



Appeal Decisions

Inquiry Held on 24, 25, 26 January and 6 March 2024

Site visit made on 6 March 2024

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 3rd April 2024

Appeal A: Ref APP/X0360/C/22/3300653

Appeal B: Ref APP/X0360/C/22/3300650

Appeal C: Ref APP/X0360/C/22/3300651

Appeal D: Ref APP/X0360/C/22/3300652

Land at Fairview Farm, Forest Road, Hurst RG40 5SA

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr S Proctor (Appeal A), Mrs P Proctor (Appeal B), Mr G Proctor (Appeal C) and Mr L Proctor (Appeal D) against an enforcement notice issued by Wokingham Borough Council.
 - The enforcement notice, "Notice A", was issued on 13 May 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land to a mixed commercial and storage use and the erection of three buildings.
 - The requirements of the notice are to:
 - i. Cease the unauthorised use of the Land for commercial and storage use.
 - ii. Remove all items associated with the unauthorised mixed use including but not limited to shipping containers, building materials, residential paraphernalia, vehicles and trailers from the Land.
 - iii. Demolish the building shown in the approximate position outlined in blue on the plan attached to the notice and labelled "1" and excavate the concrete base and foundations.
 - iv. Demolish the building shown in the approximate position outlined in purple on the plan attached to the notice and labelled "2" and excavate the concrete base and foundations.
 - v. Demolish the building shown in the approximate position outlined in green on the plan attached to the notice and labelled "3".
 - vi. Remove all boundary fencing, posts and gates between points A, B and C shown on the plan attached to the notice from the Land.
 - vii. Permanently remove all resultant materials associated with steps (iii), (iv), (v) and (vi) from "the Land".
 - The period for compliance with the requirements is 6 months.
 - Appeal A is proceeding on the grounds set out in section 174(2) (a) (d) (f) (g) of the Town and Country Planning Act 1990 as amended. Since an appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
 - Appeals B, C and D are proceeding on the grounds set out in section 174(2) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act).
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Appeal N: Ref APP/X0360/C/22/3305959

Land at Fairview Farm, Forest Road, Hurst RG40 5SA

- 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 N is made by Mr G Proctor (MLP) against an enforcement notice issued by Wokingham Borough Council.

- The enforcement notice, "Notice D", was issued on 11 August 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a building and the material change of use of the Land from equestrian to a mixed use for parking and storage purposes including the siting of shipping containers.
 - The requirements of the notice are to:
 - i. Cease the mixed use of the Land for parking and storage purposes.
 - ii. Demolish the building as shown in the approximate position outlined in blue on the plan attached to the notice.
 - iii. Remove the shipping containers from the Land.
 - iv. Excavate the concrete base and foundation of the building referred to in (ii) above.
 - v. Remove all resultant materials associated with steps (ii) and (iv) from the Land.
 - vi. Return the Land to its former condition prior to the breach taking place.
 - The period for compliance with the requirements is 3 months.
 - Appeal N is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Appeal P: Ref APP/X0360/W/21/3289899
Fairview, Forest Road, Binfield RG40 5SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Machine Move Limited against the decision of Wokingham Borough Council.
 - The application Ref 213503, dated 20 October 2021, was refused by notice dated 22 December 2021.
 - The development is office and staff welfare building (retrospective).
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Appeal Q: Ref APP/X0360/W/22/3292286
Fairview, Forest Road, Binfield RG40 5SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Machine Move Limited against the decision of Wokingham Borough Council.
 - The application Ref 213949, dated 1 December 2021, was refused by notice dated 27 January 2022.
 - The development is use of land and buildings for the parking of commercial vehicles and use of buildings for related storage purposes (retrospective).
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Appeal R: Ref APP/X0360/W/21/3285010
Fairview Bungalow, Forest Road, Binfield RG40 5SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs G Proctor against the decision of Wokingham Borough Council.
 - The application Ref 212737, dated 9 August 2021, was refused by notice dated 6 October 2021.
 - The development is garage (retrospective).
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Decisions

1. Appeals A, B, C, D and N are dismissed and the enforcement notices ("Notice A" and "Notice D") are upheld. In respect of Appeals A and N, planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.
2. Appeals P, Q and R are dismissed.

