



Appeal Decisions

Site visit made on 13 November 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH NOVEMBER 2023

Appeal A: APP/K2610/C/22/3297989

Appeal B: APP/K2610/C/22/3297990

Land at Holey Oak Stables, Honingham Road, Weston Longville NR9 5LA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal A is made by Mr C Moore and Appeal B is made by Ms T Moore against an enforcement notice issued by Broadland District Council.
- The enforcement notice was issued on 24 March 2022.
- The breach of planning control as alleged in the notice is without planning permission the use of the land for residential purposes.
- The requirements of the notice are a) cease the residential use of the land and b) remove from the land all unauthorised buildings, caravans and other paraphernalia associated with the residential occupation of the land.
- The period for compliance with the requirements is a) 1 year and b) 14 months.
- Appeal A is proceeding on the grounds set out in section 174(2) (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended (the Act). Appeal B is proceeding on the grounds set out in section 174(2) (a), (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. In respect of Appeal B, 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.

Decisions

Appeal A: APP/K2610/C/22/3297989

1. It is directed that the enforcement notice be corrected by deleting all words in section 3 and replacing them with '*without planning permission the material change of use of the land from a mixed use comprising the keeping of horses (equestrian use) and keeping of livestock (agricultural use) to a mixed use comprising the keeping of horses (equestrian use), the keeping of livestock (agricultural use) and residential use facilitated by the erection of a dwellinghouse and the stationing of residential caravan*', and varied by deleting all the words in section 5(a) and replacing them with '*cease the unauthorised mixed use by ceasing the residential component*'. Subject to this correction and variation, the appeal is dismissed and the enforcement notice is upheld.

Appeal B: APP/K2610/C/22/3297990

2. It is directed that the enforcement notice be corrected by deleting all words in section 3 and replacing them with '*without planning permission the material change of use of the land from a mixed use comprising the keeping of horses (equestrian use) and keeping of livestock (agricultural use) to a mixed use comprising the keeping of horses (equestrian use), the keeping of livestock*

(agricultural use) and residential use facilitated by the erection of a dwellinghouse and the stationing of residential caravan', and varied by deleting all the words in section 5(a) and replacing them with '*cease the unauthorised mixed use by ceasing the residential component*'. Subject to this correction and variation, 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

3. The appellants consider that there is no notice in so far that they allege that it has not been placed on the Council's enforcement register in accordance with section 188 of the Act. They also claim that the notice is deficient or unclear stating that the plan attached to the notice does not show the land affected '*hatched in yellow*' as stipulated in section 2.
4. As part of the appeal, the Council has provided me with a copy of the notice. The plan attached to the notice includes the affected land and it is hatched in yellow in accordance with details in section 2. Furthermore, on my site visit I confirmed with the main parties that such a plan was the one that had been attached to the notice. The appellants agreed that it was. The claim made by the appellants in respect of the plan is not therefore reasonably substantiated.
5. The Council has provided me with details of its enforcement register entry for the subject notice at appendix 6 of its statement of case. While this includes details of the subject notice, it does not include other notices that have been issued in the area. The appellants have submitted a planning enforcement register dated 24 July 2020 which lists various notices issued between 2010 and 2019. The appellants consider that the Council may hold two enforcement registers and that this does not accord with section 188 of the Act which requires Councils to keep a single register relating to enforcement notices.
6. The appellants have raised this matter as part of the ground (e) appeal. However, it is not a relevant consideration as part of a ground (e) appeal under section 174(2) of the Act as this relates only to matters relevant to service of the notice in accordance with section 172 of the Act. In other words, the matters raised in respect of section 188 of the Act are not relevant from the point of view of the appeal under ground (e) of section 174(2) of the Act, or indeed any of the other grounds of appeal lodged by the appellants. This is a matter, if justified, that would need to be separately pursued and considered by the Courts.
7. The breach of planning control is described as '*without planning permission the use of the land for residential purposes*'. It is not strictly necessary for a material change of use notice to recite the previous use of the land, but it is better if it does so to make it clearer why the Council considers development has occurred.
8. The evidence is that planning permission was granted on 18 January 2010 for the '*change of use of agricultural land to the keeping of horses and erection of stables and a livestock shelter*¹'. I find that the evidence indicates that when the notice was issued, the land was being used for the keeping of horses (equestrian use) and livestock (agricultural use) and for residential purposes as

¹ Planning permission 20091456

part of one mixed use planning unit. In respect of the residential use, this comprises a dwellinghouse and the stationing of a residential caravan. The latter has now been removed from the site.

