



Appeal Decision

Site visit made on 19 July 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/R1038/C/22/3299248

Land at Cartref, Cordwell Lane, Cordwell, Millthorpe, Derbyshire S18 7WH

- 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 Richard Atkinson against an enforcement notice issued by North East Derbyshire District Council.
- The enforcement notice, numbered 22/00068/OD, was issued on 7 April 2022.
- The breach of planning control as alleged in the notice is:
 - (1) Without planning permission, material change of use of Land (shown for the purposes of identification edged blue) from agriculture to a residential use including operational development carried out to facilitate the change of use, namely:
 - 1.1 Engineering operations comprising the excavation and deposit of material and the alteration of the landform to create a terrace; (hereinafter referred to as 'the Terrace');
 - 1.2 Building operations comprising the construction of a retaining walls, boundary walls, steps and stone pillars (hereinafter referred to as 'the retaining walls');
 - 1.3 The deposit of stone material and the laying of paving materials to create a hard standing; (herein after referred together as the 'Hardstanding');
 - 1.4 Building operations comprising the erection of a timber framed car port (hereinafter referred to as 'the Car Port').
 - (2) Without planning permission, building operations comprising the extension and alteration of a dwellinghouse including the erection of a single storey side extension to its west elevation; single storey rear extension (hereinafter referred to as 'the Side and Rear extensions'); a first floor extension over pre-existing garage and two storey extension to rear; the cladding of the original dwellinghouse with stone and the insertion of dormer windows to the principal elevation.
 - (3) Without planning permission building operations comprising the construction of a retaining wall, steps and formation of a patio within the curtilage of the dwelling, which are part and parcel of one act of development also described under Para. 3.(1) 1.3 above (hereinafter referred to as 'the Patio').
- The requirements of the notice are:
 - a) Demolish the Car Port and remove any foundations and hardstanding built to receive the Car Port, and remove all materials arising from that demolition from the Land;
 - b) Take up the Hardstanding, including any stone, concrete and paving slabs, and remove all resultant materials from the Land;
 - c) Demolish the Retaining Walls, including perimeter walls to the north and west of the Land edged Blue on the attached plan, and remove all materials arising from that demolition from the Land;
 - d) Remove the Terrace and restore the Land back to its original levels and profile, prior to the breach taking place;
 - e) Cease the residential use of the Land edged Blue on the attached plan;
 - f) Reseed the all areas of disturbed ground resulting from compliance with steps a) - e) above with an agricultural grass mix, once this area have been returned to original profiles;
 - g) Demolish the Side and Rear extensions and remove any footings and foundations and any service connections, and remove all materials arising from that demolition from the

Land. Return the Land within the footprint of the Side and Rear extensions back to its former level and profile prior to the breach taking place. Make good the rear and side elevations of the building in accordance with the details shown on drawing no. 20-500-02C, a copy of which is attached to this notice;

h) Remove the stone cladding from the exterior of the original dwellinghouse and remove all resultant materials from the Land. Make good the exterior of the building in brick and render in accordance with the details shown on drawing no. 20-500-02C, a copy of which is attached to this notice;

i) Alter the first-floor extension and two storey rear extension to accord with the details shown on drawing no. 20-500-02C, a copy of which is attached to this notice;

j) Demolish the Retaining Walls and Patio and remove all material arising from that demolition from the Land. Either return the profile of the Land to its original condition prior to the breach taking place, or make good the Land in accordance with the details shown on drawing no. 20-500-02C, a copy of which is attached to this notice;

k) Either remove the dormer windows on the principal elevation and make good the roof to match the profile, pitch and materials of the adjacent roof, or; alter the dormer windows in accordance with the details shown on drawing no. 20-500-02C, a copy of which is attached to this notice; and

l) Replant the hedgerow along the eastern edge of the Land edged Blue, using a mixture of native species, planted as a double staggered row at 1m spacing with spiral guards. Plants shall be bare root stock at a minimum of 80cm.

- The period for compliance with the specified requirements is:

a) three months, b) four months, c) four months, d) five months, e) five months, f) During the first seeding season after completion of step a) – e) above. A seeding season is between 1 February and 30 April or 1 October and 30 November each year during a period of no ground frost or areas of standing water, g) six months, h) six months, i) six months, j) six months, k) seven months, l) in the first available planting season following compliance with steps a) – j) above. A planting season is between 31 October and 31 March.