Costs Applications

3. Costs applications were made by Wokingham Borough Council against the appellants in Appeals A, B, C, D, N, P, Q, and R (and withdrawn Appeal O – see below). These applications are the subject of separate Decisions.

Procedural Matters

4. At the Inquiry, the appellants withdrew linked appeals with references APP/X0360/C/22/3305976 (Appeal E), APP/X0360/C/22/3305977 (Appeal F), APP/X0360/C/22/3305978 (Appeal G), APP/X0360/C/22/3305979 (Appeal H) and APP/X0360/C/22/3305960 (Appeal O). The Council also withdrew "Notice C" meaning that the following appeals against it fell away: APP/X0360/C/22/3300382 (Appeal I), APP/X0360/C/22/3300383 (Appeal J), APP/X0360/C/22/3300384 (Appeal K), APP/X0360/C/22/3300385 (Appeal L) and APP/X0360/C/22/3300386 (Appeal M).

Appeals A, B, C and D; ground (d)

5. For success under this ground, the burden of proof is upon the appellants to demonstrate on the balance of probabilities that the time for enforcement action had expired on 13 May 2022 in respect of the alleged breach of planning control.
6. If there is no evidence to contradict the appellants' version of events or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted¹.
7. However, there is strong evidence to contradict the version of events *now* put forward by the appellants – principally the response on 20 July 2021 to the Planning Contravention Notice (PCN) issued by the Council on 14 July 2021².
8. I gave the contents of that response substantial weight as evidence because it was made by an experienced planning agent (the same as is instructed in these appeals) with considerable knowledge of Fairview Farm over many years (having visited it on many occasions) and of its planning history (having made a number of applications in respect of it on behalf of his clients to the Local Planning Authority).
9. Further, given the warning on the PCN that it is an offence to knowingly or recklessly give false or misleading information, a professional planning agent would especially understand the need for clarity and I find it unlikely that the responses given were not what he considered to be correct.

¹ *Gabbitts v SSE & Newham BC* [1985] JPL 630

² Ref: RFS/2021/086464

10. The PCN response is very clear that, at the time of writing - and since 1991 - a large portion of the appeal site ('Area D') was in use by the Proctor family as "*Personal storage following and during construction work*". Had the use been for the commercial use alleged in the subsequent enforcement notice ("Notice A"), then I believe for the reasons stated in the foregoing paragraph that the response would have made that clear. It is quite clearly a different use which, together with the stated non-commercial use of another large portion of the appeal site ('Area F' in the PCN and referred to as 'the manege' in the appeal proceedings generally), evidences use of the bulk of the appeal site for personal family storage from 1991 to 2021.
11. Further, the PCN response is explicit that 'Area D' was not used for the storage of vehicles associated with the use of 'Area C' (also within the appeal site). Notably, when asked for the current use of the latter smaller portion of the appeal site the agent said "*Refer to CLE/2013/0614*"³. The conclusively presumed⁴ lawful existing use of that area under that Lawful Development Certificate (LDC) – as applied for – was for the parking and maintenance of an HGV (in the singular). Again, this is materially different to the alleged breach of planning control - with the notice addressing an increase in vehicles through the unauthorised mixed commercial and storage use. Indeed, the application form for the LDC dated 31 March 2013 (by the same agent) declared it was true and accurate that the land on that date was in use for the parking and maintenance of an HGV. This does not extend to use by multiple commercial vehicles at the same time and it is uncontroversial that the breach of planning control does⁵.
12. Section 171B(3) of the Act provides that in respect of a breach of planning control constituting a material change of use, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach. Therefore, in this case, I must be satisfied to the required standard of proof that the appeal site has been in continuous use as alleged in the notice since at least 13 May 2012 (the relevant date). Plainly, for the above reasons and taking into account all the evidence I have read and heard⁶, I am not so satisfied.
13. As regards the buildings, Building 3 can be clearly seen on an aerial photograph dated 23 June 2018 and those subsequently but I cannot see it on one taken on 25 March 2017 (one can possibly make out some storage in the yard but not the substantially complete building with roof seen later).

³ While also stating that between 2 and 4 vehicles are stored in the location each day. The only way this could be consistent with the LDC use was that only 1 was present at a time for parking and maintenance. Given that the agent did not answer the supplementary question of how long HGVs are stored in this location, one cannot factor the missing answer into an interpretation.