9. Given the above, and, without injustice being caused to any of the main parties, I shall correct the breach of planning control by deleting all words in section 3 of the notice and replacing them with '*without planning permission the material change of use of the land from a mixed use comprising the keeping of horses (equestrian use) and keeping of livestock (agricultural use) to a mixed use comprising the keeping of horses (equestrian use), the keeping of livestock (agricultural use) and residential use facilitated by the erection of a dwellinghouse and the stationing of residential caravan.*
10. Given the corrected breach of planning control, and, in the interests of precision, it is necessary to also vary the requirements of the notice. I shall delete all the words in section 5(a) of the notice and replace them with '*cease the unauthorised mixed use by ceasing the residential component*'. I am satisfied that no injustice would be caused to the main parties because of this variation.
11. For the avoidance of doubt, even without the above correction and variation, I find that the originally drafted notice reasonably told the recipients fairly what they have done wrong and what they had to do to remedy it.

Reasons

Ground (e) appeals

12. An appeal made on ground (e) is that copies of the enforcement notice were not properly served on everyone with an interest in the land as required by section 172 of the Act.
13. The claim made by the appellants under ground (e) relates to matters covered in 'The Notice' part of this decision. The matters raised are not ground (e) considerations. Such considerations can only relate to service of the notice.
14. I am satisfied, based on the evidence in appendices 3 and 6 of the Council's statement of case, that the notice was properly and reasonably served on all those with an interest in the land as required by section 172 of the Act. The appellants do not make a contrary case, in accordance with ground (e) of section 174(2) of the Act.
15. I therefore conclude that the ground (e) appeals fail.

Ground (b) appeals

16. An appeal made on ground (b) is on the basis that the matters comprising the alleged breach of planning control have not occurred. The onus is on the appellants to make their case under ground (b) and there is no evidence before me to indicate that when the notice was issued, the land was not being used for residential purposes as part of a mixed use.
17. The appellants' claim under ground (b) is that it is not clear whether the notice is seeking to take enforcement action against agricultural and residential uses. This is not a ground (b) matter, but, in any event, it is clear from reading the requirements of the notice in section 5 that only residential use of the land is

required to cease and only buildings, caravans and other paraphernalia that facilitated the residential element of the mixed use are required to be removed.

18. For the above reasons, I conclude that the ground (b) appeals fail.

Ground (c) appeals

19. An appeal made on ground (c) is that the matters alleged do not constitute a breach of planning control. The claim made by the appellants is that the use of the building on the land commenced more than four years before 24 March 2022. This is not a matter to be considered under ground (c). It is a matter to be considered as part of the ground (d) appeals below.

20. Planning permission is required for the breach of planning control. The evidence is that when the notice was issued, the land was being used for residential purposes as part of a mixed use. A material change of use of the land had therefore taken place. This constitutes development by virtue of section 55(1) of the Act and planning permission is required for the breach of planning control.

21. For the above reasons, I conclude that the ground (c) appeals fail.

Ground (d) appeals

22. An appeal made on ground (d) is that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. In an appeal against an enforcement notice on ground (d), the burden of proving relevant facts is on the appellant, and the relevant test of the evidence is on the balance of probability.

23. Section 171B(1) of the Act provides that no enforcement action may be taken in respect any unauthorised operational development after the end of the period of four years beginning with the date on which the operations were substantially completed. Section 171B(2) of the Act, provides that no enforcement action may be taken after the end of the period of four years beginning with the date of the breach consisting in the change of use of any building to use as a single dwellinghouse. Section 171B(3) of the Act applies to any breach of planning control consisting of a material change of use of land and/or buildings, except for a change of use of a building to use as a single dwelling, and, in this regard, provides that no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

24. The appellants' claim on ground (d) is that in respect of the dwellinghouse use, it commenced more than four years before 24 March 2022. The Council states that the building which is being used for residential purposes was erected less than four years before the date of the issued notice. The appellants do not dispute the Council's claim that the building which is being used as a dwellinghouse did not have a prior lawful use. Indeed, the Council states that the building '*was erected on site specifically to enable residential use*'.

25. The Council's aerial photographs show that the building used as a dwellinghouse was on the land in 2020. It was not on the land in 2017. Therefore, the building was constructed on the land sometime between 2017 and 2020.

