



Appeal Decision

Hearing held on 7 May 2024

Site Visit made on 7 May 2024

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2024

Appeal Ref: APP/F4410/C/22/3306835

Land at Unit 1, Pastures Road, Mexborough S64 0JJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by A Catlow Civil Engineering Limited / A Catlow Recycling and Aggregate Supplies Ltd against an enforcement notice issued by Doncaster Metropolitan Borough Council (the LPA).
- The enforcement notice was issued on 3 August 2022.
- The breach of planning control as alleged in the notice is, without planning permission, a material change of use from B8 to a sui generis use for the processing and recycling of concrete, bricks, rubble and soils into sellable by-product to provide recycled aggregates, and construction materials storage on the land edged in red on the Plan and civil engineering operations use on the land edged in green on the Plan.
- The requirements of the notice are:
 1. Cease the use of the Land shown in red on the Plan for the processing and recycling of concrete, bricks, rubble and soils;
 2. Cease the use of the expanded area of the Land shown in green on the Plan for all operations relating to the civil engineering business;
 3. Permanently remove the blockwork barrier walls shown in black on the Plan and remove all stored material and stockpiles, vehicles, machinery and equipment associated with the civil engineering business from the expanded area of the Land shown in green on the Plan so as to restore the Land to its former condition.
- The period for compliance with the requirements is: 1 month for step 1 and 2 months for steps 2 and 3.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. 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.

The Enforcement Notice

1. Paragraph 2 of the notice contains a minor spelling error which I will correct accordingly. No injustice would arise to the appellant or the LPA by substituting the word "situate" for "situated".
2. The notice relates to the Land as a whole, that being the land edged in red on the attached plan. Part of the Land, that edged in blue, is subject of a previous lawful development certificate (LDC) issued by the LPA on 19 March 2021 which determined its use for civil engineering operations use was lawful. The parties agree that remains the case.

3. Thus, the notice identifies an alleged breach of a material change of use to processing and recycling and materials storage across the entirety of the Land, in addition to the use of the remainder of the Land outside that edged in blue for civil engineering operations use.
4. The LPA accepted at the Hearing that, at the time the notice was issued, there was no processing and recycling, or materials storage use being carried out on that part of the Land edged in blue. It was, it is said, solely in use for civil engineering operations use lawfully. The alleged breach was only taking place on the land edged in green on the plan.
5. On that basis, the parties agreed at the Hearing that it would be appropriate for me to correct the notice to reduce the area of land to which it relates by removing that currently edged in blue on the plan. I agree with the parties such an approach is necessary. I will therefore correct the notice by substituting the plan for a new plan which shows the reduced area. I will also correct the alleged breach and the requirements to reflect the changes to the plan.
6. No injustice would arise from the corrections to the LPA as it accepts no unlawful uses were taking place on that part of the Land at the time the notice was issued. Likewise, no injustice would arise to appellant as it reduces the extent of the alleged breach. It does not widen the scope of the notice and it would not change how the appellant made their case on the various grounds of appeal.

Appeal on ground (b)

7. An appeal on ground (b) is made on the basis that those matters stated in the notice as constituting a breach of planning control, have not occurred.
8. The appellant states that the notice alleges an increase in the number of HGV movements, which it says has not occurred. However, the notice does not state that a breach of planning control comprising an increase in HGV movements has occurred. Rather, an increase in HGV movements is said to be one of the reasons for issuing the notice.
9. The parties agreed at the Hearing that the Land comprises a single planning unit. I see no reason to disagree. The alleged breach comprises a use for the processing and recycling of material, civil engineering operations use and construction materials storage.
10. At the Hearing, the LPA argued that the notice is targeted at a mixed use of processing and recycling and civil engineering operations, with the storage of construction materials ancillary to the mixed use. In contrast, the appellant argues that at the time the notice was issued, the Land was in a single primary use of civil engineering operation use, with the processing and recycling and storage uses being ancillary to it.
11. The appellant says that the recycling and processing is solely part of a "closed-loop system" where waste material from the civil engineering operations is imported, processed and re-used in subsequent civil engineering operations. It was not, it said, a separate primary use. The appellant estimated at the Hearing that, at the date of the notice, around 80% of their business was civil engineering and 20% recycling and processing.