- The appeal is proceeding on the grounds set out in section 174(2) (a), (c) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice be corrected by deleting '22/00068/EN' in paragraph 2 and replacing it with '22/00068/OD'. Subject to this 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.

The Notice

2. The appellant claims that the notice is a nullity and should be quashed. He makes this claim on the basis that paragraph 2, which refers to land to which the notice relates, refers to an attached plan and gives it reference number of '22/00068/EN'. There is conflict as the actual plan stipulates reference number '22/00068/OD'. The local planning authority (LPA) accept that an error has been made and in fact enforcement case reference No. 22/00068/OD has otherwise been used in correspondence between the main parties. This is not a matter that renders the notice a nullity as the evidence does not indicate hopeless ambiguity or uncertainty. I shall correct paragraph 2 of the notice by deleting '22/00068/EN' and replacing it with '22/00068/OD' and, in doing so, I am satisfied that no injustice would be caused to the main parties.
3. On the site visit, there was some uncertainty between the main parties in terms of what plan had been appended to the notice when it was originally served. Based on records held by the Planning Inspectorate, the plan appended

to the notice in the possession of the appellant and submitted to the Planning Inspectorate is not the same as the plan appended to the notice in the Council's possession and submitted to the Planning Inspectorate. While the red and blue lines relating to the appeal site are the same for the two plans, the Council's plan also includes annotations relating to the approximate location of retaining walls, the car port and the extensions.

4. Following the site visit, I asked for clarity from the main parties about the above matter. The Council state *'we have investigated at our end, and we are confident the physical copy of the notice served on the appellant included the Council's plan showing the annotations. It appears that Mr Telford as the appellant's agent, sent to PINS a single PDF document which combined the notice, enforcement plan, and detailed drawings referred to in the steps in the notice. This may have been the copy printed off by the Inspector. We think that either Mr Telford's PDF viewer was, for some reason, unable to view the annotations, or there's been some formatting issues when the PDF was combined, whereby the annotations on the plan were not copied across. We have checked the enforcement notice register and the Council's annotated plan is uploaded'*.
5. In response, Mr Telford (the appellant's planning agent) has responded to say that there has not been any formatting issues or error from the point of use of a PDF viewer. Nonetheless, I note that the Council says, *'the copy attached to Mr Telford's email titled 'Cartref Enforcement Notice' is a composite of separate electronic documents and not a scanned copy of the original version'*.
6. In the context of the above, I consider that the evidence does indicate that the notice issued and served on the appellant did include the annotated plan. I have therefore proceeded to determine the appeal based on the notice and plan sent to the Planning Inspectorate when it submitted its appeal questionnaire, i.e., that which includes the plan with annotations.
7. Even if the appellant had received a plan without annotations, it is noteworthy that there is no specific requirement for the LPA to provide scaled drawings or to show, in plan form, the precise location or footprint of unauthorised development. The only requirement is as detailed in Part 2 4(c) of The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 which states that an enforcement notice issued under section 172 of the Planning Act shall specify *'the precise boundaries of the land to which the notice relates, whether by reference to a plan or otherwise'*. This does not mean that the boundaries of the land to which the notice relates must be contiguous with the layout or footprint of the breach of planning control. Instead, it must include land to which the breach of planning control relates.
8. The appellant states that the notice is a nullity in so far that he questions the accuracy of the boundaries of the land shown in the plan attached to the notice. The appellant has not actually provided any objective evidence to indicate why he considers the boundaries shown in the plan attached to the notice to be inaccurate or imprecise. For example, the appellant has not provided a measured survey to accompany this appeal or indeed detailed plans relating to the breach of planning control to accompany the ground (a) appeal. Based on my site visit observations, and the evidence before me, there is nothing to indicate that the red edged land on the plan attached to the notice does not encompass the whole of the breach of planning control or, indeed,

that the alleged material change of use of the land does not relate to blue edged land on the plan attached to the notice.

