



Appeal Decision

Site visit made on 20 September 2023

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th OCTOBER 2023

Appeal A Ref: APP/U1430/C/22/3306755

Stables located on land on south side of Luckhurst, Downoak Farm, Main Road, Westfield, East Sussex

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mr Jon Baker against an enforcement notice issued by Rother District Council.
- The enforcement notice, labelled 'failure to comply with a condition', was issued on 12 August 2022.
- The breach of planning control as alleged in the notice is failure to comply with a condition imposed on a planning permission ref RR/2005/2258/P granted on 7 October 2005.
- The development to which the permission relates is: Erection of stables, tack room and store.
- The condition in question is no 2 which states: The stables for the keeping of horses shall not be used for any purpose other than for private recreational purposes and shall not be used for hire or reward.
- The notice alleges that the condition has not been complied with in that the stable building is being used for the storage and processing/production of timber not relating to the keeping of horses for private recreational purposes.
- The requirements of the notice are: I. Cease the use of the Stables for all aspects of timber and related material storage and production unconnected to the keeping of horses for private recreational purposes. II. Remove from the Stables all timber processing equipment and all timber unconnected with the keeping of horses for private recreational purposes. III. Ensure compliance with condition 2 of the Permission by the use of the Stables only for the keeping of horses for private recreational purposes.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), and (d) of the Act. 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.

Appeal B Ref: APP/U1430/C/22/3306752

Land at south side of Luckhurst, Down Oak Farm, Westfield, East Sussex

- The appeal is made under section 174 of the Act. The appeal is made by Mr Jon Baker against an enforcement notice issued by Rother District Council.
- The notice, labelled 'material change of use', was issued on 12 August 2022.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land from agriculture/forestry to a mixed use of agricultural/forestry use and: (i) the production and processing of firewood and fencing materials from timber imported from other sites; and (ii) the storage of motor vehicles/parts, articulated tractor trailer unit, timber and other domestic and waste materials all unconnected to the agricultural/forestry of the Land.
- The requirements of the notice are: (i) Cease the use of the Land for the production and processing of firewood and fencing materials unconnected with the agricultural/forestry use of the Land. (ii) Cease the use of the Land for the storage of motor vehicles/parts, articulated tractor trailer unit, timber and other domestic and waste materials unconnected with the agricultural/forestry use of the Land. (iii) Remove from the Land all production/processing equipment/ machinery unconnected to the agricultural/forestry use of the Land. (iv) Remove from the Land all motor vehicles/parts, articulated tractor trailer unit, timber and other domestic and waste

materials unconnected with the agricultural/forestry use of the Land including, but not limited to, carpets, kitchen cupboards and fixings, scrap metal, processed / treated timber, vehicle parts, skips, metal containers used for burning waste and tyres, all to an authorised place of disposal.

- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b) and (c) of the Act.

Appeal C Ref: APP/U1430/W/22/3306274

Little Down Farm, Main Road, Westfield TN35 4SL

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
- The appeal is made by Mr J Baker against the decision of Rother District Council.
- The application Ref RR/2021/1490/P, dated 10 June 2021, was refused by notice dated 8 March 2022.
- The development proposed is described on the application form as: Laying of recycled crush surface and change of use from agriculture to a use for the storage and processing of timber.

Summaries of Decisions

- **Appeal A: The appeal is dismissed and the enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.**
 - **Appeal B: The appeal is dismissed and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.**
 - **Appeal C: The appeal is dismissed.**
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Preliminary Matters

1. The appeals relate to different areas of land at the same site. The land the subject of the notice in Appeal A comprises a stable building. The land the subject of the notice in Appeal B comprises a large field surrounding the stable building to its front and sides. The planning application the subject of Appeal C relates to a small part of the field, immediately to the front of the stable building.
2. The appeal site in Appeal C has been described in the application form as 'Little Down Farm'. I have also been referred to 'Christmas Tree Farm'. The Council's officer report suggests the appeal site should be described as 'Down Oak Farm', which is a different spelling to that used in the notice in Appeal A. I have not been provided with confirmation from the appellant that there is an error in the application form. For this reason, I have used the address provided by the appellant for the banner heading above, but I have relied on the plans submitted to identify the relevant area of land when considering the appeal.
3. At the site visit the appellant claimed that the Council and East Sussex Police are under investigation following an allegation of corruption. I do not have the full details of any related allegation or investigations. I have considered the appeals based on the evidence provided by all parties, and any such allegations do not influence my reasoning or decisions.

