



Appeal Decisions

Site visit made on 23 April 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 APRIL 2025

Appeal A Ref: APP/N0410/C/23/3321792

Appeal B Ref: APP/N0410/C/23/3321793

Appeal C Ref: APP/N0410/C/23/3321794

St Andrews House, Wood Lane, Iver, Buckinghamshire, SL0 0LD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Mr Sanjeev Gill, Appeal B is made by Mr Sunil Gill, and Appeal C is made by Mrs Meena Gill, against an enforcement notice issued by Buckinghamshire Council.
 - The notice was issued on 31 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, a material change of use to a (sui generis) mixed use, comprising residential use and the commercial short term parking of vehicles and integral to that use, the laying of hardstanding.
 - The requirements of the notice are to 1. cease the use of the Land for the short term parking of vehicles; 2. remove all vehicles brought onto the Land in connection with the unauthorised element of the mixed use from the Land; 3. rip up and remove the hardstanding shown in the approximate position hatched on the attached plan, and 4. remove from the land (shown in thick black line under appendix A) all materials and debris resulting from complying with steps 1 to 3 of this notice.
 - The period for compliance with the requirements is 2 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since appeals have been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.
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Decisions

1. It is directed that the enforcement notice is varied by (1) the deletion of the words *"Remove all vehicles, brought onto the Land in connection with the unauthorised element of the mixed use, from the Land"* in section 5(2) and their substitution with the words *"Remove all vehicles brought onto the Land in connection with the commercial short-term parking of vehicles"*, and (2) the deletion of the words *"within 2 months of this Notice taking effect"* in section 6, and their substitution with the words *"Requirements 5(1) and 5(2) - within 2 months of this Notice taking effect, and Requirements 5(3) and 5(4) - within 3 months of this Notice taking effect"*. Subject to the variations, the appeals are dismissed, the enforcement notice is upheld, and planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. The National Planning Policy Framework was revised in December 2024 and was subsequently amended on 7 February 2025 (the 2025 Framework) to correct cross-references from footnotes 7 and 8 and to amend the end of the first sentence of paragraph 155 to make its intent clear. The 2025 Framework replaces the previous version of the National Planning Policy Framework published in December 2023. I afforded the main parties an opportunity to make comments in

respect of the implications arising from the 2025 Framework and in particular changes made to Green Belt policy. I have considered comments made as part of the determination of the deemed planning application made under ground (a) of section 174(2) of the Act.

Ground (d) appeals

3. An appeal made on ground (d) is that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. In an appeal against an enforcement notice on ground (d), the burden of proving relevant facts is on the appellant, and the relevant test of the evidence is on the balance of probability.
4. The appellants' claim on ground (d) is that the short-term commercial parking of the vehicles component of the mixed use commenced in 2012 in association with the business known as Happy Days Meet and Greet. This company began trading in January 2012 and the evidence is that it operates a car parking service for those using Heathrow Airport.
5. The car parking business was in a different ownership between 2012 and 2019. The owner at this time, Mr Ali Ahmet Kanat, has provided a statutory declaration and in it he says that he used the appeal land for the short-term parking of vehicles as an '*overspill*' car parking facility when the site at 1 Meadow Cottage, Trout Road, West Drayton, was at capacity. He says that the appeal site was used on an ad-hoc basis, but on average with 10-30 cars parked weekly. The statement of case says '*Mr Ali Ahmet Kanat, as per his sworn testimony in appendix 4, began sending his 'overflow' parking to St Andrews House in 2012. At first this varied and was on an infrequent basis*'.
6. The appellants have provided data to show that Happy Days Meet and Greet has had a steady flow of customers from 4 January 2012 until the date of the issued notice. While this is noted, there is no evidence to suggest that the bookings related to the parking of vehicles on the appeal land as distinct from elsewhere including the site at West Drayton.
7. In addition to the above, a statutory declaration has been submitted by Mr Arfan Chaudry who says that he used the site for the parking of cars in association with his car buying/selling business, as well as in association with Accident Victims Helpline Limited. He claims that when he visited the site, the number of vehicles on the land would vary. This is not substantiated with any objective evidence of car parking on the land. Moreover, Mr Arfan Chaudry comments that '*the time those cars spent on site would vary and depend on the interest I would receive for sale and when I could find my own parking arrangements*'. This suggests to me that even if Mr Arfan Chaudry did use the land for car parking purposes, this did not occur all the time as his comment suggests that he sometimes found his own car parking arrangements elsewhere. This casts doubt over any claim made in respect of a continuous car parking use as part of the mixed-use breach of planning control.
8. The appellants have submitted aerial photographs dated June 2013, June 2015 and March 2017. None of these photographs include parked vehicles on the hardstanding land as identified hatched on the plan appended to the notice. However, the appellants refer to the existence of tyre tracks and degraded land on this part of the appeal site. The appellants claim that this corresponds with the