⁴ It is the use in the LDC that is conclusively presumed as lawful – not a different use or uses that might be now interpreted from reading material supporting the historic application. I therefore give contents of the supporting statutory declarations very limited weight where they do not accord with the LDC which was issued based on a consideration of the evidence as a whole – particularly as the application form clearly stated the existing use.

⁵ There are no ground (b) or (c) appeals, and appeal submissions from the appellants refer to multiple vehicles on site as part of the business activities.

⁶ The appellants' inquiry evidence (summarised in the appellants' closing submissions at paras.13-21) does not outweigh the evidence of the PCN and the LDC/LDC application form. The only aerial photograph dated before the relevant date shows a single HGV on the appeal site which could be leaving the land upon which the LDC was to later certify the lawfulness of its parking and maintenance. The later photographs, given the opposing PCN/LDC evidence, can be reasonably interpreted (as I do) as a combination of personal storage, lawful use under the LDC and possibly unlawful commercial activities which insufficient evidence of continuity of use over at least 10 years.

The appellants, notwithstanding an unprecise assertion that it was constructed some time in 2017 using timber from the construction of Paddock View, has not provided adequate sufficiently precise and unambiguous evidence as to when it was in fact substantially completed. I am accordingly not satisfied, on the balance of probabilities, that it was so completed before 13 May 2018 (which is the date 4 years before the issue of the notice).

14. Similarly, I can see Building 2 (a shed-like structure) on aerial photographs from 23 June 2018 but (like Mrs Maynard) cannot see it in the image taken on 25 March 2017. There appears to be a structure of some sort on earlier photographs but I am uncertain that it is the one there now subject to enforcement action, particularly as no obvious structure can be seen in the 2017 photograph (even being mindful of possible screening effects of trees, although there is limited foliage visible given the time of year). Again, despite an assertion that the building had been in place since 2009 (no more precise than that), there is inadequate sufficiently precise and unambiguous evidence from the appellants as to when it was in fact substantially completed. Accordingly I am not satisfied, on the balance of probabilities, that it was so completed before 13 May 2018 (4 years before the issue of the notice).
15. In respect of Building 1, I again (and for the same reasons) place substantial weight on the - very precise and unambiguous - information provided by the appellants' experienced planning agent in formal documentation sent to the Council. On 20 October 2021 he submitted a planning application form (on behalf of his client, the appellant in Appeal P) seeking permission retrospectively for the building. It is clearly stated that the building was completed on 6 June 2018, and I do not accept the suggestion made at the Inquiry that such an experienced planning agent would not equate this with the legal concept of substantial completion. I therefore reject the appellants' assertion that it was completed in April 2018. The aerial photograph of 23 June 2018 shows a roof (blue fibreglass) in place⁷, and notwithstanding the appeal arguments about *Sage*⁸ and what happened later in the year with changes to the roof, it is consistent with substantial completion having taken place according to the date recorded on the foregoing application form by the agent. Accordingly I am not satisfied, on the balance of probabilities, that it was so completed before 13 May 2018 (4 years before the issue of the notice).
16. Section 171B(1) of the Act provides that in respect of a breach of planning control constituting building operations, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed. Therefore, I must be satisfied to the required standard of proof that the buildings were substantially completed by 13 May 2018. For all of the above reasons, I am not so satisfied as regards Buildings 1, 2, or 3 and accordingly they have not acquired immunity.
17. Therefore, notwithstanding the concealment arguments made, it was not too late for the Council to take enforcement action on 13 May 2022 as regards all matters constituting the alleged breach of planning control. Ground (d) does not succeed in respect of Appeals A, B, C and D.

⁷ I accept the evidence of the appellants, supported by earlier invoicing as regards various interior works (but not the roof), that the building was substantially completed by the time this image was taken.

⁸ *Sage v SSETR & Maidstone BC* [2003] UKHL 22

Appeal A ground (a) and deemed planning application; Appeal P; Appeal Q

Procedural Matters

18. The development in Appeal P is Building 1 in Appeal A.
19. The development in Appeal Q is a material change of use relating (albeit with different wording) to the targeted use in "Notice A" of Appeal A although the appeal sites are different (notably the former does not include the land which is subject of the LDC).