The Notices in Appeal A and Appeal B

4. It is incumbent on me to get the notices in order. Although the appellant has not suggested that the notices are erroneous in any way, I have concerns with parts of the notices. I have the power under section 176 of the Act to correct any defect, error or misdescription in the notices, or to vary the terms of the notices, if doing so would not cause injustice to any parties.

5. The notice in Appeal A alleges a breach of condition 2 ('the Condition') of planning permission RR/2005/2258/P ('the Planning Permission'). That notice requires various items unconnected with the keeping of horses for private recreational purposes to be removed from the stables and for the stables to only be used for the keeping of horses for private recreational purposes. That goes beyond what the condition requires. I shall vary the requirements of the notice to ensure that the Condition is complied with.
6. The third step of the notice in Appeal B requires the removal of all 'production/processing equipment/ machinery unconnected to the agricultural/forestry use of the Land'. To provide clarity, I shall vary this to refer to equipment and machinery associated with the production or processing of firewood or fencing materials.
7. The first part of the fourth step of the notice in Appeal B requires the removal of various other items unconnected with the agricultural/forestry use of the land. The first part of this step is clear, but the second part lists what such items include, but are not limited to, and goes beyond the matters alleged to be in breach of planning control. This is unnecessary and adds ambiguity. The final part of this step requires all items to be taken to an authorised place of disposal, which is also unnecessary to remedy the breach of planning control alleged. This is because any relevant person may want to lawfully retain some of those items elsewhere, rather than dispose of them. I shall vary the fourth step to remove the unnecessary text referred to above.
8. The above variations would not cause injustice to any parties. This is because they would provide basic clarifications and clarity consistent with the breaches of planning control alleged.

Appeal A

Ground (b)

9. To succeed under this ground of appeal the appellant would need to demonstrate that the breach of planning control alleged in the enforcement notice has not occurred.
10. The Condition states that the stables for the keeping of horses shall not be used for any purpose other than for private recreational purposes and shall not be used for hire or reward. According to the appellant, the stables are typically used for the storage of chain-saws, a generator, Christmas tree netting funnels, knap-sack sprayers, fuel containers, chain-saw tools, and a commercial bush-cutter all in connection with land at Downoak Farm and other land where the appellant's forestry business is conducted. It is therefore evident that the Condition is not being complied with, aside from whether it has ever been used for the processing or production of timber.
11. There is no evidence that the stable building has been used for the processing or production of timber. The notice can be corrected so that the breach of planning control alleged only refers to the building being used for storage purposes unrelated to the keeping of horses for private recreational purposes. This would not cause injustice to any parties as the notice already refers to the building allegedly being used for the storage of timber in breach of the Condition, and the appellant's own evidence indicates that the building is being used for storage purposes in breach of the Condition.

12. The appeal under ground (b) in Appeal A therefore succeeds in part, insofar as I shall correct the breach of planning control alleged in the notice as set out above.