statutory declarations which state that the land has been used for short-term commercial car parking purposes.

9. The appellants comment that aerial images are not provided for 2020 and 2021 as they show '*less cars*' due to the Covid-19 Pandemic. I do not know if these images show any cars at all as no images have been provided. It is notable that a previous Inspector who visited the site on 26 November 2020 (see below) commented that '*the area was empty of cars*'.
10. The appellants point out that it would not be reasonable to factor in any possible interruption to the use of the land for short term commercial car parking when the Covid-19 Pandemic restrictions were in place. I am not aware of any case law which supports the contention that interruptions to the continuity of an unauthorised use arising from the Covid-19 Pandemic should be disregarded. The onus is on the appellants to make their case on the legal grounds of appeal and that includes referring to any relevant court judgements should any be relevant to the case in hand.
11. In this case, I do not have any visual or other clear objective evidence to demonstrate that the unauthorised car parking component of the mixed use was occurring in 2020 or 2021, and hence that the local planning authority (LPA) could have taken enforcement action during these times. The Courts have held that a use can only become lawful if it continues throughout the relevant immunity period, such that the LPA could have taken enforcement action at any time. To be immune from enforcement action, the use must be '*affirmatively established*' over the relevant immunity period.
12. The evidence from Mr Ali Ahmet Kanat is that '*at first*' the overflow parking was '*varied*' and '*on an infrequent basis*'. The evidence is not precise in terms of what '*at first*' means, and the words '*varied*' and '*infrequent*' do not suggest to me continuity of the unauthorised mixed use with respect to the commercial car parking component. This evidence casts sufficient doubt about any such claim.
13. Moreover, it is surprising that in the context of Mr Ali Ahmet Kanat saying that the appeal site was used on an ad-hoc basis, but on average with 10-30 cars parked weekly between 2012 and 2019, there is no evidence of any vehicles being parked on the cross hatched land in the aerial images dated 6 June 2013, 4 June 2015, and 25 March 2017. I recognise that these aerial images are snapshots in time. However, they are nonetheless three snapshots in time over three different years. In my judgement, they cast doubt over the claims made about the continuity of the mixed use between 2012 and 31 March 2023 (i.e., the date of the issued notice). I do not find that the aerial photographs provide precise and unambiguous evidence of any commercial car parking in association with Happy Days Meet and Greet, or indeed in association with the business operated by Mr Arfan Chaudry.
14. While the appellants state that the above aerial images may not show the parking of commercial vehicles, they nonetheless point to the existence of what is said to be tyre tracks and the degradation of part of the land. I cannot be certain on the available evidence whether in fact the tyre tracks and the degradation of part of the land relate to the historic use of the land for commercial car parking purposes. The land may for example have been used for the parking of vehicles in association with the residential use of the land, or perhaps for some sort of storage as distinct from a car parking use.

