (a), (b) and (f). However, the appellant has raised issues which could be construed as a hidden ground (c) appeal. The Council has had an opportunity to consider the representations made by the appellant and I have therefore determined the appeal with the additional ground.
4. Although there is no legal requirement to do so, I note that the enforcement notice does not set out the relevant period(s) for immunity from enforcement action. I have therefore been mindful of a potential hidden ground (d) appeal, which is a claim that the alleged breach of planning control is immune from enforcement action due to the passage of time. However, no information has been provided as to the date when the building was substantially completed, for consideration against the four year limit under S171B(1) of the 1990 Act. Moreover, I have found under ground (b) that the building has not been used as a dwellinghouse so that use cannot have become lawful by virtue of the time limits of either s171(B)(2) or s171B(3).

Background

5. Planning permission was granted in July 2017 for the erection of a double garage with games room over¹, positioned alongside the south-western boundary of the residential property known as Lime Tree Cottage.
6. A further application for a detached granny annex in roughly the same position was dismissed at appeal in December 2020². In his decision the Inspector explained that the building had been completed, save for final fitting out. That building is the subject of the enforcement notice.

The Appeal on Ground (b)

7. A ground (b) appeal is that the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact. The onus lies with the appellant to make his case on the balance of probabilities.
8. The alleged breach in this case is the '*erection of a building for occupation as a dwelling house and an attached glazed extension*'. That wording suggests that the glazed extension is not for occupation as a dwellinghouse, despite being physically attached to the building with no internal segregation.
9. The appellant does not seek to argue that the erection of a building and attached glazed extension has not occurred. Indeed, the previous Inspector noted its completion. Nevertheless, the appellant asserts that the building was not erected as a dwellinghouse, but as an outbuilding, and has never been used as a dwellinghouse.
10. There is no definition of the term 'dwellinghouse' in the 1990 Act but it was accepted in *Gravesham*³ that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day-to-day private domestic existence.

¹ Along with construction of a vehicular access, driveway, boundary walls and gates – Ref: DOV/17/00187

² Appeal Ref: APP/X2220/D/20/3246005

³ *Gravesham BC v SSE & O'Brien* [1983] JPL 306

11. The Council state that the building when inspected on two different occasions was laid out as per the floor plan for the granny annexe application, which was dismissed at appeal, and that the kitchen area as shown on the proposed plans had kitchen units in it and the bathrooms had sanitary ware in position.
12. The appellant asserts to the contrary that there are no cooking facilities and there never has been a kitchen, and that there is no place to wash. He states that temporarily storing the kitchen from the main house due to building works, is storage rather than functional.
13. At the time of my site visit it was difficult to confirm the position one way or another due to the amount of items being stored in the building. In any event, s174(2)(b) of the 1990 Act is worded in the past tense so the critical question is what was in place by the date of issue of the enforcement notice. In that regard, the previous Inspector noted that the building included a lounge/dining room behind two non-functioning garage doors at the front, a separate front door and hall, kitchen, conservatory and two bedrooms upstairs with an ensuite bathroom and walk-in wardrobe. Those observations are consistent with those of the Council.
14. On that basis, it is more likely than not, that the building had the facilities required for day-to-day domestic existence and could be considered to be a dwellinghouse for the purposes of this appeal.
15. Moreover, the previous Inspector found⁴ that *'The extent of the accommodation and the distance between the main house and the new annex indicate that it would be entirely self-contained in purpose and use. Whilst a garage would [be] an obviously ancillary use, this building would function as a separate house with its own access.'* He also stated that the new dwelling is not an annex and is of substantial size and that it amounted to a separate dwelling⁵. Those statements are categoric.
16. Nevertheless, the appellant explains that it has never been used as a dwellinghouse. He states that it is used for storage and that he stopped work approximately two years ago, when the Council told him to do so. That corresponds with my own observations in respect of a partially completed fit out and a significant amount of storage, particularly at ground floor level. Part of the upstairs was also being used as a home gym whilst a small room appeared to be used for painting nails and the bathroom was being used for spray tans. The conservatory was being used to propagate plants.
17. The previous Inspector also stated that the *'clear intention is to create a new 2 bed unit of accommodation'*. That suggests that the building was not being used as a dwelling at that time and the Council has provided no evidence of actual use before or since the previous Inspector's site visit. I therefore find it unlikely that the dwelling has been used as such.
18. Rather, at the time the enforcement notice was issued, it is more likely that the dwelling was being used for storage purposes, ancillary to the residential use of the main house. It may also have been used as a gym and for nail painting and spray tans. On the basis that the latter uses were in connection with a college course, as stated, they, as well as a home gym, are capable of being uses which are incidental to the residential use of the main house.