Ground (d)

13. To succeed under this ground of appeal the appellant would need to demonstrate on the balance of probabilities that, at the date when the notice was issued, no enforcement action could be taken in respect of the alleged breach of planning control.
14. Section 171B of the Act explains that where there has been a breach of planning control consisting in the carrying out of operational development without planning permission, or the change of use of any building to a dwellinghouse, no action may be taken after a period of 4 years. In any other case, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.
15. In this case, the breach of planning control alleged does not comprise operational development or the change of use of a building to a dwellinghouse. The breach of the Condition would therefore need to have begun on or before 12 August 2012¹ to be exempt from planning control under the provisions of section 171B of the Act.
16. The appellant has explained that he purchased the stable building on 31 March 2016, and that at that time the building did not have any hay holders, feeders or watering facilities. This, along with the items which were found inside the building upon its purchase, led the appellant to conclude that it had not been used for the stabling of horses. Specifically, it is stated that the following items were found in the building upon its purchase: 2 chain saws, a wheelbarrow, a semi-commercial wood chipper, a petrol cement mixer, a children's electric ride-on vehicle, and other household items.
17. No evidence has been provided as to how the stable building was used prior to the appellant's purchase of the building in March 2016. The evidence indicates that the stable building was not used for the keeping of horses when the appellant purchased it. However, even if the Condition was being breached at the time the appellant purchased it, there is insufficient evidence to demonstrate, on the balance of probabilities, that the Condition has been breached continuously since at least 12 August 2012.
18. The appeal under ground (d) in Appeal A therefore fails.

Ground (a) and the deemed application for planning permission

Background and Main Issues

19. As the enforcement notice refers to a breach of the Condition, the ground (a) appeal and the deemed application for planning permission relate to the carrying out of the development specified in the Planning Permission, without compliance with the Condition. This is similar to a planning application submitted under the provisions of section 73A of the Act.
20. The appellant has explained that the ground (a) appeal is pursued only with regard to the intended use of the stable building for the storage of

¹ 10 years before the enforcement notice was issued

agricultural/forestry equipment and not for any processing/production purposes. If that use was acceptable, I would need to grant planning permission for 'erection of stables, tack room and store' subject to a condition restricting the building's use for the storage of agricultural or forestry equipment. However, such a condition would be inconsistent with the operative part of the Planning Permission. This is because a stables and tack room relate specifically to the keeping of horses, or possibly other animals, rather than a use for the storage of agricultural/forestry equipment.

21. The Courts² have found that it is not possible to grant a new planning permission under the provisions of section 73 of the Act where any new conditions are inconsistent with the description of development on the original planning permission. The same principles would apply in this case, and it is therefore only open to me to consider the deletion of the Condition, including the addition of any new conditions, in any manner which is consistent with the description of development stated in the Planning Permission.
22. The Condition requires the building to be used for private recreational purposes and not for hire or reward. The reason stated in the Planning Permission for attaching the Condition is: 'To safeguard the amenities of the locality and to accord with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011'.
23. Taking the above and all other matters raised into account, the main issues relevant to the appeal under ground (a) and the deemed application for planning permission are the effect that removing the Condition would have on:
 - the living conditions of nearby residents; and
 - the character and appearance of the area, with particular regard to the High Weald Area of Outstanding Natural Beauty (AONB).

Living Conditions

24. Houses are sited close to the stable building, to the northeast, at Old Barn, South Barn, and Luckhurst³. Other dwellings line part of one side of the access track leading to it. Some of those houses formed part of an historic farmstead. It would be reasonable for residents of those houses to expect to experience agricultural and forestry activities and noises in this rural location, adjacent to former agricultural buildings and surrounded by fields. However, as set out above, I am unable to replace the Condition with a new condition restricting the use of the stables to any use unrelated to the keeping of animals, as that purpose is inherent in the description of the building as stables with tack room.
25. I note the comments submitted by local residents relating to the alleged existing use of the stables and adjacent land. Aside from whether those uses have taken place, as this is disputed by the appellant, they are uses which could constitute a material change of use of the building even if the Condition were to be deleted. The Condition is not necessary to prevent such unauthorised uses.

