



Appeal Decision

Inquiry held on 15 to 17 November 2023 and 18 December 2023

Site visit made on 17 November 2023

by D Moore BSc (HONS), PGDip, MCD, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/N1730/C/23/3325889

Land at Paynes Cottage, Potbridge, Odiham, Hook, Hampshire RG29 1JW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeal is made by Saron Enterprises Ltd against an enforcement notice issued by Hart District Council.
- The notice was issued on 8 June 2023.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land from a single dwelling house to a mixed-use comprising use of the land to run a telecommunications equipment installation business facilitated by hard surfacing; with associated indoor and outdoor ancillary and commercial storage, training area with erected poles, pole mounted lighting and CCTV, parking and storage of vehicles, use of the dwelling as a house in multiple occupation (HMO) and the stationing of a caravan for residential use.
- The requirements of the notice are to:
 - i. Cease the unauthorised use of the Land as a telecommunications equipment installation business;
 - ii. Remove from the land any items stored on the land connected with the telecommunications equipment installation business including but not limited to any commercial storage, stored vehicles, containers, shipping containers, poles and related paraphernalia from the Land;
 - iii. Remove the parked and stored vehicles on site other than those associated with the use of the house in multiple occupation;
 - iv. Remove from the land the poles erected in the training area as shown with a red square on the accompanying plan. Plan 2;
 - v. Remove from the land the pole mounted lighting/CCTV;
 - vi. Cease the residential use of the caravan;
 - vii. Remove the caravan from the Land;
 - viii. Remove the imported hard core forming the hard surfacing from the area shown in the approximate location hatched pink as shown on attached Plan 2 which consists of brick rubble, crushed concrete, soil or any other inert waste to a depth of 200mm below the existing ground level. All resultant materials from this operation to be removed from the Land;
 - ix. Reinstate the area shown hatched pink on Plan 2 to its former condition through importation of topsoil, levelled to match surrounding ground levels and seeded with an appropriate grass seed mix.
- The periods for compliance with the requirements are steps (i)-(v) 3 months and steps (vi) – (ix) 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) and (g) of the 1990 Act as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed, and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Application for costs

1. An application for costs was made by Hart District Council against Saron Enterprises Limited. This application is the subject of a separate Decision.

Preliminary Matters

2. Oral evidence on matters of fact was given under affirmation.
3. In 'legal' grounds of appeal, the onus of proof is firmly upon the appellant. The Courts have held that the relevant test of the evidence is the balance of probabilities. I must examine the submitted factual evidence, the history and planning status of the site in question and apply relevant law or judicial authority to the circumstances of this case.
4. The Enforcement Notice specifies the land to which the notice relates as "Land at Paynes Cottage, Potbridge, Odiham, Hook, Hampshire RG29 1JW shown hatched pink on the attached Site Plan ("The Land"). There is also a 'Plan 2', which shows an area of land hatched pink as referred to in the requirements. The land identified in Plan 2 includes a small area that is not covered by the Site Plan. The main parties agreed that Plan 2 should be corrected so its boundary accords with the Site Plan. It was further agreed that I could use my powers of correction, without injustice, under Section 176(1)(a) of the 1990 Act to substitute a revised Plan 2.
5. The allegation includes the "use of the dwelling as a house in multiple occupation (HMO)" as a primary use forming part of the alleged mixed use. The main parties agreed that the dwelling was never used as an HMO¹, and I could correct the allegation, without injustice, to substitute "a dwellinghouse". I have determined the appeal on this basis and all further references to the matters alleged should be read to include the correction.
6. The revised National Planning Policy Framework (the Framework) was published on 19 December 2023. The policies in the Framework are material considerations, which should be taken into account from the day of its publication. As such, the main parties have provided comments on the amended Framework, which I have considered in making this Decision.

The ground (b) appeal

7. To succeed on ground (b), the appellant must show on the balance of probabilities, that the matters alleged have not occurred as a matter of fact.
8. The appellant argued that the notice does not describe the prior use, or the subsequent use, of the land correctly. It was agreed that a notice alleging a material change of use need not recite the previous use, but it is better if it does so in order to make it clearer why the local planning authority considers there has been a material change. Furthermore, the appellant is relying on the prior use as a fallback position for the ground (a) appeal and it is necessary for me to reach a finding on this matter.
9. It was maintained that the use taking place on the land prior to the alleged breach was a mixed use comprising a scaffolding business or contractor's yard, the keeping of horses and residential. The evidence in relation to the scaffolding business includes an application for a lawful development certificate

¹ Statement of Common Ground dated 13 November 2023.

(LDC) for an existing use as a builder's yard, which was refused by the Council on 23 April 2010. The Design and Access statement submitted with the application stated that the builder's yard was formed in 1975 when the previous owner started his scaffold and building business. The land in question was located between the bungalow and the southern boundary of the site and was described as "a series of storage buildings and racking, a lorry and various materials stored on the ground"².

10. The Council's delegated report also included a summary of the consultation response from Winchfield Parish Council which stated "No objections. Parish Councillors at a meeting on March 8 recalled that this property has always had a builder's yard, going back some 30 years". There were also photographs of the site, taken at the time of the application, which were submitted to the Inquiry. These show some buildings, fencing, a storage container, a vehicle and other items on the land in question.
11. Further detail was provided through oral evidence, and associated witness statements, that confirmed the previous owner bought the site in the 1970s and used it throughout his occupancy to store scaffolding and materials associated with the business. After the death of the previous owner, the business was operated by a family member. The buildings facing the bungalow were used for storage and there was racking on the site, along with a forklift truck and storage containers. The business had about two or three lorries³. A further witness statement says that the previous owner had about six lorries at its busiest, but activities were later scaled down due to ill health although the storage use continued⁴. The aerial images dated 1999, 2005, 2008, 2011, 2013, 2017 and 2018 show buildings and materials on that part of the land in question.
12. There is no dispute that the land was used for the storage of scaffolding equipment, however, the Council considers the primary use of the land was residential and any use for the storage of scaffolding was an ancillary use. The Council relies on consultation responses from the Parish Council and local residents who describe the operation as a small scale scaffolding business involving only one vehicle⁵.
13. An ancillary, or incidental use, is one which is functionally related to the primary use. The functional relationship should be one that is normally found and not based on the personal choice of the user. For example, where the sole primary use of a planning unit is use as a dwellinghouse, the use of land within the planning unit for parking cars or storing garden tools will normally be incidental to the primary residential use. This is because parking and storage are uses which differ in character to residential use but are being carried out as a function of the enjoyment of the dwellinghouse, and the functional relationship is one commonly found.
14. In this case, the use of part of the site for storing scaffolding and other related materials cannot be described as incidental to the residential use. It is not a relationship that is normally found and would comprise activities, including the loading and unloading of scaffolding materials, and related vehicular

² Delegated report Ref 10/00024/LDCEX.

