



Appeal Decisions

Site visit made on 5 June 2023

by **P White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal A Ref: APP/W0530/C/22/3301253

Appeal B Ref: APP/W0530/C/22/3301254

Appeal C Ref: APP/W0530/C/22/3301255

The Land & property situated & comprising Willow Grange Farm, Ely Road, Chittering, Waterbeach, Cambridge, Cambridgeshire CB25 9PL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. The appeals are made by Mrs Clara Campbell-Beavis (Appeal A), Mrs Fiona Dunne (Appeal B) and Mrs Barbara Stiles (Appeal C) against an enforcement notice issued by South Cambridgeshire District Council.
- The notice was issued on 18 May 2022.
- The breach of planning control as alleged in the notice is: Without planning permission:
 - (a) The undertaking of works to facilitate a weddings and events venue business at Willow Grange Farm including the erection of a marquee, bell tents, shepherd huts, toilet facilities and safari tents together with hard standings, decking and pathways.
 - (b) A Material Change of Use of the land from agriculture to a weddings and events venue.
- The requirements of the notice are:
 - (i) Cease the use of the land as a weddings and events venue
 - (ii) Remove the marquee, bell tents, shepherd huts, toilet facilities and safari tents, from the land.
 - (iii) Remove all hard standing, decking and pathways, from the land, hatched in red on the attached plan.
- The period for compliance with the requirements is: 3 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (b) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission (DPA) is deemed to have been made under section 177(5) of the Act.
- Appeals B and C are proceeding on the grounds set out in section 174(2)(b) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeals on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act have lapsed.

Summary of Decisions: The appeals succeed in part and the enforcement notice is upheld with a correction and a variation in the terms set out below in the Formal Decision.

Appeals A, B and C on ground (b)

1. Appeals on ground (b) are made on the basis that the matters stated in the notice have not occurred.
2. The land, as defined by the plan accompanying the enforcement notice (the notice), encompasses the access to the farm from the A10 Ely Road, the farmyard, and a field adjoining it.

3. The planning unit comprises the land subject to the enforcement notice, along with the surrounding farmland and the farmhouse adjacent to the farmyard. There is only limited evidence before me of the use of the land before the alleged use began. The appellants' evidence suggests it was in agricultural use, with a fishing tackle shop having occupied one building, and hardstanding functioning as parking for the tackle shop and agricultural storage.
4. The use alleged is the material change of use of the land from agriculture to a weddings and events business. In addition to a field, it also encompasses the farmyard containing buildings and hardstanding and the access to it. At my site visit I noted that other buildings on the land, in and accessed from the farmyard, remained and appeared to have been in agricultural use for some time.
5. Functionally, the weddings and events operation is of a significant scale and is operated by a limited company independent of the farming enterprise. But the access and the farmyard are used for access and parking for weddings and events, and as access to and turning for other agricultural buildings, the farmhouse, and other land adjoining and beyond the appeal site. Physically, two buildings, and the field between March and October each year, are used exclusively for weddings and events. However, the extent of shared land with agricultural use is significant, and the land in operation for weddings and events is not geographically separable into areas distinct from the agricultural use. The alleged weddings and events use therefore cannot be physically and functionally separated from the agricultural use occurring on the wider planning unit.
6. The evidence before me suggests the weddings and events operation is a primary use alongside the agricultural one. In coming to this view I have noted, among other things, the establishment of a company independent of the farming enterprise, the scale of the weddings and events operation and its frequency, and the exclusive use of some buildings and the field between March and October.
7. The Council's evidence demonstrates that weddings and events had occurred on the field at the time the Notice was issued. It also demonstrates that structures had been erected and permanent physical works had been carried out in the field to facilitate it. At the time the Notice was served, in May 2022, agricultural grazing was not occurring on the field (even if it was later in the year). However, the evidence before me, including the appellants' December 2021 Planning Statement (the 2021 Planning Statement), submitted by the Council, weighs in favour of agricultural use occurring alongside the weddings and events operation on the access and farmyard, particularly in terms of its use for agricultural access and storage.
8. Much of the Council's evidence relates to use of the field, but the hardstanding and buildings in the farmyard, and access to it, are also included in the land subject to the Notice. The 2021 Planning Statement stated that a significant area of hardstanding would be used for parking associated with the use then proposed. That continues to be the appellant's intention, and there is evidence before me that it has occurred. It also stated that 10 weddings were hosted in 2021, even if some or all were carried out as Permitted Development¹. Furthermore, it stated that the weddings and events enterprise would have

¹ Under the Town & Country Planning (General Permitted Development)(England)Order 2015

been operational for the two years up to January 2022, and that numerous future wedding and conference event bookings had been made at that time.