² *Finney v Welsh Ministers & Carmarthenshire CC & Energiekontor (UK) Ltd* [2019] EWCA Civ 1868

³ References have been made to Luckhurst being a holiday let

26. The stable building comprises 6 sections, shown on the plans⁴ forming part of the Planning Permission as 4 stalls, a tack room and a store. If the Condition was deleted, the whole building would be free to be used for the commercial keeping of animals. That would be a more intensive use of the building, capable of significantly increasing activity at the appeal site and the number and frequency of people and vehicles visiting the building, compared to its lawful use in compliance with the Condition.
27. Although I saw the building can be accessed through a gap in the hedgerow from what has been referred to as Christmas Tree Farm by the appellant, to the northwest, its primary access appears to be from the more formal track to the northeast. This access runs close to dwellings at Old Barn, South Barn, and Luckhurst.
28. Even with a woodworking business apparently being operated close to that access, tankers accessing a nearby sewage works, and even in this rural area where agricultural activities may be expected, deleting the Condition would have the potential to cause unacceptable harm to the living conditions of residents of those properties. This would be due to the proximity of the shared access track and stables to those dwellings and the levels of noise and disturbance which would likely be caused to residents of those dwellings by the activities and vehicle movements which could be associated with the use of the stables other than in compliance with the Condition.
29. That harm could not be mitigated through different conditions controlling the use of the building consistent with the description of development specified in the Planning Permission. It would be unreasonable to restrict access to the stable building to specific hours, as stabled animals can sometimes require attention throughout the day and night.
30. The proposed deletion of the Condition would therefore conflict with Policy OSS4 of the Council's Core Strategy (2014) (CS) and Policy DEN7 of the Council's Development and Site Allocations Local Plan (2019) (DSALP). These policies require, amongst other things, development to not unreasonably harm the amenities of adjoining properties and to avoid significant adverse impacts on health or local amenities as a result of noise.

Character and Appearance

31. The stables are sited adjacent to the northern boundary of a large field within the AONB. There are open views of rolling countryside to the south and southeast. Thick planting lines much of the northern boundary. The stables are visible in views from the south and southeast, within the AONB. In all available views it is seen as a modest stable building near to a collection of houses in the countryside. It is a typical building for a rural area and its use for the keeping of horses or other animals, either in a private recreational or commercial sense, would not be uncharacteristic for the AONB.
32. As the Condition only requires the building to be used for private recreational purposes and not for hire or reward, it is difficult to see how it protects against any harm to the character and appearance of the area, including that of the AONB. Any use of the land surrounding the stable building is not controlled by

⁴ Plan number 2507-1 dated 15 August 2005

the Condition, and its use for any unauthorised purposes could be enforced against in the absence of the Condition.

33. Deletion of the Condition would not cause any harm to the character and appearance of the area, and would conserve the landscape and scenic beauty of the AONB. Deletion of the Condition would not therefore be contrary to Policies EN1 and RA3 of the CS or Policy DEN2 of the DSALP, which seek to protect landscape character.

Conclusion on the appeal under ground (a) and the deemed application for planning permission

34. Deletion of the Condition would have the potential to cause unacceptable harm to the living conditions of nearby residents, but it would not harm the character and appearance of the area or the landscape and scenic beauty of the AONB. It would be contrary to the development plan taken as a whole and there are no other considerations which indicate my decision on the appeal under ground (a) and the deemed application for planning permission should be made other than in accordance with the development plan.
35. The appeal under ground (a) in Appeal A therefore fails and the deemed application for planning permission is refused.

Appeal B

Ground (b)

36. As set out in Appeal A, to succeed under this ground of appeal the appellant would need to demonstrate that the breach of planning control alleged in the enforcement notice has not occurred.
37. The notice in Appeal B alleges an unauthorised material change of use of the land has taken place from agriculture/forestry to a mixed use of agriculture/forestry and the production and processing of firewood and fencing materials and the storage of motor vehicles/parts, an articulated tractor trailer unit, timber, and domestic and waste materials.
38. According to the appellant, no vehicles have been stored on the land, and any vehicle parts stored on the land have been for the purposes of repairing vehicles which are used in connection with an agricultural/forestry use or the storage/processing of timber. All timber and machinery unconnected with agriculture or forestry were claimed to have been removed from the land in emails sent by the appellant's agent to the Council in March and May 2022⁵.
39. Evidence provided by the Council in the form of photographs dated 12 March 2021, 16 September 2021, 20 June 2022, and 17 October 2022 appear to show a number of vehicles on the land at those times. However, those photographs do not appear to show the same vehicles in the same positions on different dates. They show a damaged blue vehicle in different locations on the land on 16 September 2021 and 20 June 2022. The advertising van referred to by the Council as being stored on the land throughout each year apart from during the month of December only appears to be present in the site photographs taken on 20 June 2022.

