



Appeal Decisions

Site Visit 29 May 2024

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2024

Appeal A Ref: APP/U2750/C/23/3326222

Appeal B Ref: APP/U2750/C/23/3326223

The land situate and known as The Half Moon Inn, Sharow Lane, Sharow, Ripon, North Yorkshire HG4 5BP

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act). Appeal A is made by Mr Mark Fitton and Appeal B is made by Mr Benjamin Fitton against an enforcement notice issued by North Yorkshire Council.
- The notice was issued on 20 June 2023.
- The breach of planning control as alleged in the notice is without planning permission the unauthorised material change of use of the land to a mixed use as a Public House and as residential accommodation.
- The requirements of the notice are to cease the mixed use of the land as a Public House and residential accommodation and re-instate the primary use of the building as a Public House.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b) and (f) of the Town and Country Planning Act 1990 (as amended).

Appeal C Ref: APP/U2750/X/23/3329087

The Half Moon Inn, Sharow Lane, Sharow, North Yorkshire HG4 5BP

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Mark Fitton against the decision of North Yorkshire Council.
- The application ref ZC23/02156/CLEUD, dated 7 June 2023, was refused by notice dated 1 August 2023.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is for the whole property as a single dwelling (Class C3 – Dwellinghouse).

Appeals A and B - Matters concerning the Enforcement Notice

1. It is incumbent upon me to put the enforcement notice (Notice) in order, providing doing so would not cause injustice to the appellant or Council.
2. There is no ambiguity relating to what land or property the Notice relates to. The property's name is long established as The Half Moon Inn and the extent of the land affected is outlined in red on the plan attached to the Notice. No injustice would be caused by the deletion of the superfluous words '*The land situate and known as*' found in section 2 of the Notice.
3. The steps required to be taken are '*Cease the mixed use of the Land as a Public House and residential accommodation and re-instate the primary use of the building as a public house.*' The appellant's legal submission states '*In my opinion the requirement is entirely unclear such that it may be argued invalid*'.

However, no reasoning is provided to explain why the Notice is invalid in their opinion.

4. S173 of the 1990 Act sets out the statutory requirements to be set out in an enforcement notice. The steps required to be taken set in section 5 of this Notice meet the statutory requirement set out in s173(4). I find the Notice valid. Whether the steps required to be taken go too far is a matter for the ground (f) appeal, not a matter of invalidity.

Procedural and Preliminary Matters

5. In relation to the appeal procedure, this is a matter for the Planning Inspectorate to determine initially¹. However, the appeal procedure may be varied by the appointed Inspector at any time². The appeals were initially following the Hearing procedure, which was originally requested by the appellant. I undertook a review of the procedure for the appeals and concluded that if an oral event were to be necessary then evidence of fact would need to be given under oath and as such a Hearing was not the appropriate procedure. I sought the views of the main appeal parties on my conclusion that if an oral event was necessary that the appeals would need to be dealt by the Inquiry procedure. I noted that the appellant's written evidence included several sworn statements, which the appellant confirmed would be relied upon in oral evidence at an Inquiry. In light of this, it was accepted by the main appeal parties that an oral event was not necessary, and I changed the appeal procedure to written representations.
6. S171B of the 1990 Act³ sets out the time limits after which enforcement action cannot be taken. This section has been amended by The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 (the Regulations). From 25 April 2024, in accordance with s115 of the 2023 Act, the time within which enforcement action must be taken against any alleged breach of planning control is 10 years. Transitional arrangements set out in s5(b) of the Regulations confirms that this amendment does not apply in respect of the change of use of any building to use as a single dwellinghouse where the breach occurred before 25 April 2024. The relevant time limit in respect of Appeal C is therefore 4 years.
7. Planning permission⁴ was refused for the change of use of The Half Moon Inn to a single dwelling on 21 November 2022. An appeal⁵ against that refusal was dismissed on the 30 May 2023. That Inspector had regard to the fact that the public house had not operated for some time and that the commercial kitchen and bar had been removed. They did not however find that removal prohibitive to the public house use being continued. They concluded that the loss of the public house was contrary to policy as it had not been sufficiently demonstrated that its continued use for community benefit purposes would be unviable.
8. The evidence shows that, prior to Mr Mark Fitton's (appellant A) purchase, the appeal site was in use as a public house with ancillary residential accommodation. While there is some disparity between the written descriptions

