



Appeal Decisions

Site visit made on 8 May 2024

by R Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Appeal A Ref: APP/J0405/C/21/3285862

Appeal B Ref: APP/J0405/C/21/3285863

Land at Gas Works Field, Mentmore, Buckinghamshire

- 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 Michael Robin Gaymer (Appeal A) and Mrs Julie Gaymer (Appeal B) against an enforcement notice issued by Buckinghamshire Council.
- The enforcement notice was issued on 9 September 2021.
- The breach of planning control as alleged in the notice is Without planning permission, the material change of use of an agricultural building and land to a commercial storage use.
- The requirements of the notice are:
 - Step 1 – Cease the use of the land and building for commercial activities;
 - Step 2 – Cease the use of the land and building for storage of commercial and non-agricultural items.
 - Step 3 – Cease the use of the land and building for parking of commercial vehicles that are not connected to a lawful agricultural or private use of the land or building.
- The period for compliance with the requirements is 3 months.
- The appeals are proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended. Appeal A is also proceeding on ground (a). 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.
- This decision supersedes that issued on 6 June 2023. That decision on the appeal was remitted for re-determination by consent order of the High Court.

Summary of Decisions: The appeals succeed on ground (g), but are otherwise dismissed and the enforcement notice is upheld with corrections and a variation in the terms set out below in the Formal Decisions.

Appeal C: APP/J0405/W/21/3284359

Land at Gas Works Field, Mentmore, Buckinghamshire

- 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 M and J Gaymer against the decision of Buckinghamshire Council.
- The application Ref 21/02252/APP, dated 25 May 2021, was refused by notice dated 27 August 2021.
- The development proposed is the change of use of an agricultural building to commercial storage use.
- This decision supersedes that issued on 6 June 2023. That decision on the appeal was quashed and remitted for re-determination by consent order of the High Court.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

Redetermination

1. The original appeal decisions were challenged under s288 and s289 of the Town and Country Planning Act 1990 (the Act). The Consent Order of the High Court confirmed that the 2023 decision letter contained an error of law in that the Inspector assessed the claimed fallback position on the incorrect legal basis under Schedule 2 Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The Court ordered that the decisions be re-determined in accordance with these findings.

The Development Plan

2. It was acknowledged by the Inspector who previously considered this case (the previous Inspector) that since the enforcement notice and planning decision were issued (that are the subject of the present appeals) the Vale of Aylesbury Local Plan 2013 – 2033 (LP) had been adopted and that only relevant policies in that plan would be referred to. For the avoidance of doubt I shall do likewise.

The Notice

3. The previous Inspector corrected the Notice, deleting the requirements at Steps 1 and 3, namely to cease the use of the land and buildings for commercial activities and for the parking of commercial vehicles not connected to the lawful agricultural and private use of the land. It was considered that these requirements did not correspond to the alleged breach of planning control and were superfluous; also that the requirement to cease the commercial parking of vehicles would be subsumed within the requirement to cease commercial storage in any event. I concur with this approach and likewise consider that the notice may be corrected without resulting in injustice to the parties.

Additional documents

4. During the course of the appeal procedure the appellants submitted a planning obligation in the form of a Unilateral Undertaking (UU). In the event that planning permission is granted this document sets out to control the movements of large vehicles to and from the site, and commits to a programme of implementation to cover investigations and sanctions in relation to any breaches.
5. Furthermore, the appellants have submitted documentation regarding a proposal to convert an agricultural building on an adjacent site to a storage and distribution use, using permitted development rights. The Council has confirmed that its prior approval would not be required for that proposal. The appellants set out that this amounts to a fallback position which weighs in favour of the current proposal.
6. I have sought the views of the Council and consider both of these matters later in my decision.

Appeal A on ground (a) and Appeal C

Main Issues

7. Having regard to the Council's reasons for issuing the notice and refusing planning permission, the main issues are (i) the effect of the development on the character and appearance of the surrounding area including the Mentmore Conservation Area (MCA) and the Area of Attractive Landscape (AAL); (ii) the effect of the development on the living conditions of nearby residents, with particular regards to noise, dust and fumes; (iii) the location of the development having regard to local plan policy; and (iv) whether any harm arising from the preceding issues is outweighed or justified by the fallback positions claimed by the appellants.