⁵ The appellant's Appendix A

40. The onus is on the appellant to demonstrate that the alleged breach of planning control has not occurred, as a matter of fact. Limited information has been provided by the appellant to support his claim that any vehicles on the land have been parked temporarily, rather than stored, and only in association with an agricultural/forestry use or in connection with the processing of timber.
41. On the limited evidence available, it appears that at least one vehicle has been stored on the land. There is insufficient evidence to suggest any of the items shown in the Council's photographs and described in the notice were on the land in association with a lawful agricultural or forestry use of the land.
42. I am therefore unconvinced that the breach of planning control alleged in the notice had not occurred at some point before the notice was issued, even if some or all items mentioned in the notice had been removed from the land by the time the notice was issued. The appellant has not demonstrated that the alleged breach of planning control has not occurred.
43. The appeal under ground (b) in Appeal B therefore fails.

Ground (c)

44. To succeed under this ground of appeal the appellant would need to demonstrate that the alleged breach of planning control does not constitute a breach of planning control.
45. The appellant has claimed that the articulated tractor trailer unit sited on the land is used for the storage of hay associated with an agricultural use, which does not comprise development requiring planning permission. There were 2 articulated trailer units present during my site visit, and a number of animals across the appeal site.
46. Section 57 of the Act states that planning permission is required for the carrying out of any development of land. Section 55(1) of the Act provides the definition of 'development', which includes the making of any material change in the use of any buildings or other land. Section 55(2)(e) of the Act confirms that the use of any land for the purposes of agriculture or forestry shall not be taken for the purposes of the Act to involve development of the land.
47. Section 336 of the Act clarifies that, for the purposes of the Act, 'agriculture' includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes. Forestry is not defined in the Act.
48. Although the appellant's submissions variously refer to the use of land at the appeal site for 'agriculture/forestry', there is limited information as to what this claimed use of the land includes, or which activities carried out on the land may comprise an agricultural or forestry use. The notice alleges that the appeal site is used for mixed purposes, including agricultural/forestry use.
49. The Council's photographs of an articulated trailer unit on the land between March 2021 and October 2022 do not show the interior of the unit, although the Council claims 'items such as machinery' were present on it at those times.

There is a lack of evidence from all parties as to the purpose of any articulated trailer units on the land. The presence of grazing animals at the appeal site during my visit does not lead me to conclude that articulated trailer units are only used at the appeal site for the storage of straw associated with an agricultural use.

50. The evidence before me indicates that the activities described in the notice have taken place and that the items described in the notice have been stored on the land prior to the notice being issued. The appellant has provided insufficient evidence to suggest those activities or items were associated with any lawful agricultural or forestry use of the land. The onus is on the appellant to demonstrate the ground (c) appeal should succeed. The appellant has not demonstrated, on the balance of probabilities, that any of the matters stated in the notice do not constitute a breach of planning control.
51. The appeal under ground (c) in Appeal B therefore fails.

Appeal C

Background and Main Issues

52. I was advised during the site visit by the appellant that the planning application did not intend to propose the processing of timber. It is important that my decision in Appeal C follows consideration of the same proposal assessed by the Council, on which interested parties were consulted. However, it is open to me to consider issuing a split decision, if I find the use of the appeal site for the storage of timber would be acceptable on its own.
53. Development forming the subject of Appeal C had commenced when the planning application was submitted, as confirmed at section 5 of the application form. Retrospective consent is therefore sought, which does not affect my reasoning or conclusions. The main issues in this appeal are the same as those set out above relating to the deemed application for planning permission in Appeal A.