¹ S319 of the Town and Country Planning Act 1990 as amended

² S131 of the Levelling-up and Regeneration Act 2023

³ Town and Country Planning Act 1990 as amended

⁴ Council application reference 22/1162/FUL

⁵ Appeal Reference App/E2734/W/22/3312758 dismissed 30 May 2023

and the labelling of rooms within various plans provided by appellant A and the letting particulars, I find it more likely than not that the ground floor contained the public bar, restaurant/dining area and associated kitchen, customer toilets and stores, while the first floor contained an office, several en-suite letting bedrooms, a lounge and a kitchen/diner with utility. There is no dispute that the use of the first-floor accommodation was residential in nature.

9. The first-floor residential accommodation was formerly accessed via two internal and one external staircases as well as a 'bridge' leading from a pedestrian access door serving the first-floor kitchen/diner to the garden. The evidence does not specify whether this first-floor residential accommodation was ever occupied independently of the ground floor public house. This would however seem unlikely given that the first-floor residential accommodation was accessible from public areas of the bar, from behind the bar and from the car park/beer garden to the rear. Furthermore, the marketing particulars show the property as having restaurant/dining area, bar, letting accommodation and management flat. The provision of 'letting rooms' further reinforces that the first-floor accommodation was not self-contained.
10. The first-floor residential accommodation contained cooking, washing and sleeping facilities. Given its operational and physical connection with the ground floor public house I find it did not form one or more self-contained dwellings. I shall proceed on the basis that the former use of the appeal site was a public house with ancillary residential accommodation. I shall hereafter refer to the first-floor accommodation as the 'ancillary residential accommodation'.

Appeals A and B: Ground (b)

11. An appeal on ground (b) is that the matter alleged has not occurred. It is for the appellants to show, on the balance of probability, that a material change of use to a mixed use as a public house and residential accommodation had not occurred at the time the Notice was issued.
12. While the meaning of 'use' is provided in s336(1) of the 1990 Act, the concept of a material change of use is not defined in statute or statutory instrument. The basic approach is that, for a material change of use to have occurred, there must be some significant difference in the character of the activities from what has gone on previously as a matter of fact and degree.

Planning Unit

13. Where the use of land is at issue, it is necessary to identify the extent of the planning unit. The planning unit is usually the unit of occupation unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes. In *Burdle*⁶, Bridge J suggested three broad categories of distinction:
 - (a) A single planning unit where the unit of occupation is used for one main purpose and any secondary activities are incidental or ancillary;
 - (b) A single planning unit that is in mixed use because the land is put to two or more activities, and it is not possible to say that one is ancillary or incidental to another; and

⁶ *Burdle & Williams v SSE & New Forest RDC* [1972] 1 WLR 1207

- (c) The unit of occupation comprises two or more physically separate areas that are occupied for different and unrelated purposes. In such a case, each area used for a different main purpose, together with its incidental activities, ought to be considered as a separate planning unit.
- 14. It is the appellants' case that the alleged mixed use could not have occurred as the appeal site was in use as a single dwelling at the time the Notice was issued. The appellants' case corresponds to the unit of occupation being put to one main purpose, thereby a single planning unit.
- 15. The Council argues that *'areas of the building used for residential accommodation has spread from the areas in which ancillary accommodation was situated so that the residential use is no longer ancillary within the building resulting, as a matter of fact and degree, in a mixed use of the planning unit as alleged'*. The appeal site is confirmed by the Council to be a single planning unit.
- 16. The main appeal parties are therefore in agreement that there is a single planning unit. From the evidence before me and from what I saw during my site visit, I agree that the appeal site is a single planning unit comprising of the building and the land.