Reasons

Character and Appearance

8. Mentmore is a small and verdant village, comprising a central concentration of red brick cottages, many having tall and elegant chimneys. Peripheral developments are scattered more sporadically, and include the Mentmore Towers mansion estate to the south-west. The village is perched on an elevated landform, which allows for some sweeping views to the north across open pastoral countryside, the nearest parts of which are included within the MCA boundary. Its elevated position also allows for long distance views of the mansion.
9. It seemed to me that the unifying characteristics of the village and Conservation Area are its greenness, rurality and tranquility, with an abundance of mature trees and dense vegetation, alongside the highway network, helping to conceal and bind together various buildings beyond. I noted during my visit, that although flows of traffic through the village were not significant, some commercial and agricultural related vehicles were passing through.
10. The appeal site lies along the western limb of the village within the MCA. It comprises a rectangular building with apex roof. The walls are constructed in concrete, with olive green corrugated metal panels forming the upper parts. It has a metal roller shutter door. The building, though functional in appearance, is not showing signs of deterioration or being in poor physical condition and did not appear to me to be alien to its agricultural setting.
11. Indeed, the building is immediately adjacent to two larger functional agricultural buildings, comprising similar corrugated steel panels and supported by steel columns, with substantially open sides. At the time of my visit, these structures were visually dominated by the open storage of stockpiled hay bales to a height and depth exceeding that of the adjacent buildings. The appeal site and adjacent agricultural storage uses are set back from and served by a single vehicular access point from the adjacent road.
12. There is no dispute that the appeal building itself has been in place for many years and is thus part of the baseline against which the alleged development must be assessed. In visual terms the operation brings with it the comings and goings of vehicles associated with the delivery and onward distribution of goods. These vehicles consist of HGVs and also transit sized commercial trucks. There are also the vehicles belonging to the small number of

employees connected with the site. It appears that vehicles could be parked on the site overnight.

13. I have had regard to the appellants' Transport Technical Note (TTN)¹. This indicates that the proposed use of the appeal site has resulted in a relatively significant increase in overall vehicle movements, when compared to its previous agricultural use as a store for grain and fertiliser. However, it goes on to indicate that whilst more HGVs are now attending the site (some 768 two way movements annually), a relatively small number would visit the site on an average day, when taking into account a 5-day / 48 week per year operation. My view on this does not change even if, as the Parish Council suggests having regard to logs kept by local residents, the number of visits to the site is greater at around 3 HGVs per day on average.
14. I do not agree that vehicles of HGV scale and design are completely alien to an agricultural enterprise. Whilst the characteristics of the site have undoubtedly taken on a more commercial feel, I am not persuaded that the quantity of vehicle movements and nature of vehicles attending the site are inherently harmful to the character of the wider area. In reaching this view I have taken into account the TTN indicates there would have been some movements of large agricultural vehicles associated with the previous use of the building, albeit that such movements were probably more seasonally concentrated; also that the survey recorded several HGVs passing through the village to be unassociated with the appeal site.
15. I am also mindful that it would be possible to impose a planning condition prohibiting the external storage of materials, therefore helping to protect the appearance of the immediate surroundings of the appeal site.
16. The key visual receptor for the site would be users of the public right of way, running in a north-south direction immediately to the west of the site. However, visibility would be fleeting and the relatively limited scale of the operation would not serve to dominate views of the surrounding landscape. Furthermore, depending on the quantity being stored, the presence of hay bales on the site would also provide a degree of screening to the operation. The appearance of hard surfacing associated with the access and manoeuvring of vehicles, did not appear to me to be out of place, and certainly not so stark and formal as to appear at odds with its agricultural setting. I do not therefore concur with the Council that the development would be of such magnitude as to impair the enjoyment of the public right of way.
17. Potential views of the site to passing motorists would be reduced to mere glimpses, due to the presence of densely vegetated boundaries; also when considering the building itself is set well back from the highway. In addition, potential views of the site from a public right of way situated further to the east would be screened by the rear elevation of the building itself. I do not therefore conclude that the HGVs associated with the development would result in visual harm to heritage or landscape assets.
18. I acknowledge that large vehicles attending and manoeuvring on the site would result in noise from reversing alarms. However, when taking account of the likely small numbers of vehicles attending, the relatively limited scale of the operation and the configuration of the site, in my judgment such manoeuvres

¹ Dated August 2021

would not last long and would be relatively infrequent. It also seems to me that large vehicles already attend and manoeuvre on the site to a degree in connection with the existing agricultural storage operation.