9. I have not seen evidence of the dates the physical works were carried out to the two buildings used for weddings and events, but at my site visit it was clear they had functioned as part of the weddings operation, as was proposed in the 2021 Planning Statement. The Council's statement also makes no reference to the use or conversion of these buildings at the time the Notice was issued. Nevertheless, whether or not these buildings were in use for weddings and events at the time the Notice was issued, the area of land identified on the plan accompanying the enforcement notice had been in use for weddings and events.
10. The alleged weddings and events use had therefore occurred on the land at the time the notice was issued, but agricultural use was also occurring. Even if weddings and events themselves operate only from March to October, and grazing occurs on the field over the winter months, wedding and event related buildings, structures and physical works remain on the land on a permanent basis, and agriculture occurs simultaneously on parts of the land throughout the year.
11. Considering the above, the land subject to the notice has not been used exclusively as a wedding and events venue. Rather, as a mixed use as a wedding and events venue and agriculture. Although at the time the notice was issued it may not have been possible for the Council to demonstrate a mixed use of the field for weddings and events and agriculture, it should have been possible to do so in relation to the farmyard and access, and therefore of the land subject to the notice.
12. With the evidence before me, the breach described by the enforcement notice had therefore not occurred at the time the notice was issued, and the appeals on ground (b) must therefore succeed.
13. Where it is apparent that a notice does not describe all of the components of a mixed use taking place on the site, the notice should be corrected if possible, but it is only open for me to do so where there is no injustice to any party.
14. Correction of the notice would change the description of development for consideration under Ground (a) and the DPA. The appellants have had opportunity through the appeal process to make their case fully in relation to the mixed use, and have done so through its Statement and supporting documents, including its business plan and the letter of support for farm diversification. Should the DPA and appeal on ground (a) be allowed, planning permission would be also granted for agriculture in addition to weddings and events use, but considering that agriculture is excluded from the definition of development in the Act, any land may be used for agriculture without the need for planning permission. There would therefore be no injustice to either the appellant or the LPA, were I to correct the notice accordingly.
15. For the reasons given above, I conclude that the breach of planning control alleged in the enforcement notice has not occurred in the manner described in the notice. I shall correct the enforcement notice by inserting the words, "and agriculture" at the end of the breach alleged in Part 3b) prior to upholding it. The appeals on ground (b) succeed to that limited extent.

Appeal A on ground (a) and the DPA

16. Appeals on ground (a) are made on the basis that planning permission ought to be granted.

Preliminary Matters

17. The allegation in the enforcement notice relates to a weddings and events use, but I have found the use to be a mixed use as a wedding and events venue and agriculture. Although the wedding and events element of the use is operated by Willow Grange Farm Weddings and Events Ltd, and the appellants acknowledge that other events have taken place, they seek consideration of wedding events only between March and October, and agriculture, with certain structures and works remaining throughout the year. I have therefore considered the appeal on ground (a) on this basis.

Main Issues

18. The main issues are:

- the effect of the development on the character and appearance of the area;
- the suitability of the rural location, with regard to the scale and accessibility of the development, and the contribution it makes to the agricultural enterprise; and
- the effect of the development on the living conditions of nearby residents, with particular regard to sound levels; and
- the effect of the development on highway safety.

Character and appearance

19. The farmyard, which accommodates the weddings and events car parking and use of buildings, is well contained. The field adjoins the farmyard, but extends away from it to the north, and contains a large number of tents and structures across a wide area. Most appear as semi-permanent features from March to October, while others remain throughout the year, alongside grazing. The Council's concern relates to visual harm and encroachment of built form into the open countryside.