Reasons

- 17. I have been directed to application reference 22/1162/FUL (the 2022 PA) and the subsequent appeal decision (the s78 Appeal) by the appellant and the Council respectively. The appellant claims the 2022 PA was for 'retrospective' planning permission and that the application form confirms that the development occurred on 1 November 2017. A copy of the application form has not been provided and, even if it had, the weight to be attributed to it, without other corroborating evidence, would be limited.
- 18. The purpose of the s78 Appeal is however confirmed in its decision letter (DL) as *'The development proposed is change of use to a single dwelling'*. This description does not show the 2022 PA to be for retrospective planning permission. Furthermore, the DL is written in the context that the development has not been carried out. That Inspector also makes no finding on what use the building was being put to at the time of their decision as it was not relevant to the matter being considered.
- 19. The evidence shows that the appellants have resided at the appeal site, with varying degrees of permanence, since January 2017. The appeal site had residential accommodation, capable of providing the facilities required for day-to-day private domestic existence, prior to Appellant A's purchase. The appellants' residency cannot therefore demonstrate use of the appeal site as a single dwelling.
- 20. The appellant states the public house use has not operated since the end of 2016. This of itself is not evidence that the public house use had been lost, abandoned, or that there had been a material change in the appeal site's use. Instead, it would show the public house use to be temporarily inactive. Similarly, the marketing of the appeal site for use as a bar, restaurant or other community use does not demonstrate that use as a public house was taking place.

21. The courts have held that a use does not need to be in operation if all the necessary facilities are provided for that use to occur. For example, where a building contains all the characteristics of a dwelling, it will be found to be a dwelling even if it has not yet been occupied.
22. The evidence shows that during 2018 substantial works were carried out to the property. This included removal of various internal walls, the former bar and commercial kitchen. In addition, the two staircases were replaced with a single open-plan one and the customer toilets were decommissioned. While it is suggested that a 'bar' has been reinstated, this consists of a low wall with wooden countertop which divides the area at the bottom of the new staircase from what was the bar/dining area. The countertop has no drink dispensers, pumps or other paraphernalia normally associated with a public house bar. The new kitchen area is of a domestic scale and has none of the scale of equipment that would be expected of a commercial kitchen.
23. The s78 Appeal DL states *'investment is clearly required for the works necessary to bring the building back into commercial use, including the addition of stud walls to separate it from the living accommodation upstairs and to create a commercial kitchen and serviceable bar area'*. This supports the appellant's claim that there was no working bar or commercial kitchen present at the time the Notice was issued.
24. A serviceable bar and commercial kitchen are key characteristics of the public house use. For the public house use to remain a component of the alleged mixed use, those key characteristics would need to have been present. The evidence suggests that they were removed during 2018 and I have no evidence to suggest otherwise. Given the absence of a serviceable bar and commercial kitchen, it is unclear how the building could have been used as a public house, to form a component part of the alleged mixed use. Furthermore, at the date the Notice was issued the building would not have had all the characteristics or facilities of a public house. A public house use could not therefore have formed part of the mixed use alleged in the Notice.
25. It is clear from the evidence that a residential accommodation use was taking place at the appeal site when the Notice was issued. However, there is no need for me to determine whether that residential use amounted to use as a single dwelling as that does not form a component part of the allegation.
26. For these reasons, the appellants have shown, on the balance of probability, that the alleged material change of use to a mixed use as a public house and as residential accommodation had not occurred. The allegation is therefore incorrect.
27. I must now consider whether the allegation could be corrected without causing injustice to either party. The appellants do not dispute that a material change of use to a single dwelling has occurred. Had the Notice alleged the material change of use to a single dwelling, the appellants may have appealed on additional grounds. For example, on ground (a), that planning permission should be granted, and/or (d), that the time to take enforcement action had passed. Correcting the Notice in this manner would therefore cause injustice to the appellant.

Conclusion on ground (b)

28. For the reasons given above, I conclude that appeals A and B shall succeed on ground (b). The enforcement notice will be quashed.

29. In these circumstances, the appeals on ground (f) do not fall to be considered.

Appeal C

30. The **main issue** is whether the Council's decision to refuse to issue an LDC was well-founded.

Reasons

31. The appellant needs to show, on the balance of probability, that use as a single dwellinghouse is immune from enforcement action due to the passage of time. The material change of use to a single dwellinghouse needs to be shown to have occurred on or before 7 June 2019, the material date. Furthermore, use as a single dwellinghouse needs to be shown to have continued without significant interruption for a period of at least 4 years. Any 4-year period is relevant.