19. I am also mindful that many representations from third parties set out concerns that the sight and sound of larger industrial vehicles, associated with the site, passing through Mentmore is out of keeping with the character of the village. The appellants have provided a UU, as referred to above, with a view to controlling traffic movements. I agree that a route management plan would not guarantee that all such traffic would avoid passing through the middle of the village, particularly when considering delivery drivers might rarely be familiar with the local geography.
20. However, in my view, it would be reasonable to think that when leaving the site drivers would adhere to signage directing traffic away from the village. It is also reasonable to think that a formal mechanism to investigate and respond to breaches in traffic route management would serve to mitigate the number of contraventions. When also considering the likely small number of daily visits to the site by HGVs, as referred to above, I do not find the argument that the development would result in harm to the generally peaceful rural character of the area to be compelling.
21. It is undisputed by the main parties that the development would generate on average around 6-7 two-way car movements per day. In addition there would also likely be a small number of Light Goods Vehicles attending the site each day, having regard to the appellants' evidence. I do not find that such a limited number of comings and goings, both in itself and cumulatively with the larger industrial vehicles, as set out above, would result in harm to the character of the area.
22. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under Section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the MCA. I conclude that the proposed development would not result in harm to the special interest and rural character of the MCA as a whole.
23. Whilst I respectfully acknowledge that my views diverge from those of the previous Inspector in this regard, I am not persuaded, particularly given the peripheral location of the appeal site, that the visual impact and audibility of the storage operation would be perceived as so peculiar as to result in harm to the character of the MCA. Rather the development as a whole results in a neutral effect on the character and appearance of the MCA as a whole, which accordingly would be preserved.
24. The appeal site is situated to the north of the Mentmore Towers Park and Garden, which is Grade II* listed. For the avoidance of doubt, when considering the presence of substantial intervening woodland boundary planting, I do not find the development would result in harm to the setting of this heritage asset.
25. Drawing the above considerations together I conclude that the development would not result in harm to the character and appearance of the surrounding AAL and Conservation Area. Accordingly the development would conform with Policies BE1, NE4 and C4 of the LP and with the National Planning Policy Framework (the Framework) insofar as they seek to conserve historic assets in

a manner appropriate to their significance, to recognise distinctive landscape character, to protect public rights of way and to avoid unacceptable noise in areas that are relatively undisturbed.

Living Conditions

26. The Council has set out that the development results in vehicular movements that cause unreasonable harm to the occupiers of nearby dwellings by way of noise, fumes and dust. The appeal site immediately borders the residential property known as Spinney Hall along its south-eastern boundary. It is likely that residents using the external parts of that property would be aware of traffic movements to and from the site. I am not persuaded that such movements in themselves would be harmful to living conditions.
27. Whilst I accept that the noise of reversing alarms associated with large vehicles would be audible and would potentially result in some disturbance, I am mindful that such manoeuvres would be relatively short lasting and infrequent. Furthermore it would be possible to control the hours of operation of the business through the imposition of a planning condition, and therefore protect the living conditions of residents during more noise-sensitive times of day and night. For the same reasons I am not persuaded that the development results in harm to living conditions due to fumes and dust. I do not therefore find conflict with Policy BE3 of the LP or with the Framework insofar as they seek to resist development that would result in unreasonable harm to amenity.