26. The appellants assert that such a building was 'used' as a dwellinghouse for more than four years before 14 March 2022. The onus is on the appellants to make their cases under ground (d). There is insufficient objective or other evidence before me to substantiate the claim, on the balance of probability, that when the notice was issued the dwellinghouse building had been substantially completed for four years. Therefore, and noting that the notice relates to a material change of use of the land, I nonetheless do not find that the dwellinghouse building is immune from enforcement action from an operational development point of view.
27. Even if I had found that the dwellinghouse building was immune from enforcement action from an operational development point of view, in accordance with Section 171(B)(1) of the Act, I find that the evidence is that the operational development (i.e., building) is part and parcel and fundamental to facilitating the mixed change of use of the land. In this regard, and while a matter that is perhaps more relevant to a ground (f) appeal, in this case the notice could still have required the removal of the operational development part of dwellinghouse use even if the said building had gained immunity from enforcement action owing to being substantially completed for four or more years.
28. In this case, Section 171B(2) of the Act is not relevant as a change of use of a building to a dwellinghouse has not taken place. The evidence is that the building on the land has simply been put to a dwellinghouse use and hence no change of use of it has taken place. In this case, a building has been erected on the land and used as a dwellinghouse. This operational development has facilitated the material change of use of the land for residential purposes as part of a mixed use.
29. In respect of this appeal, Section 171B(3) of the Act is relevant. The onus is on the appellants to demonstrate that the breach of planning control took place for a continuous period of ten years.
30. In respect of the residential caravan element of the mixed use, the appellants claim that such a use has been carried out for more than ten years. The residential caravan has now been removed from the site, but the Council has provided me with a photograph showing its location and appearance. The Council's aerial photographs show an 'old caravan' on the land in 2017, but there is no clear evidence of a caravan on the land in 2014. It is possible that there was a caravan on the land in 2010 based on the Council's aerial photographs. However, the image is not clear and what is seen could in fact be something different such as a horse box, vehicle or a container. The appellants provide no comments in respect of the Council's aerial photographs.
31. The Council's evidence casts doubt about the appellant's claim that the land has been continually used for the stationing of a residential caravan for more than ten years. The appellants have not provided me with sufficient evidence to demonstrate that the residential caravan has been on the land for a continuous period of ten years as part of the mixed use. At final comments stage, the appellants state '*receipts and evidence are being sought*'. No such evidence has been provided and, in any event, it is not appropriate to submit late evidence, without clear justification, in the interests of procedural fairness.
32. The Council's aerial photographs, which are not disputed by the appellants, do not show the dwellinghouse building on the land in 2017. Furthermore, the

appellants have not provided me with any reasonable or objective evidence to demonstrate, as part of the mixed use, that the dwellinghouse has been on the land for ten years or more.

33. I conclude that it has not been reasonably demonstrated, on the balance of probability, that the unauthorised development (i.e., material change of use of the land) has taken place for a continuous period of ten years. Therefore, it is not immune from enforcement action.
34. For the above reasons, I conclude that that ground (d) appeals fail.

Ground (a) appeal and the deemed planning application

Main issues

35. I have considered the reasons for issuing the notice as well as comments made in the respective statements of case. In this regard, the main issues are the effect of the corrected breach of planning control on (i) the character and appearance of the area, (ii) whether the appeal site is sustainably located, and (iii) the effect of the development on the integrity of the River Wenson Special Area for Conservation.

Character and appearance

36. The appeal site comprises land of approximately 0.66 hectares and includes a stables and livestock building. The dwellinghouse which is the subject of this appeal is positioned to the north of this building. The notice requires the removal of a residential caravan from the land, but my site visit revealed that this was no longer on the land. The evidence is that the residential caravan was on the roadway part of the appeal site.
37. The area is essentially open and rural character. Overall, there is an absence of built development in the locality and where buildings do exist, they are sporadically located and mainly rural or agricultural in appearance. The narrow country lanes are lined with vegetation and hedges. Collectively, these attributes add positively and distinctively to the character and appearance of the area.
38. While the dwellinghouse assimilates well with the lawful building on the site from the point of view of its wooden construction, it nevertheless has a more domestic appearance owing to the regularity of its stark white window frames and its wood burning stove flue. Furthermore, the parking of vehicles from residents and/or visitors coupled with domestic paraphernalia associated with the residential use of the building (for example I noticed a clothes dryer and gas canisters associated with the dwellinghouse on my site visit), and the siting of the residential caravan, collectively and unacceptably urbanise this essentially open and rural environment.
39. I acknowledged that the dwellinghouse is relatively close to the stables and livestock building, but it nevertheless has the effect of introducing an unjustified and discordant addition within this rural landscape harming the otherwise predominantly open and undeveloped character of the area. While the residential caravan has now been removed from the site, it could of course come back. I have considered its location based on the Council's aerial photographs. Owing to its location, I find that it constitutes a prominent and deleterious addition in the wider countryside setting, materially at odds with