⁴ Paragraph 7

⁵ Paragraph 10

19. Although the Council has framed the allegation in a manner which suggests future occupation, it cannot issue an enforcement notice to prevent an anticipated breach - what is alleged must have taken place, or appear to have taken place by the date of issue of the enforcement notice.
20. I will therefore correct the allegation in the enforcement notice by deleting the words 'for occupation as a dwellinghouse'. Nevertheless, the erection of a dwellinghouse did occur, so for the purposes of clarity, I shall correct the allegation to the 'erection of a dwellinghouse with conservatory extension'.
21. The ground (b) appeal succeeds to the extent explained.

The Appeal on Ground (c)

22. For the appeal to succeed on ground (c) the onus is on the appellant to demonstrate, again on the balance of probabilities, that the matters alleged do not constitute a breach of planning control.
23. The appellant says the building was not erected as a dwellinghouse, but as the lawful outbuilding, granted planning permission in 2017.
24. However, the previous Inspector highlighted that the building is wider and taller than that permitted in 2017. He also noted that, although shorter, it now includes a conservatory, which wasn't part of the approved scheme, and that extends the overall length beyond that which was approved.
25. The existing building also differs from the 2017 permission in that the garage doors are on the road facing elevation rather than the side elevation facing the garden. That elevation instead includes domestic style windows. Additional domestic style windows have also been added to both end elevations. None of those windows appeared on the approved drawings. Moreover, the building has been configured internally as a dwelling, rather than an outbuilding.
26. Therefore, as a matter of fact and degree, the building is materially different to that which was approved in 2017. It follows that it does not benefit from that grant of planning permission and is in breach of planning control.
27. The appellant states that he thought the conservatory to be lawful for hobby use, but he has not explained why the operations involved in creating the brick and glass structure do not constitute development or do not for some other reason, require an express grant of planning permission, despite the onus being on him to do so.
28. The appeal on ground (c) fails.

Main Issues

29. The main issues are:

- whether the site represents an acceptable location for a new dwelling having regard to relevant development plan policies and the National Planning Policy Framework (NPPF); and
- the effect of the development on the character and appearance of the area.

Reasons

30. I note the appellant's criticism of the previous Inspector's findings, but a recent appeal decision, based on the same development, albeit as part of a proposal for a granny annexe, attracts significant weight. Indeed, given the importance of consistency, there would need to be sound planning reasons for me to reach differing conclusions where the relevant issues are the same.

Acceptability of the site for a new dwelling

31. East Street is a small rural hamlet spread out along a narrow country lane about 1km east of the village of Ash.
32. Dover's Core Strategy (CS) Policy DM 1 states that development will not be permitted on land outside the urban boundaries and rural settlement confines unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
33. As noted above, the previous Inspector found that given the extent of the accommodation and the distance to the main house, the building would be entirely self-contained in purpose and use and thus would function as a separate house. Although those comments were made in relation to a proposed granny annexe, the appellant, under ground (a), is deemed to have made an application for planning permission in respect of the matters stated in the notice (as corrected), namely the erection of a dwelling. Those comments are therefore equally applicable in this case. Moreover, the appellant has not sought to argue the development to be specifically justified by other development plan policies.
34. The previous Inspector concluded that the new dwelling is of substantial size with no justification, thereby conflicting with the countryside protection aims of CS Policy DM 1. Again, based on the evidence before me, I find no reason to disagree in particular circumstances of this case.