Location

28. Policy C1 of the LP sets out that the re-use of an existing building of permanent and substantial construction, and generally in keeping with rural surroundings, will be permitted subject to various criteria being satisfied. In broad terms these criteria are concerned with the desirability of retaining the building in question, and for agricultural purposes in particular; the impact of the proposed re-use on its surroundings and proximity of the site to settlements.
29. The appeal site is in close proximity to Mentmore village centre, and I have set out above that I do not consider the existing building to be damaging to surrounding character or the re-use to be of a scale that would adversely affect its surroundings. Whilst I do not consider that the re-use of the building would enhance its immediate setting, I agree with the view that its continued redundant or disused status would eventually lead to it falling into disrepair and potentially harming its surroundings.
30. A further requirement is that where the building is deemed suitable for modern agricultural practice it would not give rise to a future need for another building to fulfil the function of the building being re-used. The appellants' position is that the building was previously used to store grain and fertiliser, but is not large enough to facilitate access by large modern agricultural vehicles. Photographs are provided to demonstrate how the height of the building door would not facilitate access to certain vehicles.
31. I am not persuaded that it would be impossible to use the building at all for modern agricultural practices associated with the farm holding. For example, it would seem to be possible to transfer certain products and material into the building using smaller items of lifting equipment. I concur with the view expressed by the previous Inspector that an understanding of the farming

- activities undertaken on the holding, together with the use of associated buildings, would assist in demonstrating that it had no other useful agricultural purpose and that it might not be the subject of latent demand for agricultural use.
32. Also, it is unclear where the grain and fertiliser that would previously have been stored in the building is now being stored instead, and why it would not be economical or safe to store straw or fertiliser (or a crop) in this building as claimed. Accordingly, I do not have sufficient evidence to persuade me that the building would be otherwise redundant or that the development would not give rise to a future need for another building to replace the function of the appeal building.
33. The proposal is therefore in conflict with criteria b and d of Policy C1. The development fails to meet all of the criteria specified and is therefore in conflict with Policy C1 of the LP when read as a whole. This conflict would not be overcome by the appellants' suggested changes, should I consider them beneficial, to the external building materials and in terms of reducing the size of the building.
34. Policies S1, S2 and S3 of the LP outline the Council's development strategy, having regard to a settlement hierarchy. In particular, Policy S3 states that 'Other than for specific proposals which accord with policies in the plan to support thriving rural communities and the development of allocations in the Plan, new development in the countryside should be avoided, especially where it would: a. compromise the character of the countryside between settlements, and b. result in a negative impact on the identities of neighbouring settlements or communities leading to their coalescence'.
35. The supporting text to Policy C1 states that national policy recognises that the conversion of existing buildings can help to promote a strong rural economy. The development in this case is a material change of use of a former agricultural building to a commercial storage use. Although the above-mentioned policies have not been referred to by the appellants, I consider that had the development been in accordance with Policy C1 it could then be said to support thriving rural communities and as such would have been in accordance with the Council's development strategy.

Fallback Positions

36. The appellants claim a fallback position in that they could resort to the provisions of Schedule 2 Part 3 Class R of the GPDO. This permits the change of use of an agricultural building to a flexible commercial use, which includes Class B8, storage and distribution. There is no dispute that the appeal building is not in agricultural use now. However, the appellants suggest a scenario where the requirements of the notice are complied with and the building returns to an agricultural use in order to exercise the permitted development right.
37. Paragraph R.1.(a) of Class R sets out the circumstances where a change of use of a building from an agricultural use to one of the flexible commercial uses cited would not be permitted. These are where the building was not used solely for an agricultural use as part of an established agricultural unit:

(i) on 3 July 2012;

- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use; or
- (iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins.
38. There is no dispute that the circumstances specified in paragraphs R.1.(a)(i) and (ii) would not disqualify reliance on Class R, in the case of a scenario suggested by the appellants involving the resumption of the storage and distribution use following the return of the building to an agricultural use, as set out above. Specifically there would be compliance with paragraph R.1.(a)(i). However there is nothing to persuade me that sub-paragraphs (a)(i) and (iii) are mutually exclusive. It does not therefore follow that there is no need to consider the third sub paragraph.
39. The agricultural use of the building ceased after 3 July 2012 and there was a material change to the alleged storage use. In the appellants' scenario, therefore, an agricultural use would be re-introduced after 3 July 2012. Critically, the provisions of the third sub paragraph do not limit its application to where the agricultural use is first brought in, simply to where such use is brought in. I find that limitation R.1(a)(iii) applies, even though R.1.(a)(i) is met, and the agricultural use would need to be operational for 10 years before Class R rights could be relied on. In these circumstances the required duration of the agricultural use means that there would not be a reliable fallback position for the appellants.
40. Even if I am wrong regarding the application of the third sub-paragraph, there is still the question of whether returning the building to an agricultural use, albeit temporarily, is a credible scenario. By the appellants' own evidence, they say that it is no longer suitable for modern agricultural use. Furthermore, their ground (g) argument emphasises the complications of ending the tenancy agreement with the current occupier. Therefore, whilst it might be possible to put the building back into agricultural use and then at a later stage to resurrect the storage use, it is difficult to reconcile this position with the case the appellants are seeking to make at present. The alleged fallback position is not therefore compelling, and so carries very limited weight in the overall planning balance.
41. I acknowledge that the previous Inspector was found to have erred in reaching a similar conclusion regarding the significance of the alleged fallback position. However having regard to the reasons expressed in the preceding paragraph, which are distinguishable from the previous Inspector's decision, my interpretation and reasoning ultimately point the same way. My decision is also distinguishable in that I do not proceed to consider the significance of paragraph R.3.(1) of Class R, in terms of the making of an application to the Council for the prior approval of certain matters.
42. I acknowledge that my approach is not consistent with that set out in an appeal decision, relating to a different site, that has been drawn to my attention². Nevertheless, I believe my approach to be correct for the reasons I have set out above.

² Appeal decision reference APP/R1010/W/19/3241610.

43. As referred to above, the appellants have set out that a proposal to convert an agricultural building to a flexible use, particularly B8 storage, on an adjacent site, which has been confirmed as not requiring the Council's prior approval, amounts to a fallback position. However, the footprint of the building in question is less than a third of that which is the subject of the current appeal. This means the scale of any associated storage and distribution operation would be smaller, and that the nature and frequency of any visiting commercial vehicles may differ to the appeal site. The building in question is also open sided, unlike the appeal building, and thus from the evidence before me would not necessarily provide secure storage. In any event there is no evidence before me, such as a potential contract with a tenant, that indicates the use would be likely to go ahead in practical terms. This scenario therefore also carries very limited weight, as a fallback position, in the overall planning balance.

Other Matters

44. The Council refers to the development being in conflict with Policy C4 of the LP, the objective of which is to enhance and protect public rights of way and not harm their safe and efficient operation. Whilst the aforementioned right of way runs adjacent to the site access road, as set out above, there is nothing to persuade me that the safety of users of the right of way would be jeopardised by operations on the appeal site.
45. Several local residents have also referred to the vulnerability of walkers, cyclists and horse riders to large industrial vehicles, particularly having regard to the absence of footways connecting the site and the centre of the village. However, I have had regard to the limited number of industrial vehicles likely to attend the site; the route management provisions which the appellants have committed to, as set out earlier in my decision, and also the absence of objections from the Council's Highway Authority and Rights of Way team. Furthermore I have not been provided with evidence that the proposal would be in conflict with any freight zone strategy policies. Drawing these considerations together I am not persuaded that refusal of planning permission on this ground would be justified.
46. Concern has been expressed regarding harm to living conditions resulting from external lighting on the site. However I am satisfied that this matter could be adequately controlled through a planning condition in the event that planning permission was granted.
47. I am not provided with evidence that the development would result in material harm to habitat for local wildlife. I have also considered the argument that the grant of planning permission would set a precedent for other similar developments. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.
48. The appellants have referred to a previous decision by the Council, in relation to a site relatively nearby, to grant planning permission for a change of use from agriculture to commercial use³. However it would appear the buildings in that case had not been used for agricultural purposes since the early 1990s. Therefore it seems possible to me that the redundant status of those buildings

³ Reference 20/03404/APP Uppings Farm – planning permission granted 4 January 2021

had been demonstrated over a longer period of time. That planning decision does not therefore support the grant of planning permission in this case.