15. The above is not a determinative matter in any event. This is because the point is that the aerial photographs do not sufficiently demonstrate the commercial parking of vehicles and hence, and at this time, the LPA could not have taken enforcement action. In other words, I do not find that the LPA could have taken enforcement action on these three separate occasions based solely on the existence of tyre tracks or the degradation of part of the land. The Courts have held that a use can only become lawful if it continues throughout the relevant immunity period, such that the LPA could have taken enforcement action at any time.
16. For the collective reasons outlined above, and, on the balance of probability, I do not find that the evidence before me is sufficiently precise and unambiguous to demonstrate a continuous ten years residential and commercial short-term parking of vehicles mixed use. Consequently, I conclude that the breach of planning control is not immune from enforcement action and is therefore unlawful.
17. The dated aerial photographic evidence shows that the hardstanding was formed between June 2018 and June 2019. The notice was issued on 31 March 2023. The appellant does not provide precision in terms of the date when the hardstanding was substantially complete. This would have been relevant had the notice related to unauthorised operational development, as distinct from an unauthorised material change of use with an ancillary hardstanding. In this case, the evidence is that the hardstanding was formed as being ancillary to the commercial short-term parking of vehicles component of the unauthorised mixed use. The more recent aerial photographs and drone images show a very significant number of vehicles parked on the hardstanding land that is shown as cross hatched on the plan appended to the notice.
18. I find that the hardstanding is not causative or fundamental to the commercial short-term parking vehicles component of the unauthorised mixed use of the land. Indeed, the unauthorised mixed use of the land could occur without the hardstanding. Case law¹ has determined that in this regard, and, irrespective of whether the hardstanding was substantially completed more than four years ago, it can nonetheless be required to be removed. In this case, the hardstanding is an ancillary or a subsidiary element to the material change of use.
19. For the above reasons, I conclude that the ground (d) appeals fail.

Ground (a) appeals and the deemed planning applications

Main Issues

20. The appeals made under ground (a) of section 174(2) of the Act are that planning permission ought to be granted in respect of the breach of planning control alleged in the notice.
21. I have considered the reasons for issuing the enforcement notice and the main issues are (i) whether the breach of planning control constitutes inappropriate development in the Green Belt; (ii) the effect of the breach of planning control on the living conditions of the occupiers of neighbouring properties, including St Andrews House, by reason of vehicular movements and comings and goings; and, (iii) if the breach of planning control is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is

¹ Caldwell & Timberstore Ltd v SSLUHC and Buckinghamshire Council (2024) EWCA CIV 467

clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

Whether inappropriate development in the Green Belt

22. It is not clear from the evidence whether the whole of the land to which the notice relates amounts to the curtilage of St Andrews House. The appellant makes the point that the notice does not require the residential element of the mixed-use breach of planning control to cease and hence the whole of the land would have a residential use under section 173(11) of the Act if the notice were to take effect and there was compliance with its requirements. In considering whether the whole of the appeal site is previously developed land, as defined in annex 2 of the 2025 Framework, it would be necessary for me to consider whether the majority of the vehicles that have been parked on land fall within the curtilage of St Andrews House. Curtilage is not a use and to this extent section 173(11) of the Act is not relevant.
23. For the purposes of this deemed planning application, I have assumed that the whole of the land to which the notice relates does fall within the curtilage of St Andrews House. I emphasise, however, that curtilage is a concept which needs to be considered with reference to relevant court judgements. A very detailed assessment of the curtilage of St Andrews House is not before me from either of the main parties. Nonetheless, the appellant considers that the whole of the land to which the notice relates does form part of the curtilage of St Andrews House.
24. For the purpose of determining this appeal, and, on the basis that I do find that the whole of the appeal site is previously developed land, paragraph 154(g) of the 2025 Framework is therefore of relevance as a Green Belt exception. However, this exception requires development to *'not cause substantial harm to the openness of the Green Belt'*. I find that while the land is well screened from public views owing to boundary vegetation, the evidence is that when the notice was issued a very significant number of vehicles were being parked on the land (well over 100 vehicles based on the drone images provided by the LPA). It was agreed on my site visit that there were currently about 130 vehicles parked on the land in association with the commercial short term parking business. There was space on the site to accommodate substantially more than 130 vehicles.
25. While I accept that the parking of vehicles is an intermittent use, the evidence is that large numbers of vehicles have been parked on the land at any one time. The evidence is that some of the vehicles may remain on the site for many days, or sometimes weeks. Moreover, even if the whole of the land fell within the curtilage of St Andrews House, the number of vehicles being parked on the land for commercial car parking purposes far exceeds what would likely be parked on the land in connection with use of the land as a dwellinghouse, or which would be ordinarily incidental to the use of the land as a dwellinghouse. In my judgement, the level of short-term commercial car parking has had a substantially adverse impact on the openness of the Green Belt in spatial terms.
26. I accept that the appeal land is well screened by boundary vegetation. However, it is important to emphasise that such vegetation will not endure forever. I accept that a condition could be imposed requiring the existing boundary landscaping to be permanently retained, or replanted if it is destroyed, dies or becomes diseased.

