



Appeal Decisions

Site visit made on 23 April 2025

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04th June 2025

Appeal A Ref: APP/B2355/C/23/3321887

Appeal B Ref: APP/B2355/C/23/3323147

Appeal C Ref: APP/B2355/C/23/3323150

Appeal D Ref: APP/B2355/W/23/3321885

Land at Irwell Vale, Helmshore, Rossendale, Lancashire, BL0 0QP

- **Appeal A** is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr N Magee against an enforcement notice (Notice 1) issued by Rossendale Borough Council.
- The notice was issued on 6 April 2023.
- The breach of planning control as alleged in the notice is 'Without the benefit of planning permission, operational development has taken place on Green Belt Land as materials have been imported, temporary buildings have been installed and structures have been erected on the land'.
- The requirements of the notice are to: Permanently remove all the temporary structures from the Land; permanently remove all the imported materials from the Land; permanently remove all the steel containers from the Land; return the Land back to its original state before the unauthorised works commenced as evidenced in the photograph enclosed herewith marked "Photo 1".
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The enforcement notice is quashed

- **Appeal B** is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr N Magee against an enforcement notice (Notice 2) issued by Rossendale Borough Council.
- The notice was issued on 25 April 2023.
- The breach of planning control as alleged in the notice is 'Without the benefit of planning permission, there has been a material change of use of the Land comprising residential accommodation by siting a static caravan on Greenbelt land and operational development has also taken place on the Land'.
- The requirements of the notice are to: 1 Cease the use of the static caravan as a dwellinghouse. 2 permanently remove the static caravan from the site. 3 permanently remove all temporary structures from the Land. 4 permanently remove all the imported materials from the Land. 5 permanently remove all associated structures in relation to the residential use. 6 permanently remove all hardstanding associated with the residential use of the site.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The enforcement notice is quashed

- **Appeal C** is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr N Magee against an enforcement notice (Notice 3) issued by Rossendale Borough Council.
- The notice was issued on 25 April 2023.
- The breach of planning control as alleged in the notice is 'Without the benefit of planning permission, the use of the Land has been materially changed to a commercial use by storage and selling of logs on the Land within a Greenbelt area including the creation of hardstanding to store logs'.
- The requirements of the notice are to: 1. Permanently cease the use of the Land for commercial purposes. 2. Permanently remove all associated items and structures in connection to the business that is being operated from the Land. 3. Remove all hardstanding areas associated with the business.

- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The enforcement notice is quashed

Land to the North of Milne Street, Rossendale, Bury, Lancs, BL0 0QP

- **Appeal D** is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr N Magee against the decision of Rossendale Borough Council.
- The application Ref is 2022/0485.
- The development proposed is 'A part retrospective application for the removal of existing temporary structures, creation of an agricultural yard and the erection of an agricultural building'.

Summary Decision: The appeal is dismissed

Decisions

1. **Appeal A** – the enforcement notice is quashed.
2. **Appeal B** – the enforcement notice is quashed.
3. **Appeal C** – the enforcement notice is quashed.
4. **Appeal D** – the appeal is dismissed.

Preliminary Matters

5. As set out above there are 4 linked appeals. Appeals A, B and C involve enforcement notices all relating to the same land described as Land at Irwell Vale, Helmshore. The address for Appeal D was described as 'Land to the north of Milne Street, Rossendale'; however, the Council's Decision Notice corrects this to identify the location of the proposed development as 'Land to the south of Milne Street, Ramsbottom'. This coincides with part of the Land subject of Appeals A, B and C. As a more accurate description of the location, I have relied on the revised address.

Appeals A, B and C - The Notices

6. Section 176 of the Act requires me to consider the status of the enforcement notices and whether any defect, error or misdescription could be corrected, or its terms varied, without injustice to the appellant or the local planning authority.

Appeal A: Notice 1 – Operational Development

7. Section 173(2) of the Act states that a notice complies with Section 173(1)(a) if it enables any person on whom a copy of it is served to know what those matters are. If an enforcement notice does not comply with section 173(1)(a) of the 1990 Act, it is null and it cannot be saved by the powers of correction available under section 176(1).
8. In the case of *Miller-Mead*¹ it was held that the test is namely whether the enforcement notice tells the recipient fairly what they have done wrong. The enforcement notice must inform the recipient with *reasonable certainty* what the breach of planning control is.