12. The LPA disputes that, stating that the level of vehicular movements and activity associated with the use is such that it has gone beyond the 'closed loop' suggested by the appellant, and that it was in itself a primary use, not ancillary to the civil engineering operations use. It points to the submission of interested parties as a gauge of the level of activity that was ongoing.
13. The appellant has proffered no contemporaneous documentary evidence which supports its position. There are no accounts, invoices or indeed waste transfer notes which shows the waste was solely sourced from its civil engineering operations. Nor is there evidence before me that the by-product was not sold on, but solely used by the appellant.
14. At the time of the previous appeal, just prior to the issuing of the enforcement notice, daily HGV movements were said to amount to 60 two-way journeys per day. Moreover, it is noted that the appellant made a planning application in March 2020. The description of development for the application as determined was for the "retrospective change of use of land to Sui Generis for the recycling of concrete, bricks, rubble and soils into a sellable by-product to provide recycled aggregates; construction materials storage; civils engineering operation use and proposed erection of modular building." That application was refused in December 2020 and subsequently dismissed on appeal in June 2022¹.
15. It thus would have appeared to the LPA, at the time the notice was issued, that the scale of recycling and processing use had gone beyond that which could be considered ancillary, and was a primary use of the Land in its own right. Therefore, it would have appeared to the LPA that the Land was put to a mixed use of civil engineering operations use and recycling and processing use, with ancillary storage. I will correct the notice accordingly, to make it clear it is targeted against a mixed use. No injustice would arise to the appellant or the LPA as a result.
16. It was also put to me at the Hearing by the appellant that the recycling and processing was not for sellable by-product. However, the phrase "sellable by-product" is not the same as "the sale of by-product". Rather, it alleges that the by-product is sellable i.e. it is suitable or fit to be offered for sale.
17. To that end, in the absence of compelling evidence to the contrary, I find the alleged breach of planning control stated in the notice, as corrected, has occurred.
18. The appeal on ground (b) fails.

Appeal on ground (c)

19. An appeal on ground (c) is made on the basis that those matters stated in the notice as constituting a breach of planning control, do not constitute a breach of planning control.
20. S171A(1) of the Act states that the, (a) carrying out development without the required planning permission: or, (b) failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.

¹ LPA Ref: 20/01323/FUL. Planning Inspectorate Ref: APP/F4410/W/21/327371

21. The appellant's case is two-fold. Firstly, it is said the blockwork barrier walls on the Land do not constitute development. However, the notice does not allege the erection of blockwork barrier walls. They do not form part of the breach of planning control. Thus, the ground (c) appeal cannot succeed on that basis.
22. The notice does, nevertheless, require the blockwork barrier walls to be removed, but that is a matter for consideration under the appeal on ground (f).
23. The second element of the appellant's case is that the construction materials storage use is lawful on the basis that planning permission was granted for open storage on the Land in 2010². The 2010 permission was granted for the retention of land and buildings for restaurant (A3), open storage (B8), caravan and boat storage (B8), external alterations to existing building in connection with changing the use to boat and caravan repair and maintenance (B2), showroom and hire shop (A1).
24. In this instance, however, the notice, as corrected, alleges the storage of construction materials ancillary to the mixed use of recycling and processing and civil engineering use, not a primary use in its own right.
25. There is no suggestion that the alleged mixed use is not a breach of planning control. There is no argument that the use is not materially different to the previous caravan and boat storage use of the Land. Thus, it constitutes development for which planning permission is required. To that end, there is no evidence of any planning permission having been granted for the mixed use of the Land for recycling and processing and civil engineering use.
26. On that basis, the appeal on ground (c) fails.

Appeal on ground (d)

27. In an appeal on ground (d), it is necessary for the appellant to demonstrate, on the balance of probabilities, that, at the date the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters stated in the notice.
28. The relevant time limit for consideration under S171B(3) is 10 years. Thus, to succeed on ground (d), the material change of use from B8 to a sui generis mixed use for the processing and recycling of concrete, bricks, rubble and soils into sellable by-product to provide recycled aggregates, and civil engineering operations use, with ancillary construction materials storage must have taken place on or before 3 August 2012 and continued thereafter substantially uninterrupted for 10 years. Since the alleged breach comprises a mixed use, it is necessary for the appellant to demonstrate that the entire mixed use is immune from enforcement action.
29. The appellant purchased the Land in 2019. A series of aerial images have been provided. Prior to 2012, images have been provided from 2002, 2003, 2008 and 2009. However, they do not show the Land in its entirety. Those images are focussed on the eastern part of the site, including that area in the north-eastern corner, which is now omitted from the notice, as corrected.
30. The appellant says the 2002 image shows bays storing aggregates on the Land. However, the image is not clear and only shows a small part of the site.