Even accounting for this, I find that the overall adverse impact of the development on the openness of the Green Belt is still substantial.

27. The appellant maintains that the hardstanding preserves the openness of the Green Belt when considered in isolation. However, the evidence is that the very extensive hardstanding was formed in association with the unauthorised material change of use of the land, and particularly the commercial short-term car parking element. It is its associated ancillary use for the parking of significant numbers of vehicles which results in a substantial adverse impact on the openness of the Green Belt in spatial terms.
28. In reaching the above finding, I note the appellants' comment that the parked vehicles will have previously used roads within the Green Belt. There is a difference between the parking of vehicles on the land which is associated with development requiring planning permission and the use of roads within the Green Belt which does not amount to development requiring planning permission. This is not a matter which alters or outweighs my finding on this matter. I also note that the appeal site is surrounded by existing development including dwellings and open land associated with a sports centre. However, the point is that even accounting for surrounding development, I find that the unauthorised parking of a significant number of vehicles causes substantial harm to the openness of the Green Belt.
29. The appellants comment that it is open to me to consider imposing a limit on the number of vehicles that could be parked on the land so that the openness of the Green Belt could be preserved. The appellants have not suggested a specific limit on the number of vehicles that might be parked on the land or provided me with an alternative scheme which shows a car parking layout and/or a reduced area of hardstanding. It is not for me to make the appellants' case, or to search around for an acceptable modification to the unauthorised development where none is proposed. Moreover, I have not been provided with sufficient evidence to demonstrate if or how any such a condition would be enforceable. Given that the appeal site is currently well screened from public view and includes vehicle parking associated with use of the land as a dwellinghouse, I find that there would be some practical difficulties for the LPA in terms of enforcing any such condition.
30. Overall, I find that the short-term commercial parking of vehicles has resulted in substantial harm being caused to the openness of the Green Belt. Therefore, the breach of planning control does not meet the requirements of exception 154(g) of the 2025 Framework.
31. I have considered whether the exception in paragraph 154(h)(v) is relevant in respect of the unauthorised development. The exception states that '*material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)*' are not inappropriate development in the Green Belt '*provided they preserve its openness and do not conflict with the purposes of including land within it*'.
32. In the judgement of Royal Borough of Kingston upon Thames v SSLUHC [2023] EWHC 2055 (Admin), the judge confirmed that residential uses do not fall within this exception. Furthermore, it was held that it is not an open-ended category, but rather, because of the words "such as", the uses that will be within it should take their flavour or extent from the examples given. The breach of planning control

relates to a mixed use including a residential component. Moreover, it includes the short-term commercial parking of vehicles. I do not find that paragraph 154(h)(v) is relevant in respect of the breach of planning control because it is not reflective of the examples given. Even if paragraph 154(h)(v) were relevant, the unauthorised development, facilitated by the laying of extensive and ancillary hardstanding, does not preserve the openness of the Green Belt for the reasons outlined above.