Character and appearance

35. The previous Inspector made the following observations:

'The building is set well above the lane and is conspicuous because of its height and bulk. It is stark on the low ridge seen from further afield including from the A257 Sandwich Road and local footpaths. It appears comparable in volume with the host building and is not subservient in appearance.' (Paragraph 5.)

'In particular, no justification has been provided for the conservatory element, which has the effect largely of [sic] changing the character of the building from 'ancillary' to 'domestic'.' (Paragraph 8.)

'In summary, the building fills a gap between Lime Tree Cottage and the neighbouring dwelling which previously contributed to the impression of a very loose-knit rural enclave. The approved ancillary garage and games room was noticeably lower and narrower and by virtue of its plan form, hardstanding and low key timber clad elevations, was clearly subsidiary to the host dwelling.' (Paragraph 9.)

36. Again, based on my own observations, I find no reason to disagree with those findings. Indeed, given its significant size, the overtly domestic design and arrangement of windows with contrasting brick headers, its rear conservatory

- extension, as well as the physical separation from the main house and the driveway leading to it, the building's appearance is that of a separate dwelling. Even though it isn't used as a dwelling, those characteristics remain.
37. The previous Inspector's conclusion that it is unsympathetic to the local countryside character and landscape setting, therefore remain applicable in this case, contrary to CS Policy DM15 and to paragraph 130 of the National Planning Policy Framework. Those policies seek, amongst other things, to protect the countryside.
38. I note the appellant's argument that upon compliance with the notice, a greenhouse could be lawfully erected in substantially the same position. Notwithstanding that it isn't explained how that fallback position would be achieved, a greenhouse of similar dimensions, or even larger as suggested, would not have a comparable effect on the site. That is because the conservatory is overtly domestic in its character and appearance and is typically attached to a dwellinghouse, whereas a greenhouse is a typical subordinate garden building which is visually lightweight.
39. The appellant has referred me to caselaw, including *Tapecrown*⁶ where it was held that Inspectors have wide powers to decide whether there is any solution, short of a complete remedy of the breach, which is acceptable in planning and amenity terms. It was also held that the enforcement procedure is intended to be remedial not punitive and that where it appears that there is an obvious alternative which would overcome the planning difficulties with less cost and disruption, the Inspector should feel free to consider it.
40. In support of the appeal, the appellant has produced an alternative scheme (in section) which shows the removal of the top section of the roof, reducing its height to 6.2m.
41. Caselaw⁷ directs that, so long as there is an appeal on ground (a), I must consider whether the modified development would be 'part of the matters' and should be permitted. Such options should be considered under ground (a), even though the actual application under ground (a) relates to the development as built. Whether or not the proposed alternative scheme amounts to part of the matters, and may be permitted, is for the planning judgement of the decision maker⁸.
42. As the alternative presented would effectively remove the apex of the roof of the dwellinghouse, rather than adding to its built form, it can clearly be identified within the scope of the alleged matters comprising the erection of a dwellinghouse, and would therefore fall within the statutory powers open to me to grant planning permission under s177(1)(a) of the 1990 Act.
43. That alternative would evidently be significantly less costly and disruptive to the appellant and reduce the height of the building by around 700 to 800mm⁹. However, two conventional roof slopes culminating in a flat roof, rather than a ridgeline, would appear contrived at its highest and most visually prominent point. Such a design is likely to draw more attention to the building than the current height. Much of the additional bulk to the roof would also remain. I

⁶ *Tapecrown Ltd v FSS & Vale of White Horse DC* [2006] EWCA Civ 1744

⁷ *Ahmed v SSCLG & Hackney LBC* [2014] EWCA Civ 566

⁸ *R (oao Banghard) v Bedford BC* [2017] EWHC 2391 (Admin)

⁹ The appellant states that the existing height is 6.85m, the Council say 7m.

therefore find that the alternative scheme would amount to a poor form of development which would not overcome the above stated harm to the character and appearance of the area and resultant policy conflict.