² LPA Ref: 09/03095/RET

31. The image from 2003 is said to show a screening area and a bagging facility. However, such use is only on a very small part of the site, including on land not subject of the notice. The image shows the predominant use of the Land at that point was caravan storage.
32. Two images are provided from 2008. However, the first does not show the Land. Rather, it shows land which is cited on Pastures Road to the west. It thus, does not assist. The second image shows, the appellant says, the storage of spoil and inert waste close to the southern boundary of the site. However, again, the material is sited in a small part of the site. The civil engineering use appears to be occurring in the north-east corner, which is outside of the Land to which the notice relates. The majority of the Land which can be seen from the image, is shown to be in use for caravan storage.
33. The same is true of the two images from 2009. The first image shows only a small part of the Land, the majority of which is occupied by caravans. The second image shows the land to the west which is not subject of the enforcement notice.
34. As a result, there are no images provided by the appellant which show that the Land subject of the notice was put to a mixed use for recycling and processing and civil engineering operations use on or before 3 August 2012.
35. There are images which post-date August 2012 but these do not assist in demonstrating the material change of use took place 10 years prior to the notice being issued. Indeed, the images from 2013 and 2015 show only a small part of the Land and, that which can be seen, appears to be in use for caravan storage. Even in images from 2017 and 2018 when the south-eastern corner of the Land appears to be primarily used for processing and recycling, what can be seen of the majority of the Land still shows caravan storage.
36. As a result, it has not been demonstrated, on the balance of probabilities, that the material change of use of the Land from B8 to a sui generis mixed use for the processing and recycling of concrete, bricks, rubble and soils into sellable by-product to provide recycled aggregates, and civil engineering operations use, with ancillary construction materials storage took place on or before 3 August 2012 and continued thereafter substantially uninterrupted for 10 years.
37. Thus, at the date the notice was issued, enforcement action could have been taken in respect of the breach of planning control.
38. The appeal on ground (d) therefore fails.

The appeal on ground (a)

Main Issues

39. In an appeal on ground (a), the description of development for the deemed application for planning permission is derived directly from the breach of planning control stated in the notice. S177(1)(a) of the Act sets out that it is only open to me to grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters.
40. The main issues are:

- the effect of the development on the living conditions of nearby residents with particular regard to noise and vibration, and dust; and,
- the effect of the development on the character and appearance of the area.

Reasons

Living Conditions

41. The Land is located on the south side of Pastures Road. To the north lies a number of residential properties on Falcon Close, Dove Road and Buzzard Avenue. The LPA alleges that the use results in the harmful creation of dust and noise from the operations, and that an increase in HGV movements results in harmful effects from vibration and engine noise.
42. In respect of noise, the appellant relies on a Noise Assessment by Wardell Armstrong from September 2020 which it says assesses the ambient and background noise levels at the closest sensitive receptors, which are said to be the aforementioned properties. The appellant states that the survey concluded that the noise from any crushing activity was below the ambient levels associated with traffic on Pastures Road and thus, such activity will be unlikely to increase the current noise impact at the closest sensitive receptors.
43. However, the assessment is not before me in its complete format. Moreover, the assessment is focussed solely on noise deriving from crushing activity. It does not assess noise associated with other recycling and processing activities which are undertaken, such as noise from vehicles on the site. Nor does it assess the increase in the civil engineering operations use across the entirety of the Land. Indeed, there is no assessment of noise from the comings and goings of HGVs associated with any aspect of the mixed use.
44. Furthermore, the assessment is several years old and was before the previous Inspector in the June 2022 appeal against the refusal of the 2020 planning application. In that appeal, the Inspector found that those deficiencies in the scope of the Noise Assessment were such that it had limited value in enabling the Inspector to assess the overall noise likely to be experienced by residents and associated with the full operational use of the site. In the absence of any updated noise assessment which assess the full extent of the development, I am led to conclude the same.
45. At the Hearing, the appellant indicated that there had been a material change in circumstances since the previous appeal, on the basis that the level of recycling and screening had been reduced.
46. At the time of the previous appeal, the number of HGV movements were at 60 two way journeys each day. The appellant proposed then an uplift to 120 two-way movements each day. At this Hearing, the appellant indicated that this has been reduced to 40 two-way movements a day, of smaller 7.5 tonnes HGVs.
47. Nonetheless, even at the reduced numbers, HGVs entering and exiting the Land will be generate noise from the engines slowing down and speeding up as well as noise from changing gears, braking, and turning in and out of the site. This is very likely to generate noise as well as vibration.