³ Witness Statements of Paul Buckland dated 7 March 2023 and 15 November 2023, and Laura Hayward dated 15 November 2023, and their oral evidence.

⁴ Witness Statement of Richard Marks dated 8 March 2023.

⁵ Winchfield Parish Council: Proof of Evidence, dated 15 October 2023, and oral evidence of Gordon McLean.

movements, that would be unusual in association with a residential use. It is based on the desire of the previous occupier to operate his business from his home.

15. The evidence in relation to the keeping of horses includes planning permission for four stables, granted on 3 July 1975. This permission was subject to a condition requiring the buildings to be used in conjunction with the occupation and enjoyment of the existing property. A riding arena was constructed sometime prior to 1999, as it appears on an aerial photograph of that date. There are witness statements from several people confirming there have been horses on the site since the 1970s, as the children and grandchildren and other family members were keen riders. One of the grandchildren competed to a relatively high standard and there was a trailer kept at the site that was used for travel to events. It was also said that not all the horses kept on the land were owned by the family and local people used to pay to use the riding arena and/or for riding lessons⁶.
16. Again, there is no dispute that the site was used for keeping horses, but the Council considers the equestrian use to be ancillary to the residential use. The Council refers to representations by local residents who describe a home for a family with horses, and marketing information from estate agents dated 2019 which refers to an equestrian family property.
17. The evidence shows that horses were kept at the property, and they occupied the stables, while making regular use of the three paddocks and the riding arena. The horses were predominantly owned and exercised by family members. I heard that local people or friends used the arena⁷, but there is no evidence that this was a frequent occurrence or that riding lessons were offered on a regular basis. The keeping of horses was functionally related to the primary residential use and this link was maintained.
18. A leisure use may be incidental in some cases and a primary use in others. The scale of the use may be relevant, but it is not determinative. In this case, the scale of the equestrian activities was proportionate to the size of the dwelling and the site, and the level of provision was justifiable for a family of competent riders. It is also a function of the enjoyment of the dwellinghouse, and the functional relationship is one commonly found. I am satisfied that, as a matter of fact and degree, the keeping of horses at the site was an incidental use of the land.
19. It was indicated that the riding arena and paddocks were outside of the residential curtilage so cannot be considered incidental⁸. However, the starting point in considering whether any use is lawful is the planning unit and its primary uses. It was agreed that the planning unit is that shown by the enforcement notice plan, which is the unit of occupation and remains unchanged despite the change in ownership.
20. I consider that there were two primary uses operating within the same planning unit, which would have been a mixed use as residential and for the storage of scaffolding materials. There is no planning permission for the change of use, but the appellant argued it would be lawful due to the passage of time.

⁶ Witness Statements of Paul Buckland dated 7 March 2023 and 15 November 2023 and Laura Hayward dated 15 November 2023, and their oral evidence.

⁷ Oral evidence of Paul Buckland and Laura Hayward.

⁸ Matthew Green: Cross-examination.

21. I accept that there has been some form of activity associated with the former owner's scaffolding business since the 1970s, but the evidence in relation to the nature of the business is limited. It is described alternatively as a builder's yard or for the storage of scaffold or a scaffolding business. These uses could be very different in nature. Although there has been activity over the years, it has not been established when a change of use took place, and that the storage of scaffolding equipment gave rise to such materially different planning circumstances that, as a matter of fact and degree, it resulted in such a change in the definable character of the use that it amounted to a material change of use.
22. Furthermore, it has not been shown that any such use continued without significant interruption. Witnesses report a scaling down of activity and local people provide contradictory information on the nature and level of activity. There is inconsistency over the number of associated vehicles. The aerial photographs show an area used for storage, but it is not clear whether this was solely in connection with the business. The site photographs taken at the time of the LDC application show a random collection of items and waste materials as opposed to the storage of scaffolding. Overall, I am not satisfied that the evidence before me is sufficiently precise and unambiguous to show the lawfulness of a previous mixed use, on the balance of probabilities.
23. The appellant also questioned the allegation and argued the stationing of a caravan for residential use has not occurred as it was provided solely as additional sleeping accommodation for employees, who would rely on the kitchen and shower facilities in the main house. It was maintained there is a functional link between the main dwelling and the caravan such that it is not a primary use of the land. Geraint Wyn Jones explained that the caravan had been occupied by an employee who slept there, but routinely prepared meals in the main house where he spent his evenings⁹.
24. The caravan comprises a sitting area, a kitchenette, a shower room, a WC and three bedrooms. It was connected to the water supply and gas bottles at the time of my site visit. I saw that it was laid out, equipped and furnished as a self-contained unit of accommodation and provides the facilities required for day-to-day private domestic existence. The kitchenette contained a fridge/freezer, cooking facilities, a kettle, a microwave and other cooking items. The Council's photographs show there was a towel in the bathroom along with toiletries¹⁰.
25. It is clear to me that the caravan provided a level of accommodation beyond that which could be described as giving independence but where the occupant shares most of their living activity in the main dwelling. Crucially, it has not been shown that the occupant of the caravan relied on the primary accommodation provided in the main house. Consequently, it cannot be described as part and parcel of the residential use of the main dwelling through simply providing an extra bedroom.
26. The notice also lists the matters that the Council considers facilitate the change of use, which includes the parking and storage of vehicles. The appellant maintained that vehicles are not stored on the land but are parked. Caselaw has held that the parking of vehicles is materially different to the storage of

⁹ Oral evidence of Geraint Wynn Jones.

¹⁰ VG3 of Council's Statement of Case dated 3 March 2023.

vehicles. Parking means leaving a vehicle while it is in current use, whether long or short term. Parking is a temporary cessation from when the vehicle is in motion, and it is still in use when it is parked. Storage takes place when something is put away for a period of time because it is not needed, or its use is not contemplated in the short term¹¹.