Other Matters

44. The appellant argues that the building makes no material difference to neighbouring amenities but the absence of harm does not weigh in favour of the development.

Ground (a) Conclusion

45. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should fail on ground (a) and the deemed planning application should be dismissed.

The Appeal on Ground (f)

46. An appeal on ground (f) is that the requirements of the enforcement notice are excessive to remedy the breach of planning control or, as the case may be, the injury to amenity caused by the breach.
47. In this case, the requirements of the notice are essentially to amend the development to reflect the approved drawings of the 2017 planning permission. That permission is now time expired so is incapable of implementation. As the notice does not seek to remove the whole building, that is consistent with an intention to under-enforce and remedy the injury to amenity caused by the breach. That brings s173(11) of the 1990 Act into effect, in that subject to compliance with the requirements, the building would benefit from a deemed planning permission.
48. I am mindful that the appellant's preference may, for whatever reason, be to demolish the dwelling rather than comply with the requirements of the notice. I will therefore vary the notice so as to provide that option. As a general point I shall add additional clarity to the orientation of the various elevations referred to in the requirements, for the avoidance of doubt.
49. To logically consider the ground (f) appeal, I shall deal with the requirements out of turn, starting with requirement 2. In short, that is to remove the windows in the south-east elevation at first floor level, remove the garage doors and make good, and clad the elevation in horizontal timber above a brick plinth, as per the approved plans of the 2017 planning permission.
50. The appellant explains that the garage doors have been positioned in the road facing south-east elevation as he realised that it would be difficult to turn a car into and out of the side elevation (where the garage doors were previously approved) without removing trees and because of changes in level.
51. Be that as it may, it clearly makes sense to have the garage doors facing directly towards the lane. Being in that elevation also helps articulate the approved function and ancillary relationship with the main dwelling. That ancillary relationship would be further assisted by the removal of the overtly domestic windows at first floor level. I appreciate that it is desirable to have natural light for a games or hobby room, but that is catered for by the previously approved roof lights serving the first floor area.

52. Moreover, cladding the brick above plinth level in timber would achieve a more rustic and recessive appearance to the main, lane facing elevation. I note the appellant's argument that the red brick work will not be seen from the road when solid wooden entrance gates are installed. However even if the details from the 2017 permission could be implemented, they show ornate gates which would allow filtered views through even when closed. Moreover, there is also no guarantee when (or if) they will be installed and in any case, gates are often left open.
53. I shall vary requirement 2 to reflect the above findings.
54. Requirement 3 is to remove the windows and install openable garage doors in the approximate position as previously approved and to make good any exterior finishes to the brickwork. However, I have found above that the garage doors would be best retained on the south-east elevation. I will therefore delete that aspect of the requirement. Nevertheless, it is necessary to remove the overtly domestic windows from the elevation to help mitigate the harm I have found under ground (a).
55. The fourth requirement, relating to the north-west elevation, is to remove the first floor windows, demolish the conservatory extension and make good the external wall, cladding the elevation in horizontal timber above a brick plinth.
56. Firstly, the main window in the elevation is at ground floor level, rather than first floor level. That in combination with the conservatory make a significant contribution to the domestic appearance of the building. The conservatory also materially adds to the overall bulk of the building. Even if there is a fallback position of a larger greenhouse being erected in its stead, that would be significantly less harmful than the effects of the conservatory. The benefits of finishing the elevation in timber cladding are explained above and would not be unduly onerous given the extent of the other work required.
57. Requirement 1 is, in short, to remove the roof of the building and reconstruct a pitched, gable ended roof with a ridge height of no more than 6.2m and an eaves height of no more than 2.5m to reflect the appearance, form and design of the previously approved building.
58. As explained under ground (a), the height and additional bulk of the roof form has inevitably increased the building's visibility and resultant harm to the character and appearance of the area. Although by reducing the height and bulk of the roof form it would be less conspicuous, due to its elevated position, it would still be very noticeable from more localised positions as well as from the A257 and local footpaths. Moreover, even though the width of the main part of the building has also increased, its length (without the conservatory) is significantly less than that which was approved.
59. The overall scale and massing would be further reduced by the removal of the conservatory from the north-west elevation, as per requirement 4. The removal of the conservatory, in combination with the reduced length of the main building, would also materially reduce the extent of built form along the south-western boundary to the neighbouring property, compared to that approved.
60. The previous Inspector's concerns that the building is noticeably wider than that approved, and that it fills a gap between Lime Tree Cottage and the