48. I note that the Land is allocated for employment use in the Doncaster Local Plan 2015-2035 (2001) (the LP). Thus, the appellant says some HGV movements can be expected. However, there remains insufficient evidence before me regarding the levels of noise deriving from the use at the scale suggested by the appellant. Thus, I am unable to sufficiently assess the effect that will have on the closest sensitive receptors. In the absence of such, I am unable to consider whether conditions restricting the number of HGVS will satisfactorily mitigate any harm from noise. In any event, HGVs are not the only source of noise deriving from the development.
49. The appellant suggested at the Hearing that operating hours could be significantly reduced. However, again, in the absence of being able to make an informed assessment regarding the potential impacts of noise on neighbouring residents, I cannot conclude whether restrictions in operating hours would overcome any harm which may arise.
50. As with the previous appeal, the appellant argues that neighbouring properties have acoustic windows. However, that does not overcome any noise that would arise at times when residents would have reasonable expectations to be able to open their windows, or indeed, be in their gardens.
51. In terms of dust, the appellant accepts that the nature of the use is such that it is inevitable dust will be created. The very nature of the use means there will be stockpiles of loosely bound material on the site. Complaints raised by neighbouring residents indicate the potential for dust to travel to the closest properties.
52. However, a dust suppression system has been installed on the Land and a Dust Management Plan (DMP) has been created. The appellant also advances mitigation measures such as positioning external processing operations to provide shelter from the wind, the provision of screening on the boundary, road sweeping, wetting of material and sheeting HGVs. The appellant says that such measures are sufficient to mitigate dust which is created from the use.
53. Dust monitoring was undertaken to accompany the planning application subject of the 2022 appeal. It is said that the monitoring identified that dust particles in the air were from sources other than the Land, since the composition of the dust included materials which were not produced on the site.
54. I note that the recycling elements of the use have a permit from the Environment Agency (the EA). It was noted at the previous appeal that the EA was satisfied that the DMP would be adequate if implemented correctly. However, the EA's standard is whether pollution is caused by emissions from the operation, not whether harm will arise to the living conditions of local residents.
55. Nonetheless I accept, as the previous Inspector did, that measures have been implemented to attempt to mitigate dust. The previous Inspector found that, had no harm been identified in respect of other issues, then it would have been appropriate to grant permission for a temporary period to allow analysis of harm from dust. Given that there has been little change in the evidence before me from that before the previous Inspector, I see no reason for me to conclude otherwise. As it is, any lack of harm there may be in respect of dust through further monitoring or mitigation, will not in any event outweigh the harm I have identified in respect of noise and vibration.

56. I conclude, therefore, that the development will have a harmful effect on the living conditions of nearby residents with particular regard to noise and vibration. The development will thus conflict with LP Policy 46 which states that proposals will be supported where they are designed to have no unacceptable negative effects on the amenity of neighbouring land uses. It will also conflict with paragraph 135(f) of the National Planning Policy Framework which states that development should create places with a high standard of amenity for existing and future users.