32. There is no planning definition of a single dwelling or dwellinghouse. However, *Gravesham*⁷ found that whether a building was or was not a 'dwellinghouse' was a question of fact, and the distinctive characteristics of a dwellinghouse were '*its ability to afford to those who used it...the facilities required for day-to-day private domestic existence*'.

33. In *Impey v Secretary of State for the Environment* (1980) 47 P. & C.R. 157, Donaldson L.J. held that a change of use of premises from a non-residential use to a residential use could take place before the premises are used, provided they were usable for residential purposes. Donaldson L.J. said "*Change of use to residential development can take place before the premises are used in the ordinary and accepted sense of the word, and [counsel] gives by way of example cases where operations are undertaken to convert premises for residential use and they are then put on the market as being available for letting. Nobody is using those premises in the ordinary connotation of the term, because they are empty, but there has plainly, on those facts, been a change of use.*"

34. In *Welwyn Hatfield Council v Secretary of State for Communities and Local Government* [2011] UKSC 15 [2011] 2 A.C. 304, Lord Mance quoted the *Impey* paragraph above and said "*As a matter of law, I consider that the approach taken by Donaldson LJ was correct and is to be preferred to the doubt expressed in Backer. Too much stress has, I think, been placed on the need for "actual use", with its connotations of familiar domestic activities carried on daily. In dealing with a subsection which speaks of "change of use of any building to use as a single dwelling house", it is more appropriate to look at the matter in the round and to ask what use the building has or of what use it is. As I have said, I consider it artificial to say that a building has or is of no use at all, or that its use is as anything other than a dwelling house, when its owner has just built it to live in and is about to move in within a few days' time (having, one might speculate, probably also spent a good deal of that time planning the move).*"

⁷ *Gravesham BC v SSE* [1983] JPL 306

35. There is a fundamental difference between the developments referred to above and the matter before me. In those cases, there had been no residential use of the land or building before the development took place. In this case the use of the building clearly included an element of residential use, albeit that it was ancillary residential accommodation to the public house use.
36. The appellant confirms in the completed planning contravention notice (PCN), returned by him on 31 March 2023, that the ancillary residential accommodation was occupied by Heather and Graham Raine and their children when the *'pub was trading as a business'*. It is therefore reasonable to conclude that the ancillary residential accommodation contained facilities for day-to-day domestic existence before the appellant's purchase, as it provided a family home for the operator of the public house.
37. The public house use may not have operated since 31 December 2016, but this does not mean that the premises became a single dwelling from 1 January 2017. As set out above, the public house use would be said to be temporarily inactive.
38. The appellant states that the appeal site was purchased with the intention of *'creating a high-quality modern hospitality venue'*. While 'intention' is not normally taken to be a determining factor, given the presence of the ancillary residential accommodation that contained all the facilities for day-to-day domestic existence, in this case, it needs to be considered on an objective basis and in light of all the relevant facts.
39. The appellant's Statutory Declaration dated 6 September 2023 (SD) states that the building was in a very poor condition when purchased in October 2017. No further evidence of the building's condition at that time is provided. There is however nothing to show that the ancillary residential accommodation was incapable of being used for its intended purpose. In the PCN, in response to when did he **'begin living in the first-floor ancillary accommodation'** (my emphasis), the appellant confirms *'occasional use from November 2017 to January 2018'*. This would suggest that the condition of the building was not so poor as to prevent residential use. It is of note that he also confirms *'Part-time from January 2018 and Full-time from November 2019'* in response to this question. He also confirms that the first-floor accommodation was accessed by a 'staircase from the bar area' in the PCN.
40. The answers to the PCN questions set out above point to the appellant's use of the established ancillary residential accommodation. However, for completeness, the answer to question xiv of the PCN confirms that the appellants *'have access to and use all areas of the building'* for residential purposes.
41. As the only internal means of accessing the ancillary residential accommodation was via the replacement staircase, installed in March 2018, it would seem likely that the appellants would have access to and use all areas of the building. The PCN does not go so far as to clarify what residential purposes the ground floor was put to.
42. The SD, application statements, photographs, text messages, quotes and other documents demonstrate when some of the physical changes to the internal layout and re-purposing of rooms throughout the building took place during 2018. However, I saw at my site visit that works to the property are still on-

going as work to create/refurbish the self-contained annex (where the ancillary residential accommodation's kitchen/diner used to be), pipework protruded through the floor in the former commercial kitchen area, and works within the former male customer toilets were still to be completed.