27. It was explained that the number of vehicles on site fluctuates according to business need. While the majority are used regularly, it was acknowledged that some are not. This includes a tanker that has not been used for months, a poling wagon that is awaiting auction due to a faulty pump and a cherry picker that needs a new engine¹². It is apparent that some of the vehicles are put away and their use is not contemplated in the short term. Consequently, these vehicles can be described as being stored while the others which remain in use are parked.
28. The appellant further claims that the alleged breach fails to include the keeping of horses as an element of the current mixed use. It was explained that there is an existing agreement with a local person which allows her to keep two horses on the site, occupying two of the stables and making use of the paddocks. Other people have also kept their horses on the site, through informal agreements, since it was acquired by the appellant¹³. The presence of horses is confirmed by another witness¹⁴. However, the residents' association disputes the extent of the use, claiming that two horses were present on the site for a very short period amounting to about three months in total¹⁵, although it was acknowledged that views of horses were limited from the road.
29. The facilities for the keeping of horses have diminished since the appellant acquired the site. The riding arena has been removed, two of the stables are used for business storage and there is less land available for grazing or turning out. Although there is an agreement for horses to be kept on the site, this has not been shown to be a regular use of the land. Up to two horses being kept in the stables or on the remaining paddock intermittently does not amount to a primary use.
30. It was also indicated that the allegation should describe the use as a contractor's yard. However, I consider this may introduce ambiguity and that the description as a telecommunications installation business accurately reflects the matters alleged.
31. To conclude on this issue, I find that the matters alleged have occurred as a matter of fact. I am also satisfied that the notice describes the prior use of the land correctly since it has not been shown, on the balance of probabilities, that the scaffolding business as part of the mixed use was lawful nor that the keeping of horses was a primary use of the land. The ground (b) appeal fails, therefore.

The ground (c) appeal

32. To succeed on ground (c), the appellant must show on the balance of probabilities, that the matters alleged do not constitute a breach of planning

¹¹ *Crawley BC v Hickmet Ltd* [1998] JPL 210.

¹² Oral evidence of Geraint Wyn Jones: Inspector's note.

¹³ Oral evidence of Geraint Wyn Jones.

¹⁴ Witness statement of Paul Buckland dated 7 March 2023.

¹⁵ Potbridge Residents' Association letters dated 16 February and 3 September 2023.

control. The appellant maintains that a material change of use has not occurred.

33. The concept of a material change of use is not defined in statute. The basic approach is that, for a material change of use to have occurred, there must be some significant difference in the character of the use of the land from what has gone on previously as a matter of fact and degree. In making this assessment the starting point is to define the planning unit which, as explained above, is as shown on the site plan attached to the notice.
34. Prior to the appellant's acquisition of the site, I have found that its lawful use was residential with an incidental use for the keeping of horses. Part of the site was also used for covered and open storage although the lawfulness of any business use has not been established. Even if I were to accept the lawfulness of the scaffolding business, the aerial images dated 2018 and earlier show the buildings and storage area occupied land between the bungalow and the southern boundary, which roughly followed the building line of the rear wall of the bungalow and the stables. There was hardstanding or crushed hardcore, but this was confined to the area close to the stables and the storage buildings. The land beyond, to the east, comprised open paddocks and a riding arena. The area to the front of the bungalow and the storage buildings had the appearance of a garden area or paddock. I also heard that the character of the use was as an equestrian family home and any commercial activities were small scale¹⁶.
35. Aerial photographs from 2020 show that the hardstanding area was extended across the rear paddocks up to and including the riding arena. The driveway and parking area was also extended, a static caravan was located in the front paddock and security lighting was installed. The hardstanding at the rear is used in connection with the telecommunications installation business and provides an area for the storage of materials, machinery, shipping containers, a portacabin and the parking and storage of a relatively large number of vehicles. I heard that the operatives leave the site around 07:30 and return in the afternoon or evening. The number of workers at the site varies, but in March 2023 there were 10 and at the time of the Inquiry there were around five.
36. I consider that there is a significant difference in the overall character of the activities and the general implications for the area compared with that which took place previously, even if the storage of scaffolding was a lawful element of the use. This is due to the commercial nature of the telecommunications installation business, its scale and level of activity and the consequent change in the appearance of the site. This has off-site effects, such as an increase in comings and goings, and the potential effects of noise and disturbance, and the effect on the character and appearance of the area, all of which have planning consequences.
37. The appellant drew my attention to *East Barnet*¹⁷, in which the High Court held that the change of use of land for the storage of coal to a use for the storage of crated motor vehicles did not constitute a material change of use. In this case, the issue is not an intensification of an existing use or a change in the type of good stored or a change from one business activity to another of similar

¹⁶ Winchfield Parish Council: Proof of Evidence, dated 15 October 2023, and oral evidence of Cllr Williams.

¹⁷ *East Barnet UDC v British Transport Commission and Another* [1962] 2 QG 484.

character. I have found there has been a change in the character of the use of the land, as explained above, as opposed to the particular purpose of the occupier.

38. I find, therefore, that the use of the land as alleged, which occurred sometime after March 2019, gave rise to such materially different planning circumstances that, as a matter of fact and degree, it has resulted in such a change in the definable character of the use such that it amounts to a material change of use. There is no planning permission for the change of use and, consequently, the matters alleged constitute a breach of planning control. The ground (c) appeal must fail, therefore.

The ground (d) appeal

39. In order to succeed on ground (d), the appellant must show on the balance of probabilities that the material change of use, as in the corrected allegation, took place 10 or more years prior to the issue of the notice and continued after the date of change without significant interruption such that it is now too late for the Council to take enforcement action.
40. The appellant indicated this ground of appeal was made in relation to the previous use of the land, which I have considered as part of ground (b), above. It was accepted that, if the ground (c) appeal were to fail and I concluded that a material change of use had occurred sometime after March 2019, then the ground (d) appeal must fail¹⁸. This is because the matters alleged could not have taken place throughout the relevant period.
41. Given my findings on ground (c) above, I conclude that the appellant has not shown on the balance of probabilities that the material change of use, as set out in the corrected allegation, took place 10 or more years prior to the issue of the notice and continued after the date of change without significant interruption such that it is now too late for the Council to take enforcement action. The ground (d) appeal fails, therefore.
42. I have considered the dispute over the hardstanding as part of the ground (f) appeal, below.