33. Furthermore, and noting that the site is well screened from public views, I nonetheless find that owing to what can be a significant number of vehicles being parked on the land at any one time, coupled with the very large and ancillary hardstanding area, the mixed-use development has led to encroachment into the countryside. The evidence is that prior to the unauthorised development taking place, the land did not include significant parked vehicles. In addition, most of the land was laid to grass rather than including a very engineered and extensive ancillary hardstanding area.
34. Finally, I have considered whether the unauthorised development meets the exception as laid out in paragraph 150 of the 2025 Framework. In this case, it is necessary that the requirements of paragraph 150(a), (b) and (c) are all met for the appeal development to not be inappropriate development in the Green Belt.
35. I have considered the Council's assessment as to whether the land constitutes Grey Belt Land from the point of view of it strongly contributing to the Green Belt purposes identified in paragraph 143(a), (b) and (d) of the 2025 Framework. In reaching my finding, I have also considered the policy advice about this matter as contained in the Planning Practice Guidance. It is noteworthy that the Council correctly comments that Iwer is a collection of villages and that the Green Belt purpose in paragraph 143(b) of the 2025 Framework relates to towns merging and not villages.
36. The land is, by definition, Grey Belt land. Moreover, I agree with the Council's assessment that the unauthorised development has not fundamentally undermined the purposes (taken together) of the remaining Green Belt across the area of the plan.
37. The breach of planning control comprises a mixed residential and car parking use within one planning unit. There is no evidence before me to demonstrate that there is a demonstrable unmet need for the type of development proposed, i.e., the unauthorised mixed use. I do not find that the mixed use can be disaggregated in terms of applying paragraph 155(b) of the 2025 Framework. To do so would amount to a different breach of planning control. Even if it was appropriate to do this, I do not find that the appellants' evidence demonstrates that there is a demonstrable unmet need for short term commercial car parking in association with the use of the nearby airport.
38. The appellants' evidence of bookings and/or overflow car parking is not in itself evidence of a demonstrable unmet need for short term commercial car parking. It is perhaps evidence that customers want to use the facility, but it does not necessarily mean that there are not enough car parks in the area or that what does exist are always at full capacity. Moreover, I note the appellants' evidence that the grant of planning permission for the re-development of Court Lane Industrial Estate² would result in loss of five hundred airport car parking spaces. There is no

² Planning application APP/N0410/W/24/3337981

evidence before me to indicate that this planning permission has been or will be implemented and, in any event, this does not in itself indicate that there is a demonstrable unmet need for short term commercial car parking spaces in the area based on overall customer needs. Furthermore, I would have expected need to have been also considered in the context of any sustainable car parking strategy for Heathrow Airport and no such information or assessment is before me.

39. In addition, the appellants refer to car parking on the grass verges/roadside at the southern end of Langley Park Road. I cannot be certain if all vehicles parked in this area (or indeed elsewhere) relate to drivers and passengers who are using Heathrow Airport. Furthermore, it remains possible that if there are people using public land elsewhere in association with the use of Heathrow Airport, they are doing so because it does not cost them money, rather than because there is a demonstrable unmet need for short term commercial car parking spaces in the area.
40. I acknowledge that the car parking facility at St Andrews House does appear to be being used by members of the public and that it may, for example, offer competitive prices in relative terms. However, that is not the same as showing that there is a demonstrable unmet need for the type of development proposed.
41. For the above reasons, I conclude that the breach of planning control does not meet the exception in paragraph 155(b) of the 2025 Framework.
42. I have considered whether the unauthorised development would be in a sustainable location with particular reference to paragraphs 110 and 115 of the 2025 Framework and hence whether the exception in paragraph 155(c) of the 2025 Framework is met. The appeal site is located within an area of countryside and is away from Heathrow Airport. The development is significant, and the evidence does not indicate that there is a genuine choice of sustainable transport modes close to the site. The evidence is that car parking bookings take place in advance and the nature of the business is that customers drive their vehicles to the site. I understand that customers are then transported to the nearby airport in a vehicle or can be transported to train stations depending on what is requested.
43. The appeal land is not located close to Heathrow airport. The appellants refer to a '20-minute drive'. Unlike, for example, car parking at or adjacent to the airport, it is necessary to undertake multiple trips and over some distance in relative terms with reference to dropping off or picking up vehicles and/or customers. The appeal site is not adjacent to a train station and so further trips in vehicles would be needed even if customers were to reach the airport using the train.
44. The appeal site is positioned in a countryside location and allowing the development to continue would have the effect of encouraging more members of the public to visit the airport using private motor vehicles, as distinct from using more sustainable modes of transport such as the bus or train, or to park in a location where further travel by private motor vehicles would be minimised. I do not therefore find that the short-term commercial car parking element of the mixed use ensures that sustainable transport modes are prioritised.
45. For the above reasons, and, on the evidence that is before me, I do not find that the unauthorised development is in a sustainable location. Consequently, the development does not meet the requirement of paragraph 155(c) of the 2025 Framework. I accept that this matter did not form part of the reasons for issuing the