9. On the information before me, coupled with my site visit observations, the appellant's evidence does not therefore persuade me that the plan attached to the notice is inaccurate or imprecise. Overall, and for the above reasons, I am satisfied that the corrected notice is not ambiguous or uncertain and hence it is not a nullity.

Reasons

Ground (c) appeal

10. The appeal made on ground (c) is that the matters alleged do not constitute a breach of planning control.
11. The evidence is that the development that has taken place west of the appeal dwelling (i.e., that falling within the area denoted with a blue edge on the plan attached to the notice) relates to a material change of use of the land, i.e., former agricultural land to residential land. The evidence is that this includes a facilitating engineering operation in terms of land level changes to create a terrace, a hardstanding area, timber framed 'car port' building, and walls, steps and stone pillars built as one single building operation. I find that planning permission is required for this development. This does not appear to have been disputed by the appellant.
12. The appellant contends that the single storey rear extension is permitted development. However, the extension has been built in stone and does not match the material used for the 'existing' dwellinghouse. While the evidence is that the dwellinghouse has been clad in stone, the Council's photographs show that prior to this development taking place at the site, it was previously a brick and render dwelling.
13. The appeal site falls within the Horsleygate and Cordwell Conservation Area (CA) and given this designation Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) does not permit the cladding of any part of the exterior of the dwellinghouse with '*stone, artificial stone, pebble dash, render, timber, plastic or tiles*'. In other words, the cladding is unauthorised and hence the rear extension is not permitted development as its stone material is not a '*similar appearance*' to that used in the construction of the exterior of the 'existing' dwellinghouse considering Class A of the aforementioned Order.
14. Put another way, it is not possible to benefit from permitted development rights when any such right is being assessed against development which is not in itself lawful. The rear extension therefore amounts to a breach of planning control and hence planning permission is required for it.
15. The appellant does not dispute that as the appeal site is within a CA the side extension that is the subject of this appeal is not permitted development given the limitations imposed in respect of Class A.2 (b) of the above Order. I would also add that the side extension also includes the use of stone and, as per my reasoning above, it has also not been built in a material that is of '*similar appearance*' to the 'existing' dwellinghouse.

16. To the rear of the property a patio, steps and retaining wall have been formed. I have considered the planning applications for the site and, in particular, approved drawing No 20-500—02C relating to planning permissions 20/00412/FLH and 20/00728/FLH. This plan shows '*an elevated deck*' and, in my judgement, what was approved was a raised deck on posts/columns with void space underneath. I do not agree with the appellant's contention that the approved plan shows any sort of infill detail or infilling of the void behind. Furthermore, I was able to see on my site visit that the patio/terrace has an increased depth compared to the depth of deck shown on drawing No 20-500-02C. On the evidence that is before me, I find that this development, including its retaining wall and steps, does not have the benefit of planning permission. It is development for which planning permission is required.
17. Dormers have been erected on the principal elevation of the dwellinghouse. While dormers have been approved in respect of the above planning applications, the appeal dormers that have been constructed are materially different in terms of design. There is no planning permission in place for the said dormers and they are not permitted development given that they front a highway and as the site is within a CA. Planning permission is required for the dormers given the limitations of Part 1, Class B of Schedule 2 of the Order.
18. For the reasons outlined above, I conclude that the ground (c) appeal fails.

Ground (a) appeal and the deemed planning application

Main issue

19. The appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the enforcement notice and as the appeal site is in the Green Belt the main issues are: -
- whether the unauthorised development is inappropriate development in the Green Belt,
 - the effect of the breach of planning control on the character and appearance of the area including whether it preserves or enhances the character or appearance of the Horsleygate and Cordwell Conservation Area, and,
 - if the development is inappropriate in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

Whether inappropriate development in the Green Belt

20. As detailed above, planning permission has already been approved for the construction of a first-floor extension over the existing garage and a two-storey extension to the rear. In considering such development, the LPA concluded that it would not amount to a disproportionate addition over and above the size of the original building. When considered against the original dwelling, the extensions that have been constructed amount to very significant additions. While I have not been provided with volume calculations, I have no reason to disagree with the Council's calculation that the original dwelling has been extended by about 70% in footprint terms. In any event, I was able to consider

the original plans against the development that has occurred on the land as part of my site visit.