The ground (a) appeal and the deemed planning application

Background and Main Issues

43. The ground (a) appeal is that planning permission should be granted for the matters alleged. The terms of the deemed planning application are derived from the corrected allegation. Hence planning permission is sought for the material change of use of the Land to a mixed-use comprising use of the land to run a telecommunications equipment installation business facilitated by hard surfacing; with associated indoor and outdoor ancillary and commercial storage, training area with erected poles, pole mounted lighting and CCTV, parking and storage of vehicles, a dwellinghouse and the stationing of a caravan for residential use.
44. The main issues are:
- Whether the development is appropriate to its countryside location, having regard to evidence of need.

¹⁸ Oral evidence of Matthew Green.

- The effect of the development on the character and appearance of the countryside, having regard to the nearby Public Right of Way.
- Whether the development would lead to a high risk of surface water flooding.
- The effect of the development on the living conditions of nearby occupiers, with regard to noise and disturbance, and lighting.

The Development Plan

45. The development plan comprises the Hart Local Plan (Strategy and Sites) 2032 (adopted April 2020), the Hart Local Plan (Replacement) 1996-2006 saved policies (adopted December 2002 as updated on 1 May 2020) and the Winchfield Neighbourhood Plan 2015 to 2032 (adopted 2017). Also relevant is the Winchfield Neighbourhood Plan 2022 to 2037 Referendum Version (October 2023). I understand that the Examiner's Report has been received and the recommended modifications have been accepted. The referendum was held on 23 November 2023, and the Council is due to adopt the revised Neighbourhood Plan at its meeting on 30 January 2024. The Policies of the revised Neighbourhood Plan carry significant weight.
46. The following policies are relevant to the planning issues in dispute; Policies NBE1, NBE2, NBE5, ED1 and ED3 of the Local Plan 2032, Saved Policies CON23, GEN1 and GEN2 of the Local Plan 1996-2006, Policies B2 and B4 of the Neighbourhood Plan 2017 and Policies P&C1 and NE5 of the Neighbourhood Plan 2022 to 2037. In addition, the Framework (December 2023) is a material consideration which should be taken into account from the day of its publication.
47. Paragraph 11 of the Framework says that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11d) provides that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
48. The appellant considers that the most important policies are NBE1 and ED3 of the Local Plan 2032 because they concern commercial development and development in the countryside. I agree with this assessment, but I also include Policy ED1 since it concerns employment proposals within the countryside and it cross references NBE1 and ED3.
49. Policy NBE1 states that development proposals within the countryside will only be supported if they fall within one of certain criteria, which the appellant maintained is a stricter approach towards new development in the countryside than the Framework and is thus inconsistent. It was argued that the policies of the Framework as a whole sought to move away from a restrictive approach to development management, governed by settlement boundaries. The development would not be within a valued landscape as set out in paragraph 180a) and, therefore, it was necessary only to recognise the intrinsic character and beauty of the countryside as opposed to broadly protecting it.

50. Policy NBE1 is written in restrictive terms but the criteria are wide ranging and enable development within the countryside in certain circumstances. This is consistent with the Framework in that the policy supports a prosperous rural economy through recognising that sites to meet local business needs in rural areas may have to be found beyond existing settlements. Criterion (b) enables the provision of business floorspace to support rural enterprises (Policy ED3 also applies) and criterion (j) enables development on previously developed land. Consequently, I do not consider the policy to be inconsistent with the Framework and out-of-date for the purposes of paragraph 11d).
51. Policy ED3 is a permissive policy that seeks to support economic uses in the countryside, subject to criteria. The application of the criteria was a matter of dispute between the parties. My interpretation of the policy, based on the language used as opposed to any implied intention, is that development proposals will be supported where they comply with (a) or (b) which both concern buildings, or where they comply with (c) or (d) which concern the expansion of businesses or the provision of floorspace to enable the establishment of a rural enterprise, or where they comply with (e) where proposals for new buildings and extensions to buildings are supported by evidence of need. Proposals falling within any of the criteria must also be of a use and scale appropriate to the site and location having regard to, in summary, landscape, amenity, accessibility and the local highway network.
52. The policy enables appropriate economic uses in the countryside while also ensuring the development is sensitive to its surroundings, in line with paragraphs 88 and 89 of the Framework. ED3(e) includes a requirement to show evidence of need for the scale of the development proposed. It is claimed this is more onerous than national policy. Although the criterion is concerned with evidence of need, this applies in relation to the scale of any built development proposed. This is a reasonable mechanism to ensure development is sensitive to its surroundings, which is not inconsistent with the Framework.
53. Policy ED1 supports new employment, within Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, and criterion (d) relates to employment proposals within the countryside. It requires proposals to comply with NBE1 or ED3 or otherwise demonstrate a need for the development at that location and compliance with other plan policies. This is a permissive policy that allows certain types of employment proposals in rural areas to support the rural economy. The requirement to show need for development in a countryside location is in addition to the types of development enabled or allowed by NBE1 and ED3. As such it is not overly restrictive when compared with the relevant sections of the Framework.
54. I conclude on this matter that the most important policies NBE1, ED1 and ED3, taken as a whole, are consistent with the Framework and are not out-of-date for the purpose of this Decision. Consequently, the so called 'tilted balance' provided by 11d) does not apply.
55. Other relevant policies are NBE2 and NBE5 of the Local Plan 2032 and saved Policies GEN1, GEN2 and CON23 of the Local Plan 1996–2006. NBE2 requires development proposals to respect and wherever possible enhance the special characteristics, value or visual amenity of the district's landscapes and seeks to avoid adverse impacts on the specific matters set out.