Main Issues

20. I consider the main planning issues as regards Appeals A, P and Q are those derived from the Council's reasons for refusing the associated applications and for issuing "Notice A", namely the effect of the development upon:
 - the character and appearance of the countryside location (Appeals A, P and Q); and
 - the living conditions of neighbours particularly as regards noise and activity from comings and goings (Appeal A).

Reasons

Character and appearance

21. It is common ground between the parties that Fairview Farm falls within Landscape Character Area (LCA) I1 'Ashridge Farmed Clay Lowland' of the Wokingham Borough Landscape Character Assessment (2019) (WBLCA) and the Billingsbear Valued Landscape as described in the Council's Valued Landscape Topic Paper (2020).
22. The WBLCA describes a strong rural character in a simple farmed landscape dominated by open arable fields and some pasture, with mature hedgerow trees marking former hedge lines and settlement focused on ribbon development along the local roads and scattered farmhouses and manor houses. The landscape strategy for this area is to conserve the sparse settlement pattern through controlling development.
23. While I accept that the extent of the appeal developments would not extend beyond the existing built-up area of Fairview Farm, and therefore have a very limited impact on the settlement pattern, they would intensify built form and activity within a wider site which - before the unauthorised developments - already benefited from significant levels of development (as the extensive planning history shows). This constitutes expansion of development away from original buildings.
24. The appellants say that the appeal sites do not contribute to the wider landscape character of the area and so the effects of development therein do not (and cannot) undermine it. But it is part of the landscape. Moreso, it is part of a landscape where openness makes a significant contribution.
25. The 3 new buildings (either when taken individually or in total) encroach upon and further enclose the open space within the rear part of Fairview Farm near where it abuts an open countryside field. Building 1, indeed, sits hard up to the

hedgerow on that boundary and this too in my view has a deleterious effect on the contribution the latter makes to local character.

26. Parking by multiple commercial vehicles on the land (and their associated movements) including upon the former relatively undeveloped manege, and the storage (much of it in the open) of commercial goods including building materials and other commercial paraphernalia (including alongside the aforementioned hedgerow) further erodes the open and rural character of the area and has an unacceptable urbanising effect⁹.
27. This significant harm to the character of the area – and to a Valued Landscape in particular – is not mitigated by the screening around Fairview Farm from views since character has an intrinsic quality which is not predicated on public views. The vehicle movements from the commercial use, which in my view would be materially over and above those which might reasonably be associated with the parking and maintenance of a single HGV under the LDC¹⁰, would further add to the erosion of the tranquillity of the LCA described in the WBLCA by contributing to the existing noise levels of the road network serving the site.
28. The National Planning Policy Framework (the Framework, an important material consideration) says that planning decisions should contribute to and enhance the natural environment by protecting and enhancing Valued Landscapes¹¹. From what I have said, it is plain that I find that the appeal developments have an opposite effect. The appellants have said that the Valued Landscape would be protected and enhanced through landscaping and biodiversity conditions applied to planning consent. But any such conditions would not cause the developments to be acceptable as they would not mitigate the harm caused by the overdevelopment of the land upon the open, rural character of the LCA.
29. For all of the above reasons, the appeal developments (Appeals A, P and Q) cause significant harm to the character and appearance of the countryside location. As such they are in conflict with policies CP1, CP3 and CP11 of the Council's Core Strategy (CS)¹² and policies CC03 and TB21 of the Council's Managing Development Delivery Local Plan (MDD)¹³, as supported by the Borough Design Guide (BDG)¹⁴, which together seek to maintain the high quality of the environment and protect countryside character and appearance (including landscape character). The developments would also be in conflict with the Framework, as I have set out in the foregoing paragraph.

Living conditions

30. Notwithstanding the absence of a formal noise impact assessment, the HGV access road approved in 2019¹⁵ puts suitable distance between coming and going vehicles and the dwellings at Fairview Farm. I am otherwise unconvinced

⁹ This unacceptable extent of enclosing and urbanising adverse impacts would not occur – for self-evident reasons contained in the paragraph – under the 'fallback' uses referred to in paragraph 82c of the appellants' closing submissions (LDC use of the LDC site; agricultural/equestrian use of the remainder of the yard and the manege).