notice. However, an assessment of whether the site is in a sustainable location is required when considering the unauthorised development against paragraph 155 of the 2025 Framework.

46. For the above reasons, I conclude that the breach of planning control is inappropriate development in the Green Belt. This is a matter to which I afford substantial adverse weight in decision making terms. The development does not accord with the Green Belt requirements of chapter 13 of the 2025 Framework, and policies GB1 and GB4 of the adopted 1999 South Bucks District Local Plan (Consolidated in September 2007 and February 2011) (LP).

Living Conditions

47. The appellants acknowledge that the unauthorised development results in a *'significant number of traffic movements along the lay-by'*. The appellant goes on to say that conditions could be imposed relating to limits on hours of operation and the number of vehicles parked on the land. As per my reasoning above, the appellant has not provided any details (including an alternative scheme) relating to a restriction on the number of vehicles that might be parked on the land and, in any event, I am not persuaded that such a condition would be enforceable.
48. It is notable that a car parking 'storage' facility was considered on the same site on appeal in 2020³. While the Inspector commented that the area was empty of cars at his site visit, he nevertheless commented that *'the appellant says that there are typically between 70-100 cars stored and that the site is full for about half of the month'*.
49. The appeal land sits at the end of a quiet, narrow, rural lane that also provides access to a small number of neighbouring residential properties. While the 2020 appeal development may not be entirely the same as that which is the subject of this appeal, the Inspector's reasoning is nonetheless a material planning consideration. There are, in any event, similarities with the development which is the subject of this appeal in so far that the 'storage' was proposed to be short term. Unlike the breach of planning control where customers drive to the site, the 2020 appeal development was to make use of a vehicle carrier.
50. I find that the evidence is that the 2020 appeal development was not likely to include the same number of vehicular trips and movements along the lane given the use of a vehicle carrier. Despite this, the Inspector concluded *'I consider that the number of trips associated with the development and introduction of large vehicles will be likely to harm the living conditions of neighbours by reason of increased noise, vibration, smell, pollution and disturbance'*.
51. While the appeal development does not include the use of large vehicles, in my judgement the number of trips associated with the breach of planning control has the potential to be significant in the context of what is otherwise a relatively peaceful residential environment in a countryside location. The previous Inspector also raised concerns about *'the number of trips associated with the development'*. I consider that the number of vehicular comings, goings and trips associated with the breach of planning control has/would lead to material harm being caused to the way that residents experience the otherwise more lightly trafficked and peaceful

³ APP/N0410/W/20/3247363 Change of use to have parking storage on site. The storage is for short terms parking facilities for cars varying from 1-3 weeks. Dismissed on 10 December 2020.

lane when leaving or returning to their homes. This harm would be particularly apparent for the occupiers of Sunny Meadow which is adjacent to St Andrews House and where the respective access points are near one another.