20. From the Ouse Valley Way, and the footpath running along the southern side of the River Great Ouse, the development is seen at a distance, and in the context of a wide perspective. In some views, the marquee and bell tents are seen with the backdrop of the farmyard buildings. From these relatively distant views the safari tents are seen as separate elements, which reduce their overall scale in the landscape, and the shepherd's huts and other structures are less visible. In relation to these perspectives, the effects of the landscaping proposed by the appellant could further reduce the visual impact of the development over a period of years. However, the landscaped belts and copses would be located outside the appeal site. And consequently, although I could impose a planning condition requiring planting to be carried out within a specific period, there is no legal mechanism before me to secure its ongoing maintenance and establishment. I therefore cannot be certain that planting required by planning condition could overcome the harm.

21. It is in shorter range views that the visual scale of the development is most apparent, from a short stretch of the public footpath just north of its crossing

of the A10. The light colour of the tents, and in particular the large number of bell tents, make them prominent features and the tents, shepherd's huts and structures span the length of the field in some views. Although the wedding and events use would be seasonal, from March to October, the tents and temporary structures would be a relatively permanent feature in the landscape. Furthermore, the permanent buildings, decking and marquee flooring would also remain throughout the year. Nevertheless, the negative visual effects from this short stretch of footpath, and the distant views from further afield, do not amount to significant harmful visual encroachment into, or urbanisation of, the landscape in my view, but do contribute to the scale of the development as a whole.

22. In conclusion, there are limited negative effects on the character and appearance of the area, and these contribute to the scale of the development as a whole.
23. I have not found conflict with South Cambridgeshire Local Plan (2018) (SCLP) Policy S/7 which, outside development frameworks shown on the Policies Map, only permits specific developments which need to be located in the countryside or where they are supported by other development plan policies.

Suitability of the rural location

24. Willow Grange Farm is located on the A10 around 7 miles from the City of Ely and around 10 miles from the City of Cambridge. The appeal site is an area of around 1.46ha of land and part of the 55 hectare (136 acre) farm, of which 60 acres are permanent pasture and 60 acres are arable.
25. The Council is concerned that the scale of the development and number of guests result in a significant intensification of use of the site, not in keeping with its rural location. It objects on the basis that parts of the development are not part of an existing group of buildings, and that the development is not consistent in scale with its rural location. These matters generally relate to SCLP policy E/18, which relates to farm diversification.
26. I note the desirability of a farm-based rural wedding offer, but demand is not necessarily synonymous with a need to be located in the countryside. With the information before me I consider there is a need for the use to be located in the countryside only insofar as it is farm diversification supporting the agricultural enterprise. The appellants claim an increasing need for the farm business to diversify, considering the size of the agricultural unit and the impending loss of farm subsidies. With the information before me the development provides a moderate degree of financial support for the farm, plus support for local businesses and employment, and the buildings are no longer required for agriculture. This issue therefore turns on whether new development is part of an existing group of buildings, and whether the development is consistent in scale with its rural location.
27. Although part of the development consists of the reuse of buildings and surfaces within the farmyard, the use also extends significantly into an adjacent field. The Sperry Tent marquee (the marquee), toilets and kitchen are relatively closely associated with the adjacent farm buildings, but the bell tents, camping toilets and showers, shepherd's huts and safari tents and their associated structures extend significantly into the adjacent field. These aspects of the development is therefore not part of an existing group of buildings.