¹ *Miller-Mead v MHLG* [1963] 2 WLR 225

9. In *Oates*² the High Court set out relevant principles in respect of the matter of nullity. Some degree of uncertainty or other defect in the relevant section of the notice does not mean there is non-compliance with section 173(1). Whether a defect renders the notice null must be viewed in the context of: the importance or otherwise of that particular part of the enforcement notice; whether the defect is bound up with the remainder of that section; and, whether the enforcement notice would be valid in the absence of that defect. It is open to me to conclude that whilst part of the relevant section of the notice is uncertain, the notice as a whole complies with the statutory requirements and the offending part can be deleted without rendering the remainder of the notice null. Finally, *Oates* established that the Inspector should approach the exercise in a way which is not unduly technical or formalistic.
10. The allegation in the Notice refers to the importation of materials, temporary buildings installed, and structures erected on the Land. While a reference to the materials forming a hardstanding provides some clarification in the Reasons for Issuing the Notice, that section of Notice 1 proceeds to conclude a policy assessment in relation to a material change of use.
11. Additionally, there is a mismatch between the development referred to in the allegation and the steps set out in Section 5 of the Notice. It is unclear whether reference to steel containers are the alleged temporary buildings or structures, and if not, what the Council considers the temporary buildings or structures to be.
12. The siting of containers is often regarded to be a use of land unless positioned for a period of time³. If a degree of permanence exists but the containers are the described 'temporary buildings', then conclusive interpretation is made difficult by the wording of the alleged development. Moreover, the corresponding absence of an explicit requirement in relation to 'temporary buildings' does not assist in clarifying the intent of the Notice, or whether any underenforcement was sought.
13. Whether or not animal shelters, livestock pens or fencing on the Land are considered to fall into those categories of development is unclear. Whether other materials on the site are subject of the requirements of the Notice is also unclear.
14. The recipient of an enforcement notice should not need to rely upon their own knowledge of what has taken place on the land at the time the Notice was served. While the subsequent Notices might have aided interpretation, a recipient should be able to understand from the four corners of the Notice what it is which appears to the Council to be a breach of planning control.
15. Although not hopelessly ambiguous and uncertain sufficient to be considered a nullity, the degree of uncertainty in the Notice is such that I find it cannot be corrected without assumption as to its actual intent and therefore injustice would likely arise. A change to the allegation or requirements would potentially alter the arguments on the submitted grounds (a) and (c) or could result in unintended underenforcement by virtue of the provisions of s173(11) of the Act.

² *Oates v SSCLG v Canterbury CC* [2018] EWCA Civ 2229

³ *Skerrits of Nottingham Ltd v SSETR (No.2)* [2000] 2 PLR 102

Conclusion on Appeal A

16. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control, or the steps required for compliance.
17. It is not open to me to correct the errors in accordance with my powers under section 176(1)(a) of the 1990 Act as amended, since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
18. In these circumstances, the appeals on the grounds set out in section 174(2)(a), (c) and (g) of the 1990 Act and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act do not fall to be considered.

Appeals B and C: Notices 2 and 3 – material changes of use and operational development

19. In consideration of an alleged material change of use of land, Bridge J in *Burdle*⁴ highlighted 3 broad categories of distinction in considering the relevant planning unit (PU). These are:
 - 1) a single PU where the unit of occupation is used for one main purpose and any secondary activities are incidental or ancillary;
 - 2) a single PU that is in a mixed use because the land is put to two or more activities and it is not possible to say that one is incidental to another; and
 - 3) the unit of occupation comprises two or more physically separate areas that are occupied for different and unrelated purposes.
20. Bridge J went on to state that 'It may be a useful working rule to assume that the unit of occupation is the appropriate planning unit unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally'.
21. Although the caravan had been removed from the Land at the time of my site inspection, as a distinct form of self-contained accommodation, the siting of a caravan could be identified as a separate planning unit if physically and functionally separate to other uses taking place on the Land. However, as the evidence of the alleged operational development appears to include development above, below and about the caravan, some of which is shown integral with structures and hardstanding beyond its footprint, it is not possible to reduce the area subject of the Notice without injustice to one, or both, of the main parties in the appeal.
22. Consequently, having regard to the principles set out in *Burdle*, and the site uses alleged in Notice 3, it follows that the entirety of the site should be subject to consideration as a single mixed use planning unit. In those circumstances, caselaw⁵ has established that it is not open to the Council to decouple the uses taking place within the planning unit. A notice should therefore refer to all uses within the alleged mixed use taking place on the Land.