the more rural character and appearance of the sporadic buildings in the locality.

40. I recognise that a relatively large agricultural building is located within view of the appeal site and to the rear of the dwellinghouse. This has a less urban appearance than the residential elements of the mixed-use breach of planning control. Despite its existence, the area continues to be appreciated as being predominantly open and rural. The existence of this agricultural building does not therefore alter or outweigh my conclusion on this main issue.
41. For the above reasons, I conclude that use of the site for residential purposes, and including associated domestic paraphernalia, has caused significant harm to the character and appearance of the area. In this regard, the development does not therefore accord with the design, character and appearance requirements of Policy 2 of the 2011 Joint Core Strategy for Broadland, Norwich and South Norfolk (as amended in 2014), policy GC4 of the Broadland District Council Development Management DPD 2015 (Development Management DPD), and chapter 12 of the National Planning Policy Framework 2023 (the Framework).

Whether a sustainable location

42. The appeal site falls outside settlement limits defined on the policies map of the Development Management DPD. Policy GC2 of the Development Management DPD states that *'outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan'*.
43. Policy H6 of the Development Management DPD relates to Gypsy and Traveller sites. It is reasonable that I find that this policy also relates to Travelling Showperson sites. However, and notwithstanding reference to it by the main parties, I do not find that it is a relevant policy in respect of this appeal. This is because the mixed-use breach of planning control does not include use of the land as a Travelling Showperson site.
44. Having regard to other considerations detailed below, there is no specific policy or allocation in the development plan that would permit use of the appeal site for residential purposes based on the evidence that is before me. Furthermore, I have found that harm would be caused to the character and appearance of the area and hence there would be conflict with policies in the development plan. Hence, I find that the proposal would conflict with policy GC2 of the Development Management DPD.
45. In addition to the above, I agree with the Council that residential use of the site would likely result in car dependency for occupiers of the site for day-to-day trips to amenities and services. The evidence is that the nearest settlement where there is a reasonable range of services and facilities, including a village store, is Hockering which is about 5km by road, and the closest place where there is a doctor's surgery is Taverham which is about 8km by road. These are significant travel distances and hence neither cycling nor walking is likely to be frequently contemplated.
46. The evidence does not indicate that there are any bus stops or frequent bus services near the appeal site. Furthermore, Honingham Road is unlit, narrow and devoid of footpaths. Therefore, even walking to nearby settlements, where

there might be some kind of amenity or facility, would neither be safe nor convenient.

47. I acknowledge that paragraph 105 of the Framework states that '*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*'. In this case, however, the regular potential to access an acceptable level of amenities and services in surrounding settlements, on foot, by bicycle and/or by public transport is significantly inhibited for the reasons outlined above. Owing to the likely car dependency, I therefore find the residential element of the breach of planning control conflicts with the environmental requirements of the Framework, even accounting for the more flexible approach to be applied to rural areas. In turn, I also therefore find conflict with Policy GC1 of the Development Management DPD.
48. Consequently, I conclude that the mixed-use development does not accord with the locational and environmental sustainability requirements of policies GC2 and GC1 of the Development Management DPD and the Framework. For the above reasons, I therefore conclude that when sustainability is considered in the round, the site is not sustainably located for residential use.