28. In terms of visual scale, I found in relation to the first main issue that limited negative effects on the character and appearance of the area contribute to the scale of the development as a whole. The field is largely screened from roads by existing vegetation, but the marquee, bell tents, and shepherd's huts and safari tents with their associated buildings, are visible in views from public footpaths.
29. Functional elements of the wedding and events use primarily occur at weekends. However, with 30 weddings per year, each with up to 120 guests, plus staff and local businesses serving the use, it is not insignificant in scale. Even with the offer of a minibus service, for those who take it, traffic generation for such events is significant for short periods during events, particularly in the late evening. Although public transport could form part of longer journeys, opportunities for arriving at the site by public transport and for cycling to it are very limited. The relatively large scale and regularity of the events suggests that the use is not entirely consistent in scale with its rural location.
30. The appellant references traffic movements through the farm arising previously from other uses. But the fishing tackle shop use has ceased, and is now part of the development, and the appellant advises that traffic previously travelling through the farmyard associated with other uses no longer does so. I have not seen evidence that these uses were of the same scale, either individually or cumulatively, or had the same effects as the development on wedding event days; or that they would resume use of the access should the development cease.
31. The appellant also refers to a number of other development plan policies relating to business use in the countryside. However, the development is not the expansion of an existing business in the countryside, and although the development includes the conversion of two buildings, it is not located near to larger settlements or accessible by public transport, cycling or walking. The appellant's proposed conditions also suggest that use of the on-site accommodation would only be available for use in association with weddings; but even if use was made of the shepherd huts & safari tents for tourist accommodation outside of weddings and events, the development of which they form a part is not small in scale.
32. Overall, the development is a form of farm diversification which supports the agricultural enterprise at Willow Grange Farm. The physical scale of the weddings and events use would extend significantly beyond the farmyard and its buildings, albeit with only limited visual harm to the character and appearance of the area. Functional scale would be significant on event days, attracting large numbers of visitors in an area poorly served by public transport, walking and cycling. The use is therefore not entirely consistent in scale with its rural location, and the new physical development is not limited to the existing group of buildings.
33. In conclusion, the use is therefore not one suitable for its rural location, with particular regard to its scale and accessibility, despite contributing to the agricultural enterprise and other local businesses. The development conflicts with SCLP Policy E/18 which makes provision for farm diversification schemes where consistent in scale with their rural location, existing buildings are reused where possible, new development is part of an existing group of buildings, and

a business plan demonstrates how the development supports continued operation of agricultural/rural land based businesses.

Living Conditions

34. The appeal site is located in a rural location, albeit one close to the A10 Ely Road. Four dwellings share the access track to the farm, including some in the ownership of the appellants. There are also two dwellings on the opposite side of the road, and another further north beyond fields. Other than the farmhouse, the closest dwelling, 3 Willow Grange Cottages, is located on a bend adjacent to the access driveway, on slightly lower ground.
35. Use of the land and buildings between March and October for use for weddings and events for up to 120 guests includes amplified music within the buildings (the Silo Barn and the former Tackle Shop) and the marquee. It also includes associated overnight accommodation, and access to the site before and after events, with guests often leaving after midnight on the day of the main event. A wedding event takes place most weekends throughout the period, with the main event normally on Saturday, and the occasional mid-week wedding.
36. SCLP policy SC/10, which relates to noise pollution, states, among other things, that consent will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing development. It also seeks to ensure that noise from proposed commercial, recreational or transport use does not cause any significant increase in the background noise level at nearby dwellings.
37. The appellants' noise reports and noise and event management plans promote measures to reduce noise levels by various means, and are supported by proposed planning conditions. The appellant's case is that existing background sound levels at the nearest residential dwellings will not be significantly increased, and will be mostly inaudible above the existing road traffic noise.
38. Comments from an interested party suggests that the limited effects advised by the appellants have not always been achieved. The marquee will provide only limited acoustic insulation, notwithstanding the 'echo barrier' provided adjacent to the marquee, and the sound limiter installed. Nevertheless, the professional evidence before me suggests that noise generated by music and people in the fields, buildings and farmyard, is not normally transmitted at unacceptable levels to areas with residential dwellings, and can be contained with suitable measures which could be required by planning conditions.
39. The appellants' technical acoustic evidence considers external noise generated within the farmyard and fields. However, I have not seen consideration of noise associated with traffic movements on the access track arising from large numbers of visitors leaving late in the evening. The evidence before me suggests that a significant number of vehicle movements take place on the access track, past 3 Willow Grange Cottages, including after midnight. Such movements are likely to result in disturbance of nearby residents at 3 Willow Grange Cottages.
40. Although the appellant refers to previous use of the Cambridge Gun Club on Friday nights in summer months, it is unlikely that those movements were as late as those now occurring, and I have seen no indication that they will resume in the near future. With the information before me, neither are any of

the current or previous daytime uses of the access comparable to the effects of use of the access in the late evenings.

41. Therefore, notwithstanding the relative close proximity of the A10 Ely Road, the appeal site is in a rural location. I consider noise associated with traffic generation at this scale in the late evening, and at such close proximity to 3 Willow Grange Cottages, is harmful to the living conditions of its occupiers.
42. In conclusion, the development is harmful to the living conditions of the residents of 3 Willow Grange Cottages, with particular regard to noise associated with traffic on the access track. The development conflicts with the relevant provisions of SCLP Policy SC/10, which are described above, and SCLP policy HQ1, which requires developments to protect the health and amenity of occupiers and surrounding uses from unacceptable impacts such as noise, vibration, odour, emissions and dust.