¹⁰ Notwithstanding that the appellants have said HGV movements would be limited.

¹¹ Paragraph 180(a)

¹² Wokingham Borough Local Development Framework - Adopted Core Strategy Development Plan Document (January 2010)

¹³ Wokingham Borough Development Plan - Adopted Managing Development Delivery Local Plan – *Enhancing the Borough's environment and character through exceptional development* (February 2014)

¹⁴ Wokingham Borough Council Borough Design Guide – Supplementary Planning Document (June 2012)

¹⁵ 191342; Approved 23 September 2019.

that the commercial activity causes any adverse impact upon living conditions. Accordingly, I find no harm on this main issue or conflict with the development plan or Framework.

Other Matters

31. I accept that a rural location with good access (possibly better than an urban one for HGVs), not far from a motorway, is a benefit for the enterprise¹⁶. It is also already served by the approved HGV access facilitating the lawful LDC use. The unauthorised commercial use also generates a number of jobs on the site¹⁷. There are limited sustainable travel options serving the workplace, such as good public transport which would avoid dependence on private car use, but I accept it is accessible by bicycle. The Framework is supportive of a prosperous rural economy and I give these benefits of the appeal developments moderate weight. However, that weight does not outweigh the significant harm I have identified or the conflict with the development plan.

Planning Conclusion

32. The appeal developments in respect of Appeals A, P and Q do not comply with the development plan as a whole and there are no other considerations which outweigh those findings. Accordingly, ground (a) fails in respect of Appeal A and I shall not grant planning permission in respect of Appeals A, P or Q.

Appeals A, B, C and D; ground (f)

33. For success on this ground, I must be satisfied that the requirements of "Notice A" exceed what is necessary in achieving its purpose. It seems to me from the way the notice has been drafted that its purpose is to remedy the breach of planning control. It does this, legitimately, by requiring the cessation of the unauthorised use and steps to restore the land to its condition before breach took place.
34. With that purpose in mind, it cannot be achieved by retaining the boundary fencing, posts and gates referred to in 5 vi) of the notice. I have seen insufficient evidence from the appellants that they do not form part of the unlawful development or that they were lawfully erected. Even were the purpose of the notice to remedy injury to amenity which has been caused by the breach, retaining these structures would not achieve that since they significantly contribute to the harmful enclosing and cluttering effects of the overdevelopment as constituted by the breach of planning control.
35. It has been said by the appellants that the fencing, posts and gates should be allowed to stay as they would otherwise be permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, that is in any event not the case as (even were I to find that they otherwise complied with the GPDO) the considerable gates and posts are above 2m in height (as measured by the parties on my site visit).

¹⁶ It is noted that the Council has been inconsistent in the site's planning history as to whether a 'rural enterprise' exists – it is argued not so in this appeal, but it did use that term when determining the HGV access application. However, while finding an enterprise in the countryside exists with some element of sustainability, I do not find the use of the label matters as it is clear I have found the developments in conflict with both CP11 (2) and (3). I assign significant weight to that conflict, due to the significant harm I have identified associated with the conflict.

¹⁷ Simon Procter's Proof of Evidence.

36. This confirmation of the size of the structures also reinforces my view that they significantly contribute to the overdevelopment of the site and it is necessary to remove them.

37. For these reasons, ground (f) does not succeed.

Appeals A, B, C and D; ground (g)

38. For an appeal to succeed on this ground, I must be satisfied the compliance period provided in the notice falls short of reasonable.

39. The appellants' case is that 6 months is insufficient to find and secure an open yard for commercial vehicle use along with suitable welfare buildings, and for an alternative office to be fitted out.

40. I heard evidence from Mr Simon Procter that it took him 3 years to find his other yard (but that his other yard does not have sufficient capacity for all his vehicles). Apart from this, there is very limited evidence before me to find that 6 months is too short a time – in the current land and property market conditions – to re-locate to another site or otherwise comply with the notice requirements.

41. Accordingly, ground (g) does not succeed.

Appeal N ground (a) appeal and deemed planning application; Appeal R

Procedural Matters

42. Appeals N and R both concern the same garage building, but with Appeal N also seeking deemed planning permission for a use including the siting of shipping containers (located either side of the garage) for storage.