Effect on the integrity of the River Wensum Special Area for Conservation

49. The appeal site falls within the catchment area of the River Wensum Special Area for Conservation (SAC). The SAC is a European protected site. The Council has referred me to Natural England advice dated 16 March 2022. This advice makes it clear that at the screening stage, plans and projects should only be granted consent where it is possible to exclude, based on objective information, that the plan or project will have significant effects on the sites concerned. Where it is not possible to rule out likely significant effects, plans and projects should be subject to an appropriate assessment (AA). That AA must contain complete, precise and definitive findings which are capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of the site.
50. Based on the evidence from Natural England, and residential use of the site, there is a likelihood of a significant effect on the SAC arising from phosphorous from additional wastewater. This is in respect of the development alone and in combination with other projects. Given this finding, it is necessary that I undertake an AA. The only information that has been submitted by the appellant is that the '*site has all utilities and is nutrient neutral*'. The information submitted is not sufficient for me to reach a conclusion that that residential use of the land would ensure nutrient neutrality and hence that it would not result in adverse harm being caused to the integrity of the SAC.
51. For the above reason, I therefore conclude that residential use of the land fails to accord with the biodiversity requirements of paragraph 182 of the Framework and The Conservation of Habitats and Species Regulations 2017.

Other considerations

52. Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998 states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right,

- whereby interference may be justified in the public interest, but the concept of proportionality is crucial.
53. It is clear that a settled base/home provides some stability for occupants of the site. However, this must be considered in the context that it may be possible for the appellants to find alternative 'bricks and mortar' residential accommodation elsewhere in the area.
54. Residential use of the site would add to the supply of homes in the area, and I have no doubt that occupiers of the site would seek to provide support to those existing facilities and services in the locality. I afford some limited positive weight to these social and economic matters.
55. There is no dispute between the main parties that the site is being occupied by elderly Travelling Showpeople. Nonetheless, there is no evidence that occupiers of the site require the site as a plot or yard for any activity associated with a Travelling Showpeople lifestyle. There was no evidence of any equipment associated with a Travelling Showpeople use as part of my site visit and the notice does not relate to such a use. Consequently, I do not find that Policy H6 (Sites for Gypsies and Travellers) of the Development Management DPD is relevant in respect of considering the deemed planning application. In this context, and notwithstanding the views expressed by the main parties, I do not find that the need for Travelling Showpeople plots/yards in the area is relevant to the determination of this appeal.
56. Even if the above was relevant, it is noteworthy that the appellants are living in a dwellinghouse. Furthermore, the undisputed evidence is that the appellants moved to the appeal site in 2017 from a dwellinghouse in Costessey. Hence, the evidence is that the appellants do not have an aversion to living in 'bricks and mortar' residential accommodation. While there is no dispute that the appellants are from the Travelling Showpeople community, there is nothing to suggest that it would not be possible for the appellants to live in 'bricks and mortar' residential accommodation elsewhere and alongside the settled community.
57. It is also claimed by the appellant that residential use is required to look after animals. This is not reasonably substantiated in the form of evidence to justify either temporary or permanent residential occupation of the site. Paragraph 80 of the Framework permits isolated homes where *'there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside'*. I find that the appeal site is positioned in an isolated rural location.
58. There is no evidence before me to demonstrate that there is a place of work at or near the site, or indeed that there is an essential need for temporary or permanent residential occupation of the site (whether that be in a dwellinghouse or residential caravan) to ensure the regular care or security of animals. I find that the residential element of the breach of planning control does not meet any of the exceptions in paragraph 80 of the Framework and there is nothing before me to lead me to consider that the animals on the site would be in danger, or at risk, if the site was not in use for a residential purpose.
59. It is stated that one appellant has been unwell. The Council states that such an appellant was also unwell when the appellants left the dwellinghouse in

Costessey. I sought further clarification from the appellants about this matter as part of the appeal and information was subsequently submitted to me. This is sensitive information and as such it is not appropriate for me to disclose the precise details as part of this appeal decision. However, the evidence indicates that the person is in remission, albeit that it has been necessary to make some changes to the way that they live their life, that stressful situations should be avoided, and that they need regular access to washing facilities. I am not certain whether the person has a disability from the point of view of long term and substantial effects on the ability to carry out normal day to day activities. Nonetheless, and, for the purposes of this appeal, I have nevertheless considered that the person does have a disability which is a protected characteristic in respect of the Equality Act 2010.

60. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. I do not doubt that the certainty of a stable residential base would have the potential to go some way in helping to address some of the symptoms associated with the appellant's former health condition which is now in remission. This weighs in favour of allowing the appeal, although is tempered somewhat as the compliance period in the notice for ceasing the residential component of the mixed use is twelve months. This time would reasonably allow occupiers of the site to find an alternative home in the area. This would also provide reasonable time for an occupier of the site to manage stress associated with otherwise having to immediately vacate the site, while also enabling them to find suitable alternative accommodation which has necessary washing facilities.