⁴ *Burdle & Williams v SSE & New Forest RDC* [1972] 1 WLR 1207

⁵ See *R (oao East Sussex CC) v SSCLG & Robins & Robins* [2009] EWHC 3841 (Admin)

23. The effect of decoupling elements of a mixed use may effectively limit the validity and extent of the appellant's grounds of appeal. For example, the ground (c) claim in response to Notice 2 relies on a land use not referred to in the allegation in the Notice (that the use of the caravan was ancillary to another use on the Land). Injustice on that basis alone has inevitably occurred to the appellant. The Notices cannot be corrected as it would require the extension of the allegations, alter the validity or relevance of the parties' cases, and may otherwise have given rise to other grounds of appeal.
24. Furthermore, the failure to acknowledge agricultural use of part of the Land as a potential commercial activity (or part of one) would also cause injustice as the appellant's defence to requirement 1 in section 5 of Notice 3 would potentially be unduly limited in his ground (f) appeal there.
25. As with Notice 1, unspecified operational development is alleged in Notice 2. While that can be construed from the requirements in Section 5 and, in part, the Reasons for Issuing the Notice, the broad allegation in relation to operational development is uncertain and ambiguous. It could not be corrected without injustice as an appeal on ground (a), which might otherwise have been made, could be limited in its scope. Notwithstanding that Notice 2 requires all imported materials to be removed from the Land, the requirements to remove elements of parts of the single continuous hardstanding in both Notice 2 & 3 are neither precise nor well defined within the Notices. They are also uncertain for that reason.

Conclusions on Appeals B and C

26. Having regard to the above matters, it is not open to me to correct the errors in accordance with my powers under section 176(1)(a) of the 1990 Act since injustice would be caused were I to do so. The enforcement notices are invalid and will be quashed.
27. In these circumstances, the appeals on the grounds set out in section 174(2)(b), (c), (f) and (g) of the 1990 Act in Appeal B and the appeals on the grounds set out in section 174(2)(a), (f) and (g) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act in Appeal C do not fall to be considered.
28. It is open to the Council to serve a further notice/s which clearly set out the nature of the alleged breach/es and the requirements, should it consider it expedient to do so, subject to the provisions of s171B(4) of the Act.

Appeal D

Procedural Matter

29. The application sought part retrospective planning permission for the existing hardstanding area alongside the proposed erection of a building for agricultural purposes. However, there are some discrepancies between the development carried out and the detail shown on the submitted plans. For the avoidance of doubt, I have determined the appeal on the plans that were before the Council when it made its decision and on which parties were consulted.

Main Issues

30. The main issues are:

- Whether the development is inappropriate in the Green Belt for the purposes of the revised National Planning Policy Framework (the Framework) and any relevant development plan policy.
- If so, the effect on the openness of the Green Belt.
- The effect of the development on:
 - users of the adjacent bridleway and the East Lancashire Cycleway;
 - the living conditions of residents of Irongate Lane with particular regard to the potential introduction of additional vehicular traffic;
 - biodiversity.
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development in the Green Belt

31. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework makes it clear that development in the Green Belt is inappropriate unless detailed as a specified exception. Exceptions are made, however, in the case of buildings for agriculture and forestry, and for engineering operations that preserve the openness and do not conflict with the purposes of including land within the Green Belt.
32. Policy SD2 of the Rossendale Local Plan (the RLP) seeks to direct development to within the Urban Boundaries unless it specifically needs to be located within the countryside and clarifies the locations of land released from the Green Belt. However, the policy is silent on the types of development that the Council considers acceptable in the Green Belt. In that case, pursuant to Paragraphs 231 and 232 of the Framework, the policy provisions in the Framework prevail.
33. At the time of the application, the applicant provided details to the Council's appointed land agent of livestock rearing taking place on the site. In addition, details of agricultural contracting and forestry services undertaken by the applicant elsewhere were reported⁶. This included the splitting and sale of firewood logs and employed 3 other workers. It was confirmed that the intended use of the building included secure storage for equipment he uses in his forestry and farming contracting enterprises in addition to housing existing and proposed livestock on the modest holding.
34. While related to agriculture, agricultural contracting services for farmers on holdings elsewhere does not fall within the s336 definition of agriculture. Forestry services on remote sites is also a contracting operation beyond forestry operations derived from the site. Although this is distinct from the view of the Council's advisor in concluding the proposal as one within the Section 13 exception of 'agriculture

⁶ Proposed New General Purpose Agricultural Building A G & P Jackson Chartered Surveyors and Land Agents, Jan 2023

and forestry', the Council nevertheless correctly concluded that the appellant's activities and requirements for the building extend beyond just agricultural or forestry uses.