56. It was argued that the Policy goes beyond national policy, in particular, because it uses the language of no adverse impact. This implies the higher level of protection afforded to valued landscapes. However, the Policy allows for planning judgement taking into account qualities or features of importance in the landscape. This is not inconsistent with the need to recognise the countryside for its intrinsic character and beauty and reflects the Framework's aim of ensuring developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
57. It was agreed that NBE5 is broadly consistent with the Framework and there is no reason for me to disagree. Overall, I consider that Policies NBE1, NBE2, NBE5, ED1 and ED3 should be afforded substantial weight.
58. The saved policies of the Local Plan 1996-2006 were adopted some time before the Framework and, therefore, due weight should be given to them according to their degree of consistency with the Framework's policies.
59. GEN1 is a generic policy for development, which the appellant argued is more restrictive when the criteria are considered individually. In most examples provided by the appellant, the differences are minor and result from the language used. For example, it is claimed that criterion (i) which requires development to be in keeping with local character is a higher test than the Framework which says sympathetic to local character. This is not a case of applying a higher test as "in keeping with" equates with "sympathetic" in my mind.
60. Similarly, (ii) seeks to avoid any material loss of amenity by virtue of noise, the Framework seeks to prevent new development from contributing to unacceptable levels of noise pollution. This is not inconsistent.
61. Part (v) concerns the conservation or enhancement of the district's landscape, ecology and historic heritage and natural resources. This is relatively wide ranging and, hence, there is no specific reference to matters such as valued landscapes or heritage significance. Nonetheless, the lack of specific wording does not mean the policy is inconsistent as it enables planning judgement.
62. Part (viii) concerns traffic flows and seeks to avoid material detriment to the amenities of nearby properties and settlements or to highway safety. Part (x) seeks to avoid heavy traffic passing through residential areas or settlements or using unsuitable roads. Paragraph 115 of the Framework says development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The language of the policy is not inconsistent with the Framework as material detriment and unacceptable impact have a similar meaning.
63. Part (xiii) seeks to avoid lighting which is visually damaging to the character of the area. The Framework wording in 191(c) is to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation, which is not an inconsistency.
64. In summary, Policy GEN1 is generic and there is no specific reference to matters such as valued landscapes or heritage significance. However, I consider GEN1 to be broadly consistent with the Framework policies and I

afford it significant weight. The Council has indicated it no longer wishes to rely on Policy GEN1, but I consider it is relevant to the matters at issue and I shall conclude against it.

65. Policy GEN2 concerns changes in the use of buildings. It requires the building to be of permanent and substantial construction and capable of conversion without major or complete reconstruction. This goes further than the test in paragraph 155(d) of the Framework, which applies to development in the Green Belt, and paragraph 88(a) which is more permissive. Consequently, I consider GEN2 to be inconsistent with the Framework and it carries limited weight. I note, however, that the Council has withdrawn its reliance on this Policy. I am satisfied it is not relevant.
66. Policy CON23 provides that development will not be permitted which would seriously detract from the amenity and consequent recreational value of well-used footpaths and other public rights of way in the countryside close to main settlements by reducing their rural character or detracting from significant views. It was suggested that the Policy does not apply as the right of way is not close to a main settlement. The Council disputed this interpretation but has since withdrawn its reliance on the Policy and it does not form part of my reasoning.
67. It was agreed that Policy B2 of the Neighbourhood Plan 2017, which relates to lanes and public rights of way, is broadly consistent. Policy B4 requires development to be designed so that it does not require external lighting. This is broadly consistent with the Framework paragraph 191(c). I consider Policies B2 and B4 carry substantial weight.

Whether the development is appropriate to its countryside location

68. The appeal site is located outside of any settlement boundary. It is, therefore, in the countryside as defined by the Hart District Local Plan 2032. The development for which planning permission is sought is a mixed use, which includes a telecommunications installation business with associated equipment, storage and parking.
69. Policy NBE1 supports development in the countryside under certain circumstances. Criterion (b) concerns the provision of business floorspace to support rural enterprises. The supporting text explains that some development can take place which is beneficial to the countryside and the people that live and work there. However, the policy is directed at rural enterprises and the development taking place cannot be described as such. It is not an agricultural or other land-based rural business, nor is it concerned with sustainable rural tourism and leisure developments. These types of enterprises justify a countryside location. In contrast, the telecommunications equipment installation business could operate effectively from any suitable location.
70. Criterion (j) enables the use of previously developed land appropriate for the proposed use. There is some doubt that the site falls within the definition of previously developed land provided by Annex 2 of the Framework. Although it comprises land occupied by a permanent structure, the bungalow, it is not necessarily within its curtilage. Even if I were to consider the land to be previously developed, the words "appropriate for the proposed use" in the Policy, when read alongside the supporting text, seek to ensure the use and scale of development is appropriate to the site's rural context.

71. The employment element of the mixed use is not appropriate to the site's rural context as it is not a use which is restricted to a countryside location. In addition, the associated equipment, storage and parking that facilitates the proposed use occupies a relatively large proportion of the land. The large scale of the facilitating elements is a consequence of the nature of the business, and overall, it is not appropriate to the site's rural context.
72. The mixed use also includes a caravan for residential use. NBE1 supports residential development in the countryside where there is a proven essential need of a rural worker to live permanently at or near their place of work. The need for the caravan for residential use has not been shown and, therefore, criterion (a) cannot apply in this case. There are no other relevant criteria and, hence, I must conclude that the development is in conflict with Policy NBE1.
73. Policy ED3 is a permissive policy that enables, under criterion (c), the continuing sustainability or expansion of a business or enterprise to support the rural economy, such as development where it supports farm diversification and the main agricultural enterprise. The development concerned is the establishment of a new commercial use in a rural location, as opposed to supporting the expansion or diversification of an established enterprise that supports the rural economy. In addition, it is necessary for the development to be of a use and scale appropriate to its location. I have already explained that the land is not appropriate to its rural context due to the nature of the use and the scale of associated storage and equipment. I find the development to be contrary to ED3.
74. Policy ED1 states that employment proposals (B use class) will be supported (d) in the countryside provided they comply with Policies NBE1 and ED3 or otherwise demonstrate a need for development at that location and the proposal complies with other plan policies. The appellant explained his need to operate from the site was based on the requirement to access the motorway network, avoid congestion, be relatively close to the main areas of work and to enable him and his operatives to live on site. The motivation is largely due to his own desire to live near the site for security purposes and to save money on renting an industrial unit.
75. However, this does not show a need for the development at the site, but a personal preference. I accept that the Framework does not require such a stringent test. However, I return to the principal objection which is the development is not a rural enterprise dependent on a countryside location. It could operate effectively from an industrial estate, and such sites are often close to good transport links, with convenient access to the south-east, with effective security measures.
76. Criterion (c) concerns suitable previously developed land appropriate for the proposed use and is reflective of NBE1(j). As explained above, I do not consider the use to be appropriate to its countryside location. Consequently, I consider there is conflict with Policy ED1.
77. I conclude on this issue that the development is not appropriate to its countryside location and conflicts with Policies NBE1, ED3 and ED1 of the Local Plan 2032. The conflict cannot be mitigated since it is based on the principle of the development. In my judgement, the conflict with the Policies carries significant weight.