Main Issues

43. I consider that the main issues in both appeals are those derived from the Council's reasons for refusing the associated application in Appeal R and for issuing "Notice D", namely the effect of the development upon the character and appearance of the countryside location and upon biodiversity.

Reasons

44. The 4-bay garage is a substantial pitched-roof building, much bigger I would say than is normally associated with the parking and storage of vehicles and similar items in connection with a domestic property. It is upon the former manege land, not particularly near Fairview Bungalow, and constitutes an expansion of development away from original buildings.

45. Despite boundary screening on Forest Road (and within the site itself), the building's height and scale renders it visible from the Green Route associated with that road within the Valued Landscape. The effect of the imposing structure, not just due to its appearance within that sensitive context but on account of the significant footprint of the covered building erected on the open space afforded by the former manege land, is to create a sense of overdevelopment that is harmful to the character of the LCA. The rustic design and open side of the garage does not adequately counter this effect, which significantly adds to the cumulative saturation of Fairview Farm of built form.

The fact that other buildings within that wider site may be taller or larger only supports that argument and does not make the garage acceptable. The metal shipping containers to each side of it amplify these harmful effects and further saturate the area with hard built form contributing to a sense of enclosure which is harmful to character.

46. I have seen no substantive evidence that the development harms biodiversity. However, neither have I seen substantive evidence that there will be a net gain (as required by the Framework) or that it provide opportunities to incorporate new biodiversity features or enhance existing ones (as required by Policy TB23 of the MDD). I acknowledge that the suggested conditions could achieve those outcomes. However, the development would not contribute to and enhance the natural environment by protecting and enhancing Valued Landscapes (as required by the Framework, an important material consideration) and conditions could not make the overdevelopment acceptable in that regard.
47. For the above reasons, the appeal developments (Appeals N and R) cause significant harm to the character and appearance of the countryside location. Accordingly, they are in conflict with policies CP1, CP3 and CP11¹⁸ of the CS and policies CC03 and TB21 of the MDD, as supported by the BDG, which together seek to maintain the high quality of the environment and protect countryside character and appearance (including landscape character). The developments would also be in conflict with the Framework, as I have set out in the foregoing paragraph.

Other Matters

48. The garage and shipping containers would provide personal benefits in providing cover and storage for vehicles and other items. I also note that there are other detached garages at Fairview Farm. However, these factors do not outweigh the significant harm I have identified following a consideration of the merits of the applications before me.

Planning Conclusion

49. The appeal developments in respect of Appeals N and R do not comply with the development plan as a whole and there are no other considerations which outweigh those findings. Accordingly, ground (a) fails in respect of Appeal N and I shall not grant planning permission in respect of Appeals N or R.

Conclusions

50. Appeals A, B, C, D and N are dismissed and the enforcement notices ("Notice A" and "Notice D") are upheld. In respect of Appeals A and N, planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.
51. Appeals P, Q and R are dismissed.

Andrew Walker

INSPECTOR

¹⁸ I assign significant weight to the conflict with policy, due to the significant harm associated with that conflict.

APPEARANCES

FOR THE APPELLANT: Ben Fullbrook

He called

Graham Procter
(name spelt differently
from appeal form)
Simon Procter
(name spelt differently
from appeal form)
Mark Leedale

FOR THE LOCAL PLANNING AUTHORITY (LPA): Killian Garvey

He called

Chris Hannington
Helen Maynard
Benjamin Hindle

INTERESTED PERSONS: None

DOCUMENTS submitted during the Inquiry

- 1 13 aerial photographs of the appeal site 2008-2023
(Larger reproductions of the images contained in Figure 17 of
Helen Maynard's Proof of Evidence)
- 2 Plan of Fairview Farm (19/01/2024)
- 3 Opening Submissions – Appellants
- 4 Opening Submissions – LPA
- 5 Topic Paper Valued Landscapes (January 2020)
- 6 Letter (Ref HL/22/156) dated 31 January 2024 from Appellants
withdrawing Appeals E, F, G, H, O
- 7 LPA Notice of withdrawal of "Notice C"
- 8 Suggested conditions (including comments by both parties)
- 9 Closing Submissions – LPA
- 10 Closing Submissions – Appellants
- 11 Costs Applications – LPA
- 12 Costs Applications Response - Appellants