Living Conditions

54. Limited information has been provided as to what the proposed processing of timber would include. It has been explained this would not include the burning or chipping of timber, but it has also been claimed this would only include the use of tractors, a chipper and 3 trailers. Even if chipping was not carried out at the appeal site, processing of timber to create fencing materials or logs would likely include sawing and splitting of timber.
55. On the evidence provided, I am unconvinced that the processes described by the appellant would not cause unacceptable harm to the living conditions of residents at Old Barn, South Barn and Luckhurst on account of the noise, disturbance, and dust emissions likely associated with the processing of timber and the proximity of the appeal site to those dwellings. This would be the case even if the hours of any processing or movement of timber at the appeal site was controlled by conditions.
56. Use of the appeal site for the storage and processing of timber, imported from other sites, could create a significant number of vehicle movements along the access track to the northeast. It has been explained that timber arrives in trailers towed by farm vehicles, but it is unclear whether those vehicles could

be restricted to access from Christmas Tree Farm to the northwest. A condition could restrict the hours of access to and from the appeal site, but on the evidence provided, a condition could not control the types or numbers of vehicle movements along the access track to the northeast.

57. Storage of timber at the appeal site, not including any processing, would be a less disruptive use in this rural location, but it could also create regular deliveries of timber to and from the site and the use of machinery, plant, and/or vehicles to move timber within the site. It has been explained that approximately 70% of the timber which would be stored at the appeal site would result from forestry operations undertaken by the appellant on other land. The remainder would primarily result from unspecified forestry activities at 'the farm' and from 'timber contracting works' at other sites.
58. Notwithstanding the extent of other land used by the appellant for forestry purposes, the timber storage use proposed would be more similar to a commercial storage facility, rather than a forestry use. This is because the vast majority of timber would be brought into the appeal site from various other sites before being taken elsewhere for processing. It is not clear whether this use would be in association with the adjacent Christmas Tree Farm, which would have the potential to create a much larger and more intensive timber storage use. In any case, a timber storage use on its own at the appeal site would still create noise, disturbance and dust emissions, albeit to a lesser extent than any created by a timber processing use.
59. As referred to in the appeal under ground (a) in Appeal A above, it would be reasonable for residents of South Barn, Old Barn and Luckhurst to expect to experience noise and disturbance associated with farming activities in this rural location. I do not, however, consider noise, disturbance, and dust emissions associated with a timber storage use at the appeal site would be similar in nature or intensity to those associated with agricultural activities.
60. The laying of a recycled crush surface across the appeal site would not harm the living conditions of any nearby residents. Although it would facilitate vehicle movement within the appeal site, this would not be an unexpected activity in association with the lawful use of the land and the adjacent stable building.
61. On the limited information provided by the appellant, I am unable to conclude that the storage and processing of timber, or even just the storage of timber, at the appeal site would not cause unacceptable harm to the living conditions of residents at South Barn, Old Barn, and Luckhurst. This would be on account of the noise, disturbance and emissions likely associated with such uses and the proximity of the appeal site to those dwellings. That harm could not be reasonably mitigated by conditions. This would be contrary to Policy OSS4 of the CS which requires development to not unreasonably harm the amenities of adjoining properties, amongst other things.

Character and Appearance

62. The processing and storage of timber at the appeal site has the potential to impact on the landscape and scenic beauty of the AONB. The height of timber stored at the appeal site could be controlled by condition, but the full extent of activities, vehicles, plant, and/or machinery associated with timber storage and processing is unclear.