21. Owing to the scale, bulk, footprint and volume of the extensions, I find that they amount to disproportionate additions over and above the size of the original dwelling. In this regard, when the extensions to the dwelling are considered as a whole, they amount to inappropriate development in the Green Belt and hence do not meet the exception in paragraph 149 (c) of the National Planning Policy Framework 2021 (the Framework) or policies SS9 and SS10 of the adopted 2021 North East Derbyshire Local Plan 2014-2031 (LP).
22. As regards the other unauthorised development, including the erection of a timber framed 'car port', hardstanding area, retaining walls, steps and patio, much of this development has taken place on land which was not previously in residential use. The evidence is that a material change of use of the land has taken place including facilitating operational development. Paragraph 150 (e) of the Framework states that material changes in the use of land are not inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The land to the west of the appeal dwelling includes a timber framed car port (unfinished), long/high stone built retaining walls and hardstanding and the evidence is that this has facilitated the material change of use of the land. Collectively, this development has had a significant adverse impact on the openness of the Green Belt in spatial terms.
23. I appreciate that most of the above development is screened from the road owing to existing vegetation and that the highest elements of the stone walls are towards the rear of the site and so are not very conspicuous from public vantage points. In this context, and, overall, I therefore find modest harm has been caused to the openness of the Green Belt to the west of the appeal site (i.e., land within the blue edged land on the plan attached to the notice). In reaching this view, it cannot be disputed that the development on this land has sought to introduce built form into an area of the Green Belt where it previously did not exist. Furthermore, the development on this part of the site has had the effect of significantly urbanising what was otherwise a sloping grassed field, and, in this regard, some conflict has occurred with one of the Green Belt purposes, namely that of safeguarding the countryside from encroachment.
24. While the car port and associated land is not finished off, I do not doubt that if they were, and hence used, it would mean that there would likely be other domestic paraphernalia on this part of the appeal site, including the intermittent parking of vehicles and the provision of for example tables, chairs, and other domestic items. In turn, this would add to the harm that I have identified to the openness of the Green Belt and would further conflict with the Green Belt purpose of safeguarding the countryside from encroachment.
25. I find that when the breach of planning control is considered as a whole it amounts to inappropriate development in the Green Belt. The Framework explains that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and that decision makers should ensure that substantial weight is given to any harm to it. To this extent, the breach of planning control does not accord with the Green Belt policy requirements of the Framework or policies SS9 and SS10 of the LP.

Character, appearance and Conservation Area

26. The appeal site falls within an area of countryside and the Horsleygate and Cordwell Conservation Area (CA). The CA is characterised by predominantly open and rural fields together with some sporadic built form positioned intermittently alongside narrow country lanes. There is a variety of styles of property in the area, but most are set within spacious plots and surrounded by mature vegetation. The area is predominantly rural in landscape character terms and there is a noticeable absence of built form. The country lanes are mainly unlit and without footpaths and include boundary hedges and trees adding to the verdant character of the locality when experienced by passers-by. The above attributes add positively and distinctively to significance of the CA as a whole and to the character and appearance of the countryside.
27. The appeal property is positioned relatively close to Cordwell Lane and is on higher land within a valley. I have been provided with images of the appeal property/land prior to the breach of planning control taking place. It was formerly a modest brick and render dwelling with a frontage gravel driveway and flat roofed attached garage. There was one small dormer within the front roof plane and the land to the west (i.e., the blue edged land on the plan attached to the notice) was physically separated from the residential plot by means of vegetation.
28. The original elements of the appeal property have been clad in stone. The extensions, which are also finished in stone, add significant bulk and scale to the original property. I recognise that the LPA has recently approved extensions to the dwelling. However, in relative terms, these extensions and additions were much smaller in scale and bulk and the use of stone was not permitted.
29. The additional volume and bulk to the original dwelling has harmed the sense of openness and spaciousness that previously prevailed around the appeal building. This harm has been materially compounded because of the provision of a timber framed 'car port' building, retaining walls and alterations to land levels given the cut and fill engineering works to form a flat terraced area. Indeed, the cut and fill works mean that the resultant retaining walls and terraced area appear prominent and imposing in the landscape character setting.
30. The rear and side projecting extensions have an uncharacteristically box like appearance and unlike the rest of the dwelling do not include pitched roofs. While I can understand why the appellant has opted to not include pitched roofs on these extensions, as they would block views from first floor windows, these additions nonetheless harmfully dominate the rear elevation of the building and, in my judgement, do not assimilate well with the mainly pitched roof elements of the building. They are seen as bulky and incongruous additions, particularly when seen in the context of the retaining walls associated with the terrace and the bulk and massing of the timber framed 'car port' building. Parts of the rear (i.e., side elevation) and side extensions are seen from the main road and to this extent these out of character additions are therefore noticeable from public areas.
31. I accept that while some of the development can be seen from the main road, some of it is nonetheless screened from public views owing to the position of the original part of the dwelling and vegetation. Nonetheless, I do not consider