43. The SD also advises that from November 2017 to June 2019 the appellant was living between a dwelling in Northallerton and the appeal site. The appellant states that from June 2019 he was mostly living at the appeal property and confirms the Northallerton home was sold in November 2019. Some of these dates of occupation differ from the information previously provided in the PCN.
44. The SD confirms the appellant's knowledge of the planning system, being '*aware that prior to any change of use being permitted*' to use the premises as a house it '*would need to be marketed as a pub and for other community uses*'. Their SD further states that the first 12 months of marketing, from August 2018 to August 2019, showed that there was no demand for the appeal site to become a pub once again.
45. The SD also confirms the appellant's aim with the '*extensive building renovation works...was to upgrade the building to a condition where it was fit to be marketed as a public house for lease. The works were also intended to enable use of the property as [his] family home, should the marketing campaign fail to secure a tenant.*' It would be reasonable to conclude from this statement that the appellant's primary intention with the extensive renovation works was to retain the use as a public house with ancillary residential accommodation. But also, secondary, that those extensive renovation works would not prohibit the future use as a single dwelling, if necessary.
46. Enforcement investigations into the claim that the appeal property was being occupied as a dwelling commenced in March 2020. As part of the enforcement investigation, the appellant stated in an email, dated 21 April 2020, that '*The works which I have undertaken to the ground floor have not involved converting it to residential space, but dealing with severe dampness issues, replacing rotten/woodworm damaged timbers (including stairs), re-plastering and redecoration. I have also removed the old bar and replaced it. This work commenced approximately 18 Months ago and is still ongoing.*' The appellant's email goes on to state he moved into the '*upstairs accommodation*' in November 2019, which corresponds with his PCN response.
47. A further email from the appellant to the Council, dated 28 February 2022, states '*Talk of an unauthorised change of use of the Half Moon is nothing more than local gossip.*' It also invites officers to view the property to check for themselves, a course of action unlikely to be invited by a reasonable person if the appeal site was being used as a single dwelling. Furthermore, this corresponds with the SD that the primary purpose of the extensive renovation works was to bring the building up to a condition where it was fit to be marketed as a public house. It seems more likely than not that the appellant's residential occupation was to facilitate his involvement with the extensive renovation works.
48. Several other statutory declarations provide limited information about the author's familiarity with the appeal site, the regularity with which they visited the site during the relevant period, and what they mean by the appellant and his family using the appeal site as their home. As already established, the ancillary residential accommodation could readily have been used as a 'home'.