52. I acknowledge that the neighbouring dwellinghouses do not immediately front the lane. However, I find that residents would nonetheless find a noticeable audible change in terms of the increased frequency of vehicular movements and trips within the lane if the development were approved. Such a negative impact would include noise from the revving of engines when experienced from parts of the outside amenity spaces associated with the dwellinghouses off the lane. Moreover, there is an absence of pull-ins or lay-bys along the lane. Hence, I find that it is likely that there would be an increased need for reversing movements in this road, given on-coming vehicles, which in relative terms would be to the detriment of the living conditions of neighbouring residents.
53. I accept that the appeal site can be lawfully used as a dwellinghouse. However, the number of vehicular movements, trips, and comings and goings, associated with use of the land as a dwellinghouse is not the same as the mixed residential and commercial use.
54. While I accept that it may be possible to limit the hours of use of the commercial element of the unauthorised mixed use, this would still lead to harmful impacts in the day. In any event, it would be difficult for the LPA to determine whether vehicular trips were associated with the lawful use of the St Andrews House as a dwellinghouse, as distinct from the short-term commercial car parking. Therefore, I have my doubts about the enforceability of an hours of use condition.
55. In addition to the above, I am concerned about the impact of the movement of vehicles and general comings and goings on the occupiers of St Andrews House given the close relationship and juxtaposition. I accept that this may not be a concern to the current occupiers of St Andrews House, but paragraph 135(f) of the 2025 Framework states that developments should ensure a high standard of amenity for existing and future users. The appellant has suggested the imposition of a personal condition which would mean that the dwellinghouse and commercial short-term car parking could only co-exist if both were occupied/used by the appellant and his family. In this regard, I am satisfied that this harm could be addressed by planning condition.
56. While I am satisfied that harm to the occupiers of St Andrews House could be suitably controlled in terms of the imposition of a condition, I do not find that the unauthorised development has an acceptable impact on the occupiers of other neighbouring properties in terms of noise, disturbance and the otherwise peaceful enjoyment of the lane. In this regard, I conclude that the development does not accord with the amenity requirements of policies EP3 and TR5 of the LP, and chapter 12 of the 2025 Framework.

Other Considerations

57. The appellants state that hardstanding could be formed within the curtilage of St Andrews House without the need for planning permission and that this therefore constitutes a fall-back position. The breach of planning control relates to a material change of use of the land and not to operational development. The evidence is that the hardstanding was formed to facilitate the unauthorised material change of use of the land. I cannot be certain on the limited evidence that is before me

whether the hardstanding that has been formed falls within the curtilage of St Andrews House. Even if it did, I do not know if such an extensive hardstanding would likely be formed on the land in connection with the primary use of the land as a dwellinghouse.

58. While there is a greater than theoretical possibility of that happening, if such land did in fact fall within the curtilage of St Andrews House, the evidence does not support the likely prospect of that happening, as a fall-back position, if the ancillary hardstanding were to be removed. Indeed, the appellants do not provide any evidence as to why such an extensive hardstanding would be needed in association with the primary use of the land as a dwellinghouse. I therefore afford this matter only limited weight in decision making terms. It does not alter or outweigh my conclusions in respect of the main issues. I return to this matter again as part of the ground (f) appeal below.

Planning Balance and Conclusion

59. The development constitutes inappropriate development in the Green Belt. I afford this matter substantial adverse weight in the planning balance. Moreover, harm has been caused to the living conditions of the occupiers of dwellinghouses positioned off the lane and outside of the appeal site. I have also concluded, as part of my Green Belt main issue, that the appeal site is not in a sustainable location. I have considered whether any of the harms would be capable of being mitigated by planning condition. On the evidence that is before me, I do not find that such harms could be suitably controlled by condition. Overall, I conclude that the harm by reason of inappropriate development in the Green Belt, and the other identified harms, is not clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development. Therefore, the ground (a) appeals fail.