The effect of the development on the character and appearance of the countryside, having regard to the nearby Public Right of Way

78. The site occupies land and buildings that was formerly a bungalow, with gardens, paddocks and stables. It fronts onto Totters Lane, which is relatively narrow with no footways. The M3 motorway lies close to the southern boundary of the site, crossing Totters Lane via a bridge. A public right of way (Winchfield 501) runs parallel to the site between its southern boundary and the motorway.
79. South of the motorway there is a small cluster of residential development and there are several farm complexes in the vicinity accessed via tracks. The landscape is largely flat although it rises away from the site in an easterly direction. The surrounding fields are open in character with scattered trees, small areas of woodland and hedgerows along field boundaries. To the north of the site, beyond the railway line, there is a complex of buildings known as Totters Farm. LDCs have been granted for two of its fields to be used as caravan storage and one of the buildings for vehicle repairs. The motorway and railway line are visible from the site, and the vehicle noise is dominant, especially when using the public right of way where it runs alongside the motorway. Nonetheless, it is apparent that the area is rural in character and appearance.
80. The use of the site comprises the bungalow, paddocks, a caravan and the yard area. The area of hardstanding forming the yard at the side and rear of the bungalow is relatively large and it is used intensively. I saw a number of storage containers, vehicles and a portacabin, along with some outside storage of poles and oil drums. Existing buildings, including two of the stables, have been reused and boundary treatment has been replaced or strengthened. In addition, there is floodlighting, CCTV and some signage at the access. The yard area is visible from the public right of way and from Totters Lane. The caravan introduces a separate form of residential development that is highly visible from Totters Lane due to its prominent siting towards the front of the site.
81. Although visible from public viewpoints, the yard area is largely positioned behind a pre-existing building, which has been clad in timber. This structure provides some screening from Totters Lane. It has the appearance of a utilitarian agricultural or rural building and is not out-of-character. The paddock areas to the front of the bungalow remain open which provides a setback from the lane, and there is additional screening from a row of trees that runs along the frontage. The motorway embankment provides screening to the south. The yard is more visible from the footpath when walking in a westerly direction due to the incline of the land. The trees along the rear boundary provide some screening but this would be diminished in the winter months when foliage is absent.
82. The combined effect of the hard surfacing, plant and storage, floodlighting and the caravan is detrimental to the open and rural character of the area due to its scale, extent, commercial nature and the prominent siting of the caravan. However, there is some existing screening, as explained, and the appellant has suggested planning conditions to improve the screening or otherwise address the harm. This includes alterations to the boundary treatment to reduce the visual impact of barbed wire along the boundary with the footpath, a scheme in

relation to the security lighting, additional landscaping along the rear boundary, the removal of high level storage and the removal of the caravan.

83. The landscaping along the rear boundary would need to be substantial in order to be effective in providing screening in views from the public right of way. However, there is adequate space within the site, subject to the relocation of plant and equipment. I consider that the imposition of planning conditions in relation to landscaping, boundary treatment, lighting and the removal of the caravan and high level storage would mitigate the harm that I have identified and as such, would be necessary and reasonable.
84. I conclude on this issue that, subject to the planning conditions described, the development would not have an adverse effect on the character and appearance of the area nor the amenity and recreational value of the public right of way. The development would accord with Policy NBE2 of the Local Plan 2032, and saved Policy GEN1 of the Local Plan 1996-2006, Policy B2 of the Neighbourhood Plan 2017 and Policy P&C1 of the revised Neighbourhood Plan that seek, among other things, to ensure development respects the visual amenity and scenic quality of the landscape, while being in keeping with local character. This conclusion does not overcome my concerns in relation to whether the development is appropriate to its countryside location for the reasons set out above.

Whether the development would lead to a high risk of surface water flooding

85. The appellant has submitted a Flood Risk Assessment (FRA)¹⁹, which identified a very low to high surface water flooding risk, although the flooding is mainly constrained to low points within the site and along the boundaries. A Sustainable Drainage Assessment (SuDS)²⁰ has been provided, which proposed a strategy comprising filter strips and an attenuation basin to intercept and attenuate surface water runoff. Runoff from the basin would discharge to an existing drainage ditch at a controlled rate. Rainwater harvesting butts are also proposed on downpipes to buildings. Recommendations for flood mitigation include the ongoing management and maintenance of existing and proposed drainage networks, including those described in the SuDS assessment. This would reduce the risk of surface water flooding to very low to low.
86. The Council accepted that the FRA and proposed SuDs would overcome the flood risk, however, it considered the proposed mitigation to be unacceptable²¹. The Council was particularly concerned about the impact of the attenuation basin on the use of the paddock land to the north-east of the bungalow, in which it would be sited. However, it was explained that the basin would have the appearance of a depression or 'swale' and the land would remain grassed. As such, its appearance would not be materially different and the use of the land as paddock would not be affected.
87. The Council also expressed concerns about whether the suite of measures proposed could be secured through planning conditions because it considers the necessary works would constitute an engineering operation that would not fall within whole, or part of the matters alleged. However, the works would be

¹⁹ Ref 80520R1 dated 17 October 2023.

²⁰ Ref 80520.01R1 dated 18 October 2023.

²¹ Proof of Evidence Rebuttal.

within part of the land to which the notice relates as it is within the line of the site plan.

88. I am satisfied that the risk of surface water flooding could be mitigated effectively through the measures recommended and this would not have an adverse impact on the character and appearance of the site. Consequently, the development would not lead to a high risk of surface water flooding in accordance with Policy NBE5 of the Local Plan 2032.