that a lack of public visibility obviates the need to achieve good design. Indeed, paragraph 126 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Furthermore, the character of the CA derives from the buildings, layout and surrounding spaces as a whole, regardless of whether particular elements are open to public view. The significance of the CA does not therefore rely only on the elements that can readily be seen.

32. I acknowledge that the LPA has previously approved two dormers to the front roof plane of the dwellinghouse. However, these dormers were not as bulky and top heavy as those that have been constructed as part of the breach of planning control. I find that the dormers that have been erected fail to appear subservient in scale and unlike those that have been approved are seen from the main road as being less simple and more dominant in appearance. I do not find that the dormers therefore constitute good design.
33. The use of stone cladding for the original dwelling need not be unacceptable in isolation. However, the ground (a) appeal relates to both the cladding of the original dwellinghouse and to the extensions and alterations to it. I have found that the rear and side extensions are particularly harmful in planning terms and hence it is necessary that they are removed. On this basis, I can only consider the ground (a) appeal based on the stone cladding that would exist to the resultant parts of the original dwellinghouse.
34. The original dwellinghouse was built with brick and render walls. I am not certain if by removing the side and rear extensions it would mean that either breezeblock or brick would be revealed for parts of the resultant walls. For this reason and given the issues relating to disaggregating the original dwellinghouse from that of alterations and extensions that have taken place to it, and in the absence of a detailed drawing and information from the appellant as part of the ground (a) appeal, I find that I do not have enough certainty or precision to approve the stone cladding relating to the original dwellinghouse. In other words, there is potential that if I were to allow the stone cladding as part of the ground (a) appeal it would mean that some of the walls might be stone, and some might be in a different building material. This would be harmful in both design and conservation terms.
35. I therefore find that the development as a whole has caused harm to the character and appearance of this part of the CA. To the passer-by, the appeal site is now seen as a larger urbanised plot with, in relative terms, much more imposing and dominant built form detracting from the otherwise more rural, spacious and undeveloped land that surrounded the appeal property prior to the breach of planning control taking place. In the context of paragraph 202 of the Framework, I find that less than substantial harm has been caused to the significance of the CA. There are no public benefits identified to outweigh such harm.
36. For the reasons outlined above, I conclude that the development has failed to accord with the sustainability, design, conservation, countryside and landscape character requirements of policies LC5, SS1, SS9, SDC3 and SDC5 of the LP and chapters 12 and 16 of the Framework.

Other Considerations

37. The appellant has commented that it would be possible to erect the same single storey extension to the appeal property utilising permitted development rights if it were built in different materials.
38. I have already found that the rear extension constitutes poor design and that harm has been caused to the CA and to the Green Belt. Given the changes in levels, the rear extension has resulted in about a five-metre-high face of stonework to its rear elevation which is bulky and imposing. While it is the case that permitted development rights have not been removed from the appeal property, I have not been provided with precise details explaining whether the removal of stone cladding from the rear extension would have structural implications. The evidence is, in any event, that it has been constructed as part and parcel of one rear unauthorised building extension/operation and, in my judgement, would not have been permitted development even if it had been built in a different building material.
39. Even if a rear extension, in a different building material, could subsequently be erected on the rear of this building without the need for planning permission, this is a fall-back position that would have to be weighed against the very significant harms that I have identified in respect of my conclusions on the main issues. In this case, I cannot be certain based on the appellant's evidence that there would be a more than theoretical prospect of a permitted development rear extension being built if the unauthorised rear extension were required to be removed. I find that the potential of constructing a permitted development rear extension does not, in this case, justify retaining the rear extension that is the subject of this appeal given the clear harms that I have identified.