Highway safety

43. The appeal site is accessed via a private drive from the A10 Ely Road, which serves the farm and four residential dwellings. The road connects Cambridge and Ely and is a two-way single carriageway road subject to the national speed limit (60mph).
44. The Local Highways Authority (LHA) officer objected to a planning application for the use (ref: 21/05603/FUL), which was withdrawn before its determination. In the consultation response before me, the LHA considered the highways information available to be insufficient to establish the type of junction arrangements required. It advised that a Transport Assessment (TA) be submitted with a plan showing the proposed junction to meet the requirements of CD123 of Design Manual for Roads and Bridges (DMRB).
45. With the appeal site being nearly 1.5 hectares in size, SCLP Policy TI/2, which relates to planning for sustainable travel, considers the development to be a 'larger development' which requires submission of a full TA. Among other matters, it also requires development to be located and designed to reduce the need to travel, and to promote sustainable travel appropriate to its location.
46. The appellant has provided a Transport Statement (TS), dated June 2022, but not a TA. It references "this renewed application", but appears to relate to the development before me.
47. The appellants' TS states that a visibility splay of 215m is achievable, meeting the DMRB requirement, but that appears to relate to the southern visibility splay. The plan referenced, in Appendix B, specifically states, and depicts, "visibility obstructed by vegetation" in relation to the northern visibility splay. And the absence of any technical confirmation that suitable visibility splays to the north can be achieved is notable.
48. However, the appellants' statement advises that visibility can also be achieved to the north "subject to the modest cutting back of vegetation". On the face of it that statement, which appears to contradict the technical highway evidence, is unconvincing. However, the 'Location Plan' submitted with the appellants' statement (drawing number DR-A-2000 dated 08/28/20) indicates that all the land obstructing visibility to the north is within the ownership of the "applicant" (appellant). On that basis, I can see no reason why visibility splays of 2.4m x 215m could not be achieved and retained in both directions.

49. However, in relation to junction geometry and design I have not seen a detailed plan of the junction with the A10. I note the vehicle tracking diagrams, which show the junction to some degree, but they also appear to indicate that there would be only very limited opportunity for two vehicles to pass, or for vehicles to enter and exit at the same time. Neither have I seen specific analysis of the geometry of the junction with the A10, and its suitability for the use.
50. The appellant advises that although up to 120 guests can be accommodated, parking provision for guests is fixed at a maximum of 40 spaces, plus 4 with the accommodation and 13 for staff, which together limit traffic generation. At the same time, an interested party reports that additional parking has been used beyond the appeal site on at least one occasion. I also note that a bespoke minibus service is offered, but have not been advised whether it is required or regularly commissioned. Even if planning conditions limited the use to the specified number of parking spaces, and the minibus service is in use regularly, I am not satisfied that the suitability of the junction has been established for the use, particularly considering the potential intensity of its use at the end of a wedding day.
51. The appellants' statement and the TS make reference to vehicle movements from residential and agricultural uses of the access, the Fishing Tackle Shop retail use (which has now ceased, with the building being part of the wedding and events use), former use by the Cambridge Gun Club, and other uses. The appellant anticipates a comparable number of daily vehicle trips to those previously occurring with the formal retail use, and refers to an absence of personal injury accident records in the immediate vicinity of the appeal site (although accidents are recorded on the A10 further north and south).
52. Use of the site as a wedding and events venue is likely to generate different patterns of use than previous uses, particularly in relation to trips later in the day, including after midnight. I note the appellants' predicted trips, and the assumptions that underpin it, but have not been provided with actual trip data from events occurring.
53. In conclusion, although I have not seen evidence that cumulative impacts on the road network would be severe, with the information before me I cannot be certain that the development is, or will not be, harmful to highway safety. The development conflicts with the relevant provisions of SCLP Policy TI/2, which is described above, and SDLP Policy HQ/1, which requires safe and convenient access for all users.