Living conditions

89. The Council was concerned about the effect of the activities arising from the telecommunications installation business on the living conditions of the occupiers of the bungalow, due to its proximity. In addition, local residents oppose the development due to its effect on neighbouring occupiers.
90. The M3 motorway runs close to the southern boundary of the site, and it is a constant source of traffic noise that was apparent when I visited the site in the daytime and in the evening. As a result, the background noise levels in the vicinity of the site are greater than would normally be found in a rural area.
91. The nature of the business is such that vehicles would leave the site in the morning and return sometime later, probably in the evening. The appellant described between two and five vehicles that would leave the site each day during weekdays and on Saturdays, although this would fluctuate depending on work commitments. Other activity may involve vehicle manoeuvres in the yard area or noise from the employees working or undertaking training within the site.
92. I accept that locating a commercial use adjacent to a residential use is not ideal, but in this case the activity is largely due to comings and goings of vehicles during the daytime and during the week. This is certainly a source of noise and disturbance, despite the background noise levels, as the vehicles would be passing relatively close to the bungalow. However, it will have less of an adverse impact than constant noise throughout the day. The hours of use of the yard area and vehicle movements could be controlled through the imposition of a planning condition to ensure that any potentially disturbing activity did not take place during the evening or on Sundays or Public Holidays.
93. I note the further concern about the lighting, which is shared by local residents, but I have already explained that this could be controlled through a planning condition.
94. I conclude on this issue that, subject to the imposition of planning conditions, the development would not have an adverse effect on the living conditions of nearby occupiers with regard to noise and disturbance, and lighting. It would, therefore, accord with saved Policy GEN1 of the Local Plan 1996-2006 which, among other things, seeks to avoid material loss of amenity, and the Framework insofar as it seeks to ensure a good standard of amenity for existing and future occupiers.

Other matters

95. The appellant refers to Section 57(4) of the 1990 Act which provides that where an enforcement notice has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which it

could lawfully have been used if that development had not been carried out. It was argued that the previous use of a scaffolding business, residential and the keeping of horses could be resumed. As explained above, I am not satisfied that the evidence before me is sufficiently precise and unambiguous to show the lawfulness of a previous mixed use, on the balance of probabilities. As such, the previous unauthorised use could not resume lawfully and there is no valid fallback position.

96. In any event, even if I were to accept the previous use could be resumed, this would not justify success on ground (a) due to the considerable differences between how the land was used previously compared with the unauthorised use, and the conflict with the development plan policy identified above.
97. The appellant referred to Policy INF6 of the Local Plan 2032 and paragraph 118 of the Framework which seek to support the expansion of electronic communications networks including next generation mobile technology (such as 5G) and full fibre broadband connections. I am also mindful of the UK Government's aims in relation to broadband and network coverage by 2030 as part of its agenda for growth and social well-being.
98. Saron Enterprises holds a contract for the provision and installation of fibre optic cables for the 5G network and, in that respect, the company is contributing to a nationally important form of infrastructure. However, it does not follow that the use of the appeal site as a base for the business is necessary to enable the provision of this form of infrastructure. As set out above, the business could operate equally as effectively from an industrial estate or another suitable location. It does not require a countryside location and I do not consider the Government's targets would be compromised if the deemed planning application were to fail. This consideration carries limited weight, therefore.
99. It was explained that the business needs to operate from the site as it has access to link roads to London, the south coast and the west. The location enables the contractors to travel to the areas of work while minimising fuel use. In addition, the site needs a large storage area for materials²². I understand the site is ideal for the appellant's needs as it also provides a place to live and accommodation for employees. However, the work is not local and requires travel to numerous locations. There is no reason why the business could not operate from a site within an industrial estate, or within a suitable urban area. Such locations are often close to the main motorway networks and would offer equally as good access to the work locations. There is no reason why this would add to fuel costs as the work is not focussed in one area due to the national demand.
100. I appreciate that the appellant prefers to own a yard rather than pay rent, but this is a choice as opposed to a business need and does not indicate a lack of suitable sites. I understand the concerns about security, but I do not accept appropriate levels of security could not be provided elsewhere. It also seems that the appeal site is not ideal in terms of security as equipment has been stolen in recent years. Overall, I give this matter limited weight.
101. The business employs up to 30 people and it was indicated that upholding the notice would lead to job losses. I am not persuaded that if Saron

²² Geraint Wyn-Jones: Evidence in Chief.

Enterprises is unable to operate from the site it would result in the loss of workers. The majority of the operatives travel from other parts of England or Wales to work in 10 day blocks, returning home during rest periods. If the business had to relocate, the workers would simply travel from their homes to the new location.

102. I agree that the contribution made to the expansion of the electronic communications network has wider economic benefits and the Framework says that significant weight should be placed on the need to support economic growth and productivity. As explained, the continued operation of the business and its national economic contribution is not dependent on operating from the appeal site.
103. There is likely to be a benefit to the local rural economy and the people that live and work there. This is because the employees make a minor contribution to local businesses, as customers of local shops or cafes for example, but the majority return home during rest periods. Overall, I afford the economic contribution modest weight.
104. The appellant argued that the removal of the caravan and a condition to prevent further caravans at the site, even those that would be incidental to the residential use, would be a benefit. However, it is not apparent that anyone would want to site a caravan for purposes incidental to the lawful use of the site in the front paddocks in the future. This consideration carries limited weight.
105. The improvements to the local drainage networks as a result of the SuDS implementation that would take place should planning permission be granted would provide a benefit, but this would only be modest due to its localised effect.
106. In summary, I find that the totality of the other considerations does not outweigh the harm resulting from the conflict with the development plan policy to which I have afforded significant weight.

Alternative scheme

107. The appellant has offered an alternative scheme and I am invited to consider a temporary permission for a period of seven years, which would enable the business to contribute to the Governments 2030 target. It is argued that the effect of a development on its surroundings must be reduced if it is limited to a temporary period rather than being permanent²³.
108. Although seven years is a relatively long time period, I accept that the harm resulting from the conflict with the development plan policy would be reduced due to that harm being for a limited period. However, in view of the significant weight given to that harm, I do not consider the balance would be tipped sufficiently for the material considerations to outweigh the harm. In such circumstances, a grant of temporary planning permission would not be appropriate.

²³ *McCarthy v SSCLG & South Cambs DC* [2006] EWHC 3287 (Admin) and *Moore v SSCLG & LB Bromley* [2013] EWCA Civ 1191.

Conclusion

109. The proposal does not accord with the development plan, taken as a whole, and planning permission should be refused unless material considerations indicate otherwise. I consider the conflict with the development plan policy carries significant weight. The other considerations advanced by the appellant, in relation to both a permanent and a temporary permission, do not outweigh the harm identified.