49. While the appellant describes how he created a personal gym and changed the glass store into a cloakroom, these works are not referred to in any of the other supporting statutory declarations. Friends and acquaintances have referred to the ground floor reception area having been used for leisure purposes by the occupiers and their visitors for socialising and leisure purposes, such as playing darts and pool and sitting downstairs regularly. The use of the word 'regularly' is imprecise, it could mean once a month, once a week or even every day. As facilities for socialising on the first floor are provided in the form of the sitting room/lounge, the need to use the ground floor accommodation on a daily or even weekly basis would seem less than likely. Given the imprecise nature of when the ground floor facilities were used it does not demonstrate use of the whole planning unit as a single dwelling.
50. Mark Bramall's Statutory Declaration provides greater detail, explaining that he helped the appellant with renovation works during 2017 and much of 2018. He also refers to visits to the property since January 2019 where he saw all areas being used for domestic purposes. He confirms he has '*stayed in the guest rooms upstairs, and used the kitchen, utility and reception rooms downstairs. It is predominantly in the former bar and restaurant areas that I have spent time socialising with Mark, his partner and his family*'. It is not uncommon for dwellings to have guestrooms. However, guestrooms existed as a part of the ancillary residential accommodation to the principle public house use. Furthermore, as the premises were not open to the public, it would not be unreasonable for the occupiers and their visitors to make use of all the space and facilities available at the times Mr Bramall stayed.
51. The Council Tax Demand Notices and the Council Tax Bills provided cover the period 16 October 2017 to 31 March 2024 and show the postal address for this correspondence to be that of the appeal site. They confirm that they apply to the appeal site, which is a Band C property, and they are addressed to the appellant. The Account Reference for the appeal site is the same on each Council Tax document. These do demonstrate that there has not been any change to the Council Tax arrangements for the use of the appeal property throughout the period they cover.
52. Similarly, the Non-Domestic Rates bill, dated 13 March 2019, covers the period 1 April 2019 to 31 March 2020. This is addressed to the appellant at the appeal site address and confirms it applies to this property. It identifies the property as 'PUBLIC HOUSE AND PREMISES'. It also confirms that transitional relief for the period and small business relief were applicable, bringing the amount payable to £0. This shows that non-domestic rates were payable on the property throughout the financial year 2019/2020, including at the material date of 7 June 2019. There is nothing before me to show when or even if non-domestic rates have ceased to be chargeable on the property.
53. During the period August 2018 to March 2022 the property was marketed by three different agents. The marketing brochures describe and/or provide floor plans showing the appeal site as having bar, dining, letting and managers accommodation, as well as ancillary facilities including ground floor kitchen, separate food preparation area, customer toilets, beer garden. The first-floor accommodation is described differently within the brochures, some referring to it as 'private accommodation' but also identifying a large double bedroom/studio with utility kitchen/kitchenette and en-suite shower room/WC.

The marketing information offers no support to the planning unit being in use as a single dwelling on or before the material date.

54. While the photographic evidence shows when some works were carried out, not all works are documented. These works could also have been undertaken to bring the building up to a marketable condition as some were carried out before the property was first marketed in August 2018. Furthermore, two of the marketing companies were not appointed until September and December 2020 yet their brochures show the customer toilets to still be present. This conflicts with Mat Penny's email which claims they were removed in 2018 and, potentially, the appellant's claim that the customer toilets were decommissioned in 2018.
55. The appellant's own emails to the Council, dated 21 April 2020 and 28 February 2021, do not corroborate the evidence later provided in their SD. These emails further demonstrate the appellant's intention to facilitate the continued use as a public house with ancillary residential accommodation. While intention is not determinative, it is a contributing factor in this case as residential accommodation, capable of providing facilities for day-to-day domestic existence, already existed prior to the appellant's occupation.
56. From the evidence before me, it is more likely than not that the public house use was inactive when the appellant purchased the appeal site. The appellant's evidence is clear that he intended to re-instate the public house use following extensive renovations. The appellant understood that planning permission would be required to change the use to some other use such as a dwelling. To that end the appeal site was marketed for public house use throughout August 2018 to March 2022. During this period, it would seem more likely than not that the public house use remained temporarily inactive.
57. The planning unit now no longer retains any of the characteristics or facilities of the public house use. However, it has not been unambiguously or precisely shown when that public house ceased being temporarily inactive and was instead abandoned or superseded by a primary residential use. To add further ambiguity, the SD states '*Also that year [2018], the upstairs kitchen and utility were re-configured (sic) as a guestroom/annex*'. Neither the appellant nor the Council has commented on what purpose this guestroom/annex serves or whether the planning unit has been subdivided to create two planning units as a consequence of the creation of the guestroom/annex.
58. Having regard to all the available evidence, I find the appellant's evidence to be imprecise and ambiguous. For this reason, the appellant has failed to show, on the balance of probability, that the use of the whole planning unit has been used as a single dwelling for a continuous period of 4 years starting on or before the material date.

Conclusion

59. For the reasons given above I conclude that the Council's refusal to grant an LDC in respect of the use of the whole property as a single dwelling was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Formal Decisions

Appeals A and B

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

In section 2 THE LAND AFFECTED, the deletion of the words 'The land situate and known as'.

Subject to this correction, appeals A and B are allowed, and the enforcement notice is quashed.

Appeal C

61. The appeal is dismissed.

M Madge

INSPECTOR