Other Matters

54. The appellant advises that permitted development rights² for temporary uses would allow 28 events to take place annually, compared to the 30 events per year sought by the appellant. However, the use is clearly a permanent one, with physical works and structures which remain on a permanent basis, and with time at the beginning and end of the season to set up and take down the extensive facilities. Events also take place over several days, and time would be required before and after each event in preparation for it. That time may be significantly increased if the marquee and other facilities were to be erected beforehand and removed afterwards. Therefore, although it may be possible for some events to take place at the farm with permitted development rights for

² Under the Town and Country Planning (General Permitted Development) (England) Order 2015

temporary uses, it would not be comparable to that before me. The harm associated with a smaller number of events would also be more limited than that associated with the development before me, and would not justify a permanent use.

55. The wedding and events element of the use supports local businesses and provides employment associated with them. Landscaped borders within the appeal site may also provide moderate biodiversity benefits. Together these benefits of the development attract moderate weight in favour of the development, but do not outweigh the significant harm I identify in relation to the main issues, and the corresponding conflict with development plan policies.

Conclusion:

56. I therefore consider that the development is not suitable for its rural location, is harmful to the living conditions of nearby residents, and to highway safety. Consequently, it conflicts with development plan policies, and there are no other material considerations that require a decision to be made other than in accordance with the development plan.
57. For the reasons given above, I conclude that Appeal A on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeals A, B and C on ground (g)

58. Appeals on ground (g) are made on the basis that the time for compliance with the requirements of the notice is too short.
59. The three requirements of the notice essentially relate to cessation of the use, removal of all tents and camping facilities and amenities, and removal of groundworks associated with the wedding and events use. Each are subject to a compliance period of 3 months from the date the notice takes effect.
60. In relation to use, the appellants advise that, as is common with wedding and reception venues, bookings made several months in advance run until the end of the season. The period of 3 months would allow this season's weddings and events to take place, supporting the local businesses associated with them, albeit with limited time to carry out the required works afterwards.
61. The appellants advise that removal of the tents from the field takes a week in October at the end of the season. A 3 month compliance period would therefore facilitate that.
62. However, in relation to the physical works carried out in association with the use, I note the extent of the structures associated with buildings in the field, hardstanding, decking and pathways, as well as the toilet and shower facilities, the extensive marquee flooring, timber structures within the safari tents, other hard surfaced and decking areas, and associated works. Should the use continue to operate until the end of the current wedding season, a 3 month period from the date the notice took effect would provide around one month for such works.
63. I have not seen compelling evidence that contractors could not be arranged within the 3 month time period, but acknowledge the scale of the works to be

carried out. At the same time, neither have I seen convincing evidence refuting the appellants' view that 2 months would be required for these works alone.

64. The harm I identified above in relation to highway safety and living conditions is associated with the operation of wedding events, and is therefore limited to the wedding season. There would therefore be little harm in affording an additional month for the removal of the physical works from the land after the end of the season. Although that would not amount to the longer period sought by the appellant until the end of the year, it would be reasonable considering the evidence before me.
65. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeals on ground (g) succeed to that extent.

Decisions

Appeal A

66. It is directed that the enforcement notice is corrected and varied by:

- inserting the words, "and agriculture" at the end of the breach alleged in Part 3b) of the enforcement notice; and
- the deletion of the text in Section 6, as the time period for compliance, and its substitution with:
"The steps set out in paragraph 5 above must be performed within:
 - (i) 3 months; and
 - (ii) and (iii) 4 months;following the date this notice takes effect."

67. Subject to the correction and variation, the appeals are 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

68. It is directed that the enforcement notice is corrected and varied by:

- inserting the words, "and agriculture" at the end of the breach alleged in Part 3b) of the enforcement notice; and
- the deletion of the text in Section 6, as the time period for compliance, and its substitution with:
"The steps set out in paragraph 5 above must be performed within:
 - (i) 3 months; and
 - (ii) and (iii) 4 months;following the date this notice takes effect."

69. Subject to the correction and variation, the appeals are dismissed and the enforcement notice is upheld.

Appeal C

70. It is directed that the enforcement notice is corrected and varied by:

- inserting the words, “and agriculture” at the end of the breach alleged in Part 3b) of the enforcement notice; and
- the deletion of the text in Section 6, as the time period for compliance, and its substitution with:
“The steps set out in paragraph 5 above must be performed within:
 - (i) 3 months; and
 - (ii) and (iii) 4 months;following the date this notice takes effect.”

71. Subject to the correction and variation, the appeals are dismissed and the enforcement notice is upheld.

Peter White

INSPECTOR