49. It has been suggested that there is a shortage of alternative affordable rural sites that might accommodate the business. However there is a lack of evidence provided to support this point. Regarding the suggested benefits the use of the appeal site brings to the security of the adjacent cricket club premises, it is unclear whether that site has previously been vulnerable to security breaches.

Planning Balance

50. I have found that the development fails to satisfy criteria in Policy C1 of the LP on the basis of not being persuaded that the building is genuinely unsuitable and redundant for agricultural use, and that it would not give rise to the need for a replacement building to fulfil its previous function. It is therefore in conflict with the development plan when read as a whole.
51. I have concluded the development does not result in harm to character and appearance, including the MCA and surrounding landscape, to living conditions or to highway safety. However these are neutral matters in the planning balance and do not weigh in favour of the development.
52. I am mindful that the Framework supports a prosperous rural economy, including the sustainable growth and expansion of all types of business in rural areas. In support of the development I acknowledge that it would generate employment and likely positively influence the rural economy. However, I concur with the previous Inspector that this attracts only moderate positive weight given the limited number of jobs involved. I also concur with the previous Inspector that there is scant information in terms of the importance of the development as a farm diversification scheme, providing an alternative income stream for the agricultural enterprise. I therefore give this consideration limited weight. The alleged fallback scenarios each attract only very limited weight for the reasons set out above.
53. I have balanced the harm identified, against the other considerations referred to above. I have also had regard to the various supporting representations received from third parties. I find that these considerations fail to outweigh the harm identified, and as such do not indicate that a decision should be taken otherwise than in accordance with the development plan.

Appeals A and B on ground (f)

54. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the Act and are to remedy the breach of planning control (s173 (4) (a)) or to remedy injury to amenity (s173 (4) (b)). The Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.
55. With regard to the unauthorised development, the objectives of the notice, as corrected, are to discontinue the unauthorised storage use. It follows that the purpose of the notice is to remedy the breach of planning control.

56. The appellants suggest steps short of cessation, including controls on the hours of operation, external building materials and external storage and / or a reduction in the size of the building. However these relate to the planning merits of the development, considered as part of the ground (a) appeal, in the context of the various main issues. These measures would not achieve the purpose of remedying the breach of planning control. I conclude that the steps required in the notice, as corrected, are necessary, proportionate and do not exceed what is necessary to achieve the purpose of the notice. Accordingly the appeals on ground (f) must fail.

Appeals A and B on ground (g)

57. The ground of appeal is that the time allowed for compliance with the notice is too short. The appellants argue that 3 months would be insufficient to address various requirements including negotiating out of the commercial tenancy agreement and the occupiers identifying and sourcing an alternative site. They seek a compliance period of 12 months.

58. I am sympathetic to the view that ceasing the business may not be at all straight forward. I am also mindful that it may be possible for the appellants to resolve the concerns that I have raised with the proposal through the submission of a further planning application. I consider that a 9 month compliance period would provide a reasonable opportunity for the appellants to make a planning application to the Council should it be considered that outstanding issues are resolvable. Alternatively, it would still allow for a reasonable period to comply with the notice should that application not succeed. The ground (g) appeal therefore succeeds to this limited extent.

Conclusion

Appeals A and B

59. For the reasons given above I conclude that the appeals on ground (a) and (f) should not succeed.

60. I shall uphold the enforcement notice with corrections and a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal C

61. For the reasons given above I conclude that the appeal should be dismissed.

Formal Decisions

Appeals A and B

62. It is directed that the enforcement notice is corrected within Section 5 as follows:

the deletion of the words "Step One Cease the use of the land and building for commercial activities"; and

the deletion of the words "Step Two"; and

the deletion of the words "Step Three Cease the use of the land and building for parking of commercial vehicles that are not connected to a lawful agricultural or private use of the land or building."

63. It is directed that the enforcement notice is varied within Section 6 as follows:

The deletion of the words "**THREE (3)** months" and the substitution of the words "**NINE (9)** months" instead, as the period for compliance.

64. Subject to the corrections and variation, the appeals are 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.

Appeal C

65. The appeal is dismissed.

R Merrett

INSPECTOR