Character and Appearance

57. The south side of Pastures Road is characterised by commercial and industrial uses. To the east lies a hotel and public house. To the west is a commercial unit which sells food. Beyond that there is Land which does not appear to be in use but has an industrial appearance with fencing, hardstanding and other remnants of industrial paraphernalia. Immediately to the south, the Land is bound by a canal and tow path. The character of the north side of Pastures Road is quite different. It is predominately characterised by modern residential housing.
58. The LPA's case is that the blockwork barrier walls and storage of materials detract from the character and appearance of the area. The barriers are around 2.4m in height and extend a considerable length at varying degrees within the site. At the Hearing, the appellant indicated that a stockpile limit of 3m would be the minimum to enable safe working practices.
59. However, both the stockpiles and walls are sited a considerable distance from the closest residential properties. Whilst they may be visible, they will be seen in the context of the more industrial and commercial character of the south side of Pastures Road.
60. Moreover, a condition could be imposed which restricts the height of any materials stockpiles on the site to no more than 3m. Whilst machinery working on top of the stockpiles could be visible from the surrounding area, again it would appear in keeping with the industrial character prevalent on the south side of Pastures Road. Furthermore, a condition could be imposed to provide screening in the form of planting.
61. I walked along the canal path on my site visit and was able to see that for the most part, the appeal site was obscured from view by substantial vegetation. Nonetheless, where it could be seen, it was again seen in the context of the industrial character of the south side of Pastures Road.
62. Thus, whilst the blockwork barrier walls and materials can be seen from various vantage points in the public realm, I consider they are not of sufficient scale or of such incongruous design, that they will have a detrimental effect on the character and appearance of the area, particularly where mitigation in the form of screening and height limits are applied.
63. I conclude, therefore, that the development will not have a harmful effect on the character and appearance of the area. The development will therefore accord with LP Policies 42 and 46 insofar as they state that development should be appropriate to the area, well integrated with the built environment and be sympathetic to local character.

Other Matters

64. I note the appellant's indication that the use provides significant benefits to the economy and provides substantial employment. Those are benefits to which I afford significant weight. However, such benefits do not outweigh the substantial weight I afford to the harm arising to the living conditions of neighbouring residents.
65. The appellant argues that there is a genuine fallback position available to them. However, it appears to me that the only fallback position is the use of the land in the north-east corner for civil engineering operation use which is outside the Land subject of the notice. There is no evidence of any fallback position in respect of the Land subject of the notice. To that end, the use of the land to the north-east for civil engineering operations will inevitably have a lesser effect than the use of the wider Land for both civil engineering and recycling and processing use. Such fallback would therefore not justify the harm which arises here.

Conclusion

66. I have found that no harm will arise to the character and appearance of the area. However, I have found the development results in harm to the living conditions of nearby residents with particular regard to noise and vibration. That is the prevailing consideration. Consequently, for the reasons above, I conclude that the appeal should not succeed. 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 S177(5) of the 1990 Act as amended.

Appeal on ground (f)

67. An appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters stated in the notice or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
68. S173(4) of the Act sets out that purposes of an enforcement notice are: (a) remedying the breach of planning control; or (b) remedying any injury to amenity caused by the breach. The notice does not state explicitly which of the two purposes it seeks to achieve.
69. The notice, as corrected, identifies the breach of planning control as a material change of use from B8 to a sui generis mixed use for the processing and recycling of concrete, bricks, rubble and soils into sellable by-product to provide recycled aggregates, and civil engineering operations use, with ancillary construction materials storage. The notice, as varied, requires the use to cease and the blockwork barrier walls, stored material and stockpiles, vehicles, machinery and equipment to be removed.
70. On that basis, I find the purpose of the notice is to remedy the breach of planning control by discontinuing any use of the land and by restoring the land to its condition before the breach took place under S173(4)(a).

71. As a consequence, the requirements to cease the use of the Land do not go beyond what is necessary to remedy the breach. Any lesser step would not appropriately remedy the breach.
72. In terms of the removal of the blockwork barrier walls, the appellant argues that the walls do not amount to development. Likewise, it is argued that the removal of the stored material and stockpiles, vehicles, machinery and equipment is excessive.
73. However, it was held in *Murfitt v SSE & East Cambridgeshire DC* [1980] JPL 598 that where a notice is issued in respect of an material change of use, and works were carried out to facilitate the material change of use, the notice may require that the 'ancillary' or 'incidental' works are removed in order that the site is restored to its previous condition and the breach is remedied. It was further held in *Somak Travel v SSE & Brent LBC* [1987] JPL 630 that a notice could require the removal of works which did not amount to development at all but had facilitated an unauthorised material change of use.
74. In this instance, the blockwork barrier walls have been installed predominately for the purpose of storing material associated with the unauthorised use. Regardless of whether or not they amount to development for the purposes of S55 of the Act, they have facilitated the unauthorised material change of use by providing suitable storage for material associated with the processing and recycling.
75. Moreover, the stored material and stockpiles, vehicles, machinery and equipment to be removed are those which are associated with the civil engineering business on the Land. Regardless of whether they in themselves are development or can be retained for some other lawful use on the Land, they have facilitated the unauthorised material change of use.
76. Having regard to the recent case of *Caldwell & Timberstore Ltd v SSLUHC & Buckinghamshire Council* [2024] EWCA Civ 467, I am satisfied that the walls, material, stockpiles, vehicles, machinery and equipment are not fundamental to or causative of the change of use but rather are facilitative of. On that basis, it is not excessive for the notice to require their removal.
77. The appellant argues that mitigation measures can overcome the planning harm. However, as I have set out in the appeal on ground (a), it has not been demonstrated that is the case.
78. The appeal on ground (f) therefore fails.