35. Following *Essex Water Co v SSE* [1989] JPL 914, activities taking place on the planning unit cannot be considered ancillary to activities carried out on unrelated sites outside of it. While I acknowledge that some of the items proposed to be stored in association with the commercial contracting business could additionally be used for the purposes of agriculture or forestry on the holding, their dual use would only reflect a mixed use of the proposed building. I note the appellant's claim that the storage of wood within the building would only be a minor incidental use. However, that claim is unqualified.
36. The processing of waste arboricultural arisings, by cutting, splitting, drying and storing to produce firewood logs for sale as a commercial operation is an industrial process regardless of the source of the wood. Even if relying on an agricultural tractor to complete part of that processing, the character of the use is distinct from either agriculture or on-site forestry. The storage of plant, equipment, vehicles and tools for those purposes – on which the Council's assessment was made, fall outside of the Framework's exceptions. Moreover, there is little to demonstrate that the contractor and timber processing uses are dependent on a countryside location.
37. Notwithstanding that the building was described as an 'agricultural building' by the applicant, the evidence confirms its intended purpose is for a mixed use of agriculture and storage in association with agricultural and forestry contracting. There is no provision in the Framework's Green Belt exemptions for such mixed-use buildings. Accordingly, I conclude that the proposed building would be inappropriate development in the Green Belt.
38. As a large building set on an artificially raised area at the top of a rise on the upper part of the site, the building would be situated on one of the more prominent and exposed open parts of the site. The site sales details show it would be sited where the land was previously undeveloped. The building would be visible from parts of the rights of way to the north and east, and in longer views from raised land to the south-east, more so when nearby deciduous woodland is dormant. Accordingly, I find it would have a significant adverse effect on the spatial and visual openness of the Green Belt.
39. The site has been the subject of a large deposit of materials on the upper area to regrade part of the surface extending from the northern access. At its southern extent where the building is proposed, I observed that it is of significant depth.
40. The effects of existing storage and associated activity on the hardstanding aside, the artificial regrading of the land by introduction of foreign material creates an extensive and unnatural raised levelled landform. It results in a moderate adverse impact on the spatial openness of the previously undeveloped semi-natural area.
41. Furthermore, due to its large extent, it is readily visible from the public right of way to the north such that it results in a loss of visual openness. Those effects would be increased by activities associated with the proposed mixed use of the land with attendant generation of vehicular traffic and on-site activity associated with both on-site and off-site operations which were previously absent. Accordingly, I find the

hardstanding does not preserve the openness of the Green Belt. It thereby also constitutes inappropriate development in the Green Belt.

42. I conclude that the proposed construction of the building and the formation of the extensive hardstanding constitute inappropriate development in the Green Belt which, as described in the Framework, is harmful to the Green Belt by definition. That harm carries substantial weight against the appeal.

Effect on users of the bridleway and East Lancashire Cycleway

43. Irongate Lane is a stony track running between Helmshore Road (B6214) to the west and the appeal site. It is the designated public right of way Bridleway BW1402414 which includes a length of the East Lancashire Cycleway (ELC). According to Lancashire County Council and others, the route is well used by pedestrians, cyclists and horse riders. The site's access lies at its northern extent, close to where an approach length of the ELC and the bridleway converge.
44. Little detail of the nature and frequency of traffic that is, or could be, generated by the appellant's agricultural enterprise is provided. However, given the size of the holding, the associated agricultural traffic is likely to be limited.
45. The lane primarily features an unbound and uneven surface restricting motorised vehicle speeds. The consecutive straight sections making up the bridleway provide good intervisibility between users. Accordingly, there is little basis to conclude that highway safety would be adversely affected by infrequent agricultural traffic.
46. However, based on the applicants' stated intended use for other purposes related to commercial agricultural and forestry contracting and the processing and sale of firewood logs, the effects on users of the bridleway are unclear. There is little detail of the nature and frequency of the associated traffic generation provided by the appellant.
47. Uses which generate daily staff movements, equipment/vehicle collections and returns, deliveries, or public attendance at the site are, in my view, likely to materially affect the public use of the lane and enjoyment by rural recreational users. The ability for vehicles to pass on the lane or provide priority for more vulnerable users, including those on horseback, is limited. Furthermore, the intensified use of a route not designed for regular commercial vehicle traffic is likely to cause deterioration of the informal surface to the detriment of other users. It could potentially impose an undue burden on those responsible for its upkeep. While I note the appellant has sought to improve the lane, little detail of those works, or their current status, has been provided.
48. In the absence of clear evidence to demonstrate that the use of the lane would not be adversely affected as a result of the development's intended use, I find the appellant has failed to demonstrate that the proposals would not conflict with Policies ENV1 and TR2 of the RLP as together they require development to link in with surrounding movement patterns and have regard to other users of the route.