neighbouring dwelling, would not be avoided as the notice does not require its removal or alteration to its width.

61. Nevertheless, the varied requirements would remove the features which significantly contribute to its domestic appearance, and partially instate more recessive timber cladding to a number of the elevations. Those measures combined would largely change the appearance of the building from that of a new dwelling to an ancillary outbuilding.
62. Accordingly, additional and significant works to the roof are excessive to remedy the injury to amenity. For those reasons I shall delete requirement 1.
63. The fifth requirement is to remove the kitchen and all fixtures and fittings, remove all ground floor and first floor dividing and partitioning walls and bathrooms including all fixtures and fittings and reposition the internal staircase to the far northern end of the interior of the building thereby allowing the building to be used for the purposes of vehicle parking at ground floor and for ancillary use at first floor, as previously approved.
64. The appellant argues that there is no kitchen or fixtures or fittings and never has been. However, I have found under ground (b) that prior to the enforcement notice being issued, it is likely that the building had the facilities required for day-to-day domestic existence, including kitchen and bathroom.
65. I note the submission that the staircase was moved and redesigned to get the required head height as advised by Building Control but no evidence is provided to demonstrate why that can't be accommodated in the same building just in a different location. The entrance on the north-eastern side elevation need not be changed.
66. The previously approved scheme included a ground floor internal wall between the staircase and the main part of the garage. By varying requirement 5 to provide the same will likely address the appellant's fire safety concerns.
67. The current configuration is laid out as a dwelling. The requirement to remove existing fixtures and fittings and reconfigure to largely open plan layouts at ground and first floor levels is not excessive for the purpose of facilitating what was previously approved and remedying the injury to amenity caused by the breach.
68. The final requirement is to remove from the land all resultant materials, goods, fixtures and fittings, rubble and rubbish arising from the above works. Such a requirement is commonly used and is not excessive. Nevertheless, I shall add clarification that the same is in connection with that generated from complying with requirements 2-5.
69. I note the appellant considers it excessive to remove rubble from the site as it could be recycled as hardcore for an extension to the dwellinghouse. However, I have no details of when and how much rubble would be utilised, so it could remain on site for an indeterminate period of time. That would be an undesirable outcome.
70. The appellant argues that the enforcement notice is unjustified given that the approved buildings' appearance can be altered under permitted development rights upon compliance, changing back the doors and windows and making no difference to functional use. He also argues that the internal configuration

could be changed back. However, s181(1) of the 1990 Act provides that compliance with any of the requirements contained in an enforcement notice shall not discharge the notice.

71. Under s181(3), if any development is carried out on land by way of reinstating or restoring buildings or works which have been altered in compliance with an enforcement notice, the notice shall be deemed to apply to the buildings or works as it applied before they were reinstated or restored. The requirements of an enforcement notice thus have an enduring effect. If it is complied with but there is a later breach of the requirements, s181(1) and (3) mean that remains enforceable under s179.
72. I have considered under ground (a) the alternative scheme presented by the appellant and found it to be unacceptable for the reasons explained. Nevertheless, I shall vary the requirements in the terms explained so as to make the development acceptable in planning and amenity terms, but at less cost and disruption to the appellant.
73. The appeal on ground (f) succeeds to the extent explained.

Conclusion

74. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variations, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended

Richard S Jones

INSPECTOR