Planning balance and ground (a) appeal conclusion

61. The breach of planning control relates to a mixed use. Use of the land for the keeping of horses and livestock, including the associated stables/livestock building, is acceptable in planning terms. The evidence is that the stables and livestock building already benefits from planning permission.
62. Notwithstanding the above, I have concluded that the residential component of the unauthorised mixed use is not acceptable in so far that significant harm has been caused to the character and appearance of the area. Furthermore, the site is not sustainably located from a residential use point of view. In addition, I am unable to conclude that adverse harm has not/would not be caused to the integrity of the SAC arising from residential use of the land. Collectively these are adverse matters that significantly weigh against allowing the appeal. I find that this harm is not outweighed by the other considerations above and hence permanent planning permission is not justified.
63. I have considered whether a temporary planning permission may be justified. While the appellants are from the Travelling Showpeople community, the breach of planning control does not actually relate to a Travelling Showpeople plot or yard. Furthermore, the appellants are living in a 'bricks and mortar' dwellinghouse, and this therefore indicates that they do not have an aversion to living in a 'bricks and mortar' dwellinghouse elsewhere. In this context, the supply of Travelling Showpeople sites, and unmet need, is not a determinative matter in respect of this appeal.
64. The compliance period in the notice is one year to cease the residential component of the mixed use. This would afford the occupiers of the site

reasonable time, if necessary, to secure planning permission for a residential use elsewhere, or to look for residential accommodation nearby to buy or rent.

65. I recognise the personal circumstances of occupiers of the site, including the health issue associated with one resident. However, neither the personal circumstances, nor the other considerations outlined above, are sufficiently weighty to justify granting temporary planning permission.
66. For the above reasons, I conclude that neither temporary nor permanent planning permission is justified. In this regard, the ground (a) appeal fails. In reaching this decision and upholding the enforcement notice it would ultimately result in the appellants losing their home. Nonetheless, I find that the interference with their Article 8 Rights is proportionate and necessary in the public interest.

Ground (f) appeals

67. An 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.
68. The notice does not require the removal of the authorised building on the land used for the keeping of horses and livestock, or to cease using the land for any such use. The purpose of the notice is to remedy the injury caused to amenity arising out of use of the land for residential purposes.
69. The appellants state that the above is an excessive step as residential use of the land is required to '*look after animals*'. I have addressed this matter as part of the consideration of the ground (a) appeal above. As reasoned above, the appellant has not provided sufficient justification for needing to live permanently on the site to look after animals. I find that the requirements of the notice do not exceed what is necessary to remedy the injury to amenity which has been caused by the breach of planning control.
70. At final comments stage the appellants state that '*the land is used for the keeping of animals, and the dwellinghouse could be converted to residential use*'. It is assumed that the appellants mean that the dwellinghouse could be used for the keeping of animals. If not, residential use of the land, including the dwellinghouse, has already been considered as part of the ground (a) appeal.
71. It is necessary that I only consider the breach of planning control that was on the land when the notice was issued. Hence, it is not possible for me to consider use of the dwellinghouse for a different use.
72. For the above reasons, I conclude that the ground (f) appeals fail.

Ground (g) appeals

73. The appeal made on ground (g) is that the period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.
74. The period for compliance with the requirements of the notice are respectively twelve and fourteen months. The appellants claim under ground (g) is that an occupier of the dwellinghouse is unwell and that it is '*unclear if the time for*

compliance is well founded or reasonable'. I sought clarification from the appellant about this matter as part of the appeal and it is a matter that is specifically addressed as part of the ground (a) appeal above.

75. The appellants do not provide any evidence to indicate why the compliance periods in the notice are unreasonable or, put another way, do not suggest any alternative compliance periods. I find that there is insufficient evidence before me to demonstrate that the compliance periods in the notice are unreasonable, even when the health of one appellant is considered.
76. I recognise that the requirements of the notice would result in the loss of a home on the land. I find that the compliance periods are a fair and justified balance between the need to cease residential use of the land in the legitimate public interest and the interference with the Article 8 rights of the appellants. Therefore, I conclude that the ground (g) appeals fail.

Conclusions

Appeal A: APP/K2610/C/22/3297989

77. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variation.

Appeal B: APP/K2610/C/22/3297990

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

D Hartley

INSPECTOR