The ground (f) appeal

110. Section 173(4) of the 1990 Act sets out the two purposes of an enforcement notice – (a) to remedy the breach of planning control that has occurred and (b) to remedy any injury to amenity caused by the breach. The notice requires the use to cease and the removal of the facilitating works. Its purpose is to remedy the breach of planning control. What must be considered is whether the steps required exceed what is necessary to achieve that purpose.

111. It is claimed that the area of hardstanding next to the stables and storage buildings is lawful as it was laid prior to the purchase of the land by the appellant and has been in existence for more than four years. The aerial photograph dated 1999 and site photographs from 2017 and 2018 show an area of hardstanding and there is some evidence of crushed hardcore on the 2010 photographs. However, the appellant explained that the existing hardstanding was not fit for purpose and was scraped off and re-laid. In addition, the Council's photographs dated 8 November 2019 show that, aside from the courtyard in front of the stables, the existing hardstanding was replaced. Therefore, it cannot be considered lawful as it amounts to new development.

112. Even if I were to accept the arguments advanced by the appellant on this matter, it has been established that a notice that is directed at a material change of use may require the removal of works integral to and solely for the purpose of facilitating the unauthorised use, even if such works on their own might not constitute development, or they would be permitted development or immune from enforcement, so that the land is restored to its condition before the change of use took place²⁴. The hardstanding is integral to the material change of use as it facilitates the storage and parking activities. The notice is correct to require its removal to prevent the unauthorised use re-occurring. I do not consider the hardstanding could be utilised in connection with a lawful use if the unauthorised use were to cease.

113. It was agreed that some of the requirements should be reworded to remove any duplication, to improve clarity and to acknowledge the existence of the riding arena, as follows:

- Requirements (ii), (iii) and (iv) should be combined to read "Remove from the land any items connected with the telecommunications equipment installation business including but not limited to vehicles, shipping containers, poles and related paraphernalia".
- Requirement (vii) should be altered to read "Remove from the land the caravan used for residential purposes".

²⁴ *Murfitt v SSE* [1980] JPL 598, *Somak Travel v SSE* [1987] JPL 630 and *Kestrel Hydro v SSCLG & Spelthorne BC* [2016] EWCA Civ 784.

- Requirement (ix) should be altered to read "Reinstate the area as shown hatched pink on the substituted Plan 2 to its condition prior to the breach; OR reinstate the area hatched pink on the substituted Plan 2 through the importation of topsoil, levelled to match surrounding ground levels and seeded with an appropriate grass seed mix".

114. It was agreed that I could vary the notice without injustice. The ground (f) appeal succeeds to this extent.

The ground (g) appeal

115. The ground (g) appeal is that the compliance period falls short of what should reasonably be allowed. The appellant is seeking 12 months to allow time to make alternative arrangements for the business use.

116. The retention of the development would allow the appellant to continue to live at the property while operating his business from the same premises. However, I have found that it would be possible to operate the business from an alternative location. There is nothing in the requirements that would prevent the appellant from continuing to live in the bungalow. However, I appreciate it may take longer than the agreed six months to find an alternative site for the business. I shall, therefore, extend the compliance period to 12 months. I find this to be reasonable and proportionate in the circumstances. The ground (g) appeal succeeds, therefore.

Conclusion

117. For the reasons given above, I conclude that the appeal should succeed on grounds (f) and (g) only. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

118. It is directed that the enforcement notice is:

- corrected by the deletion of Plan 2 and the substitution of the revised Plan 2, which is attached at Annex 1 to this Decision;
- corrected by the deletion of the words "use of the dwelling as a house in multiple occupation (HMO)" from the allegation in paragraph 3 of the notice and their replacement with the words "a dwellinghouse".
- varied by the deletion of requirements (ii), (iii) and (iv) in their entirety and their replacement with a new requirement (ii) "Remove from the land any items connected with the telecommunications equipment installation business including but not limited to vehicles, shipping containers, poles and related paraphernalia";
- varied by the deletion of requirement (vii) in its entirety and its replacement with "Remove from the land the caravan used for residential purposes";
- varied by the deletion of requirement (ix) in its entirety and its replacement with "Reinstate the area as shown hatched pink on the substituted Plan 2 to its condition prior to the breach; OR reinstate the area hatched pink on the substituted Plan 2 through the importation of topsoil, levelled to match surrounding ground levels and seeded with an appropriate grass seed mix".

- varied by the deletion of three and six months and the substitution of 12 months as the period for compliance.

119. Subject to the corrections and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

D Moore

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Hugh Richards of Counsel instructed by Mr Matthew Green of Green Planning Studio

He called:

Mr Matthew Green (Planning Expert)

Mr Geraint Wyn Jones (Witness of Fact)

Mr Paul Buckland (Witness of Fact)

Ms Laura Hayward (Witness of Fact)

Mr Mike Piotrowski (Principal Hydrologist at GeoSmart Information Ltd)

FOR THE LOCAL PLANNING AUTHORITY:

Ms Frances Lawson of Counsel instructed by Hart District Council

She called:

Mrs Victoria Goldberg (Development Management Team Leader)

Mr Daniel Hawes (Planning Policy and Economic Development Manager)

RULE 6(6) PARTY:

Cllr Meyrick Williams of Winchfield Parish Council

INTERESTED PERSONS:

Mr Gordon Mclean of Potbridge Residents Against Inappropriate Development (RAID)

DOCUMENTS SUBMITTED AT THE INQUIRY

Second witness statement of Geraint Wynn Jones (signed)

Second witness statement of Paul Buckland (signed)

Witness statement of Laura Hayward (signed)

Paragraph 11 of Proof rebuttal on behalf of Hart District Council

Addendum to Council's VG15 – notes of Inquiry held 7–10 March 2023, missing three pages relating to third day

Extract from Planning Practice Guidance para 014 Ref ID: 13-014-20230726

Fidler v FSS [2004] EWCA Civ 1295, [2005] 1 P&CR 12

Sage v SSHLGC & London Borough of Bromley [2021] EWHC 2885 (Admin), [2021] WL 04993534

Thurrock Borough Council v SSETR & Holding [2002] EWCA Civ 226

Gladman Developments Ltd v SSHCLG and others [2021] EWCA Civ 104, [2021] WL 00371586

Photographs of appeal site numbered 1-9, submitted with LDC ref 10/0024/LDCEX

Annex 1 – Revised Plan 2