Ground (a) appeal planning balance and conclusion

40. The unauthorised development as a whole does not constitute good design and it has not preserved the character and appearance of the CA. Furthermore, significant harm has been caused to the character and appearance of this rural location. In addition, the breach of planning control when considered in its entirety amounts to inappropriate development in the Green Belt. I find that moderate harm has been caused to the openness of the Green Belt. Furthermore, conflict has occurred with one of the purposes of Green Belt, namely that of safeguarding the countryside from encroachment.
41. I conclude that the harm by reason of inappropriateness in the Green Belt, and the other identified harm, is not clearly outweighed by the aforementioned other considerations so as to amount to the very special circumstances necessary to justify development. Consequently, the ground (a) appeal fails.

Ground (f) appeal

42. The appeal made under ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity which has been caused by any such a breach. The purpose of the notice is in part to remedy the breach of planning control by removing unauthorised development, and in part to remedy the injury caused to amenity by requiring compliance with planning permission drawing No 20-500-2C.

43. The appellant's claim under ground (f) is that the removal of all building materials arising from the demolition of the 'car port' is excessive as they may want to use the materials to build a similar building within the curtilage of the dwellinghouse utilising permitted development rights under Class E of Part 1 of Schedule 2 of the Order. It is not excessive to require removal of the materials from 'the Land' (i.e., the Land is the red edge which encompasses both the appeal property and the blue edged land) as this would remedy the breach of planning control in respect of the unauthorised 'car port'. Furthermore, I cannot be certain that the appellant could or would build a permitted development outbuilding utilising Class E permitted development rights.
44. The appellant also claims that the removal of hardstanding, retaining walls and the terrace from 'the Land' is excessive and that this should only relate to the blue edged land. The requirement to remove such development from 'the Land' is not excessive as the evidence is that land levels have been changed arising from an engineering operation(s) as one act of development. The aforementioned development is part and parcel of unauthorised engineering operations (i.e., land level changes) and the requirement to remove the said development is not excessive as it remedies the breach of planning control.
45. The appellant asserts that requirement 5 j) is not specific as it is not clear which retaining walls and patio are required to be removed. In these respects, the notice is clear in that it relates to all retaining walls, the 'terrace', steps and stone pillars, boundary walls and the car port carried out to '*facilitate the material change of use*' (i.e., land within the blue edged land) and, in respect of the said retaining wall, patio, steps, it is clear that this relates to the '*one act of development also described under paragraph 3.(1) 1.3 above*'. The latter provides the clarity needed in terms of what steps are needed to ensure compliance with the notice. It does not relate, for example, to any walls or steps that may have lawfully existed on the appeal site prior to the breach of planning control occurring.
46. The appellant has commented that the LPA has not actually raised an objection to the use of stone cladding for the original dwellinghouse. That does appear to be the case based on its statement of case. However, and for the reasons outlined as part of the ground (a) appeal, I do not consider that the steps are excessive in terms of requiring the removal of all stone cladding from the original dwellinghouse and making good the exterior of the building in brick and render in accordance with drawing No. 20-500-02 of the approved planning permission(s).
47. The evidence is that the stone cladding has been undertaken as part and parcel of one act of unauthorised development involving extensive alterations and extensions to the original dwellinghouse. Based on the information that is before me, I cannot be certain that following compliance with the necessary requirements to remove the unauthorised side and rear extensions it would not expose lawful walls that were not actually finished in stone. It would certainly not be acceptable to see a situation where parts of wall were stone and parts of wall were in a different building material. In the interests of precision, certainty and good design, and in the absence of precise details from the appellant, I find that it is necessary that the stone cladding is removed from the original dwellinghouse.

48. For the reasons outlined above, I conclude that the steps required by the notice to be taken are not excessive. Furthermore, the notice provides adequate precision and clarity in terms of its requirements. Therefore, I conclude that the ground (f) appeal fails.

Conclusion

49. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the deemed application.

D Hartley

INSPECTOR