Appeal on ground (g)

79. An appeal on ground (g) is made on the basis that the period specified in the notice for compliance with the requirements falls short of what should reasonably be allowed.
80. The notice affords a compliance period of one month to cease the processing and recycling element use, two months to cease the use of the civil engineering business and two months to remove the walls, materials stockpiles, vehicles, machinery and equipment associated the civil engineering use.
81. The LPA indicates that the 1-2 month period is sufficient. The appellant, it is said, can still operate from the Land to the north-east. However, the appellant

argues that a period of 4-6 month would be more appropriate. The business has existing contracts for civil engineering operations and will need time to source an alternate site. Moreover, further time will be needed to remove around 24,000 tonnes of material from the Land.

82. It seems to me that, whilst the appellant has the benefit of being able to operate the civil engineering business on the land to the north east, it is nevertheless reliant on the utilisation of the Land as a whole for the operation. Moreover, I accept that the materials on the Land will need a considerable time to be moved. Furthermore, it seems to me that the appellant will need time to source an alternative site of similar size, scale and provisions in order to minimise financial loss to the business. As a result, it seems to me that a period of four months to cease the uses and a period of six months to remove the walls, materials, vehicles, machinery and equipment will strike a reasonable balance between the needs of the appellant's business and the need for expediency in overcoming the harm that arises.

83. The appeal on ground (g) therefore succeeds.

Formal Decision

84. It is directed that the enforcement notice is corrected by:

- the deletion of the word, "situate", and its substitution with the word, "situated", in section 2 of the notice;
- the deletion of the words:
 - "Without planning permission a material change of use from B8 to a sui generis use for the processing and recycling of concrete, bricks, rubble and soils into sellable by-product to provide recycled aggregates , and construction materials storage on the land edged in red on the Plan and civil engineering operations use on the land edged in green on the Plan." in section 3 of the notice and their substitution with the words:
 - "Without planning permission, a material change of use from B8 to a sui generis mixed use for the processing and recycling of concrete, bricks, rubble and soils into sellable by-product to provide recycled aggregates, and civil engineering operations use, with ancillary construction materials storage on the land edged in red on the Plan."
- the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.

85. And varied by:

- the deletion of the words, "shown in red on the Plan", from section 5(i) of the notice;
- the deletion of the words, "of the expanded area", and "shown in green on the plan", from section 5(ii) of the notice;
- the deletion of the words, "expanded area of the", and "shown in Green on the Plan", from section 5(iii) of the notice;

- the deletion of one month and the substitution of four months as the time for compliance in respect of section 5(i) of the notice;
- the deletion of two months and the substitution of four months as the time for compliance in respect of section 5(ii) of the notice;
- the deletion of two months and the substitution of six months as the time for compliance in respect of section 5(iii) of the notice.

86. 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.

J Whitfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Adrian Catlow	Appellant
Ian Darbyshire	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson	Kings Chambers
Owen Herring	Doncaster Metropolitan Borough Council
Andrea Suddes	Doncaster Metropolitan Borough Council
Gavin Levett	Doncaster Metropolitan Borough Council

INTERESTED PERSONS:

John Cotterill	Local Resident
Natalia Cooper	Local Resident



Plan

This is the plan referred to in my decision dated: 21st June 2024

by J Whitfield BA(Hons) DipTP MRTPI

Land at: Unit 1, Pastures Road, Mexborough S64 0JJ

Reference: APP/F4410/C/22/3306835

Scale: Not to scale