Ground (f) appeals

60. An appeal made under ground (f) is 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 or to remedy any injury to amenity which has been caused by any such a breach.
61. The appellants raise concern about the wording of section 5(2) of the notice which states *'remove all vehicles, brought onto the Land in connection with the unauthorised element of the mixed use, from the Land'*. The Land includes a dwellinghouse. There is no suggestion that the dwellinghouse is unlawful and, in fact, the notice does not seek to prohibit residential use of the Land. I do not find that requirement 5(2) is precise or reasonable. Indeed, it is likely that some vehicles will be owned by the occupiers of the dwellinghouse. The way that requirement 5(2) is worded may suggest that such vehicles must be removed. That would clearly be unreasonable in the context of use of St Andrews House as a dwellinghouse.
62. I shall therefore vary section 5(2) of the notice, without injustice being caused to the main parties, by deleting all the words and replacing them with *'Remove all vehicles brought onto the Land in connection with the commercial short-term parking of vehicles'*.
63. The appellants contend that the hardstanding should not be removed as it would be permitted development as a fall-back position under Class F of Part 1 of Schedule

2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). As outlined earlier, the evidence is that the hardstanding facilitated the unauthorised material change of use of the land and, in particular, the commercial short-term parking of vehicles component of the mixed use.

64. The hardstanding is an ancillary or a subsidiary element to the unauthorised material change of use. The evidence is that it was not formed with the express purpose of being used in connection with the use of St Andrews House, but rather for short-term commercial car parking purposes as part of a mixed use within a single planning unit. It is not the case that the material change of use could only have occurred because of the laying of the hardstanding. I find that the hardstanding is not fundamental or causative of the material of change of use and I reach this conclusion despite the comment made by the LPA that *'the change of use could not have occurred without the hardstanding on the land, because the vehicles would have nowhere to park'*. It is clearly not the case that vehicles have to have a hardstanding to be parked. The appellants presumably accept this point in so far that their case on ground (d) of section 174(2) of the Act is that the same land had been used for the parking of vehicles when it did not contain a hardstanding.
65. Even if I had been able to consider the hardstanding as cross hatched on the plan appended to the notice as a separate act of development, it would not have been permitted development under Class F of Part 1 of Schedule 2 of the GPDO. This is because the evidence indicates that it was not formed as a hard surface incidental to the enjoyment of a dwellinghouse.
66. The purpose of the notice is to remedy the breach of planning control by ceasing the commercial short-term parking of vehicles and by removing hardstanding which is ancillary to the material change of use of the land. Hence, the steps in the notice are not excessive. However, to the extent that I shall vary requirement 5(2) of the notice, I conclude that the ground (f) appeals succeed.

Ground (g) appeals

67. An appeal made on ground (g) is that the period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.
68. The appellants state that the commercial operation handles private property (i.e., private cars) and that it provides terms and conditions which are entered into with each customer. While it is likely that some sort of contractual arrangement takes place when a booking is made, the appellants have not provided me with the terms and conditions of any such contract.
69. The appellants comment that it is not uncommon to have bookings *'in excess of three weeks'*. I have no reason to doubt that customers do sometimes want to leave their cars on the site for a few weeks (perhaps when they are on holiday). In this context, I find that while the evidence indicates that a compliance period of two months is reasonable in terms of ceasing the land for the commercial short-term parking of vehicles and removing all vehicles in connection with the commercial short-term part of vehicles, I nonetheless find that it would be reasonable and proportionate to afford additional time in respect of the removal of the identified hardstanding.

70. I shall therefore vary section six of the notice so that in terms of steps 5(1) and 5(2) there is a compliance period of two months, and for steps 5(3) and 5(4) there is a compliance period of three months. While I have decided to extend the compliance period in part, I do not find that the appellants' requested six-to-eight-month compliance period has been reasonably substantiated.
71. To the extent that the compliance period is varied, I conclude that the ground (g) appeals succeed.

Conclusions

72. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act (as amended).

D Hartley

INSPECTOR