63. The appeal site is fairly small in size and sited close to a hedgerow separating it from Christmas Tree Farm. It is proposed to plant a landscaping screen along boundaries of the appeal site which could be required by condition. Although the size of the appeal site would be capable of accommodating a significant timber storage and processing operation, such a use in this particular location would be unlikely to interfere greatly with the landscape character or appearance of the area if it was subject to the kind of conditions mentioned above. The same can be said for the laying of a recycled crush surface within the area, adjacent to the stable building.
64. Conditions could control the activities undertaken, height of timber stored, and require the planting and retention of landscaping. Subject to such conditions, on account of the size and positioning of the appeal site, the appearance of a recycled crush surface and a timber storage and processing use at the appeal site would not be dissimilar to various agricultural or forestry activities which could be carried out on other rural land in the AONB. It would be consistent with and conserve the landscape and scenic beauty of the AONB.
65. The laying of a recycled crush surface and the storage and processing of timber at the appeal site would not therefore conflict with Policies OSS1, OSS3, OSS4, RA2, or EN1 of the CS with regard to their impact on the character and appearance of the area, and the landscape and scenic beauty of the AONB.

Other Matters

66. I have been referred to various benefits associated with the development, including the rural employment opportunities it supports, its claimed sustainability, and improvement of health and safety at Christmas Tree Farm. Very limited details have been provided in these regards.
67. It has also been claimed that the development is a form of farm diversification which supports woodland management, and that forestry activities are not development requiring planning permission. I have been provided with limited information by the appellant to demonstrate that the development comprises the diversification of existing farming activities at the appeal site, or that it is needed to support woodland management or forestry activities elsewhere. Although the storage and processing of timber at the appeal site would support woodland management or forestry activities undertaken on other land, the level of that support would be limited by the size of the appeal site.
68. I have found that the development would not harm the character and appearance of the area, and that it would conserve the landscape and scenic beauty of the AONB. The lack of harm in these regards is not a benefit weighing in favour of the development.
69. Taking all points made into account, I am unconvinced that more than modest weight should be given to the above matters and any other benefits in favour of the development. Taken together, they do not outweigh the harm I have identified.

Conclusion on Appeal C

70. The storage and processing of timber at the appeal site would cause unacceptable harm to the living conditions of nearby residents, but it would not harm the character and appearance of the area or the landscape and scenic beauty of the AONB. The storage of timber alone at the appeal site would also

cause unacceptable harm to the living conditions of nearby residents. The development would be contrary to the development plan taken as a whole and there are no other considerations which indicate my decision in Appeal C should be made other than in accordance with the development plan.

Conclusions

Appeal A

71. 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 Act.

Appeal B

72. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations.

Appeal C

73. For the reasons given above, I conclude that the appeal should not succeed.

Formal Decisions

Appeal A

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

- (i) deletion of the text 'the storage and processing/production of timber not relating' in the fourth paragraph of section 3 of the enforcement notice and its substitution with the text 'storage purposes unconnected'; and
- (ii) deletion of steps I, II, and III at section 5 of the enforcement notice and their substitution with the following text: "Cease the use of the stables, tack room and store other than in accordance with condition 2 of planning permission reference RR/2005/2258/P dated 7 October 2005, which states 'The stables for the keeping of horses shall not be used for any purpose other than for private recreational purposes and shall not be used for hire or reward.'"

75. 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 Act.

Appeal B

76. It is directed that the enforcement notice is varied by:

- (i) deletion of the text 'n' in the first line of step (i) at section 5 of the enforcement notice;
- (ii) deletion of the text 'production/processing equipment/ machinery' in step (iii) at section 5 of the enforcement notice and its substitution with the text 'equipment and machinery associated with the production or processing of firewood or fencing materials'; and

- (iii) deletion of the text 'including but not limited to, carpets, kitchen cupboards and fixings, scrap metal, processed / treated timber, vehicle parts, skips, metal containers used for burning waste and tyres, all to an authorised place of disposal' in step (iv) at section 5 of the enforcement notice.

77. Subject to the variations, the appeal is dismissed and the enforcement notice is upheld.

Appeal C

78. The appeal is dismissed.

L Douglas

INSPECTOR