Living conditions on Irongate Lane

49. The nature of the livestock farming activity on the site is such that the extent of trip generation or need for traffic movement, including at unsociable times, would be unlikely to cause material harm to the living conditions of those living on the lane.

However, dependent on the frequency, type and times of vehicular movement, a more intensive use of Irongate Lane for other commercial purposes has significant potential to harm existing residents' living conditions – particularly during early morning or late evening hours.

50. Regular intensified use of the rural unmade lane in conjunction with the applicant's off-site contracting and firewood production businesses would likely cause a significant uplift in vehicular traffic on the designated route. Any material increase in traffic movements - particularly during unsociable hours would, to my mind, likely lead to material harm to residents' living conditions on the otherwise predominantly quiet and peaceful local access route.
51. Moreover, as agricultural or forestry contracting may require early morning starts, or late finishes, restriction to vehicular movement times by way of planning condition would not be reasonable in the circumstances.
52. In the absence of the detail of traffic generation, or ability to limit the times of traffic use of the lane associated with the development, I find that the appellant has failed to demonstrate that the requirements in policy ENV1 - to be sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area would be met.

Biodiversity

53. The development shown on the submitted plans covers a large part of the upper area of the holding. The sales particulars show the area to be previously largely undeveloped with field vegetation cover.
54. Due to the date of application, the Biodiversity Net Gain requirements of the Environment Act 2021 are not applicable to the development. While there is little evidence to support the Council's claim of a significant loss of biodiversity, consistent with the requirement of the Framework to contribute to and enhance the natural and local environment, Policies ENV1 and ENV4 of the RLP seek new development to secure protection and enhancement of the natural environment.
55. The introduction of hard surfacing will inevitably have had some impact on the semi-natural area. However, in order to achieve offsetting and/or biodiversity enhancements, a condition securing those requirements and their management for the duration of the development would secure a policy-compliant scheme in that respect. Subject to that requirement, compliance with the relevant development plan policies could be achieved.

Other considerations

56. As part of the scheme, the appellant proposes to remove an existing 'log shed' from the Land. A caravan previously sited there had been removed at the time of my site visit. This could give rise to some benefit to both the spatial and visual openness of the Land. However, as allegedly unauthorised development, this is not a benefit in favour of the proposal and a matter of negligible weight.
57. The appellant highlights that a planning condition could be imposed to limit the use of the building to agriculture. As a building proposed on the premise of a mixed use, such an approach would not pass the test of reasonableness. Moreover, the calculations provided by the land agent include use in conjunction with off-site

contracting and non-agricultural/forestry storage. By implication, the proposal would result in an unduly oversized building for the more limited agricultural and forestry operations on the holding. As that increase would have a harmful impact on the openness of the Green Belt, restriction of its use would not overcome the identified harm to make the development acceptable in planning terms. It would not, therefore, meet the tests set out in Paragraph 57 of the Framework.

58. In support of the hardstanding element of the development, the appellant directs me to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) which allows the construction of hardstandings in association with agricultural and forestry activities. The provision allows for an area of up to 1000m².
59. Given the mixed-use referred to by the appellant (including the contracting and processing uses) the provisions of the GPDO do not provide a legitimate fallback position for comparison. Furthermore, those provisions are subject to the test of reasonable necessity for agricultural and forestry purposes. Aside from facilitating vehicle movement through drainage improvements and the unspecified storage of agricultural and forestry materials, the appellant has not substantively sought to justify the significant extent of the hardstanding based on on-site agricultural or forestry activity.
60. I acknowledge that the appellant's management of the site could be based on sustainable principles, including the operation of countryside grant and stewardship schemes. This, covered storage of equipment and housing for animals during adverse weather and lambing, could improve the viability and support the operation of the agricultural business with attendant economic and social benefits. These are benefits in favour of the development.
61. The development could meet policy requirements with respect to flood and coal mining risks. However, as requirements of the RLP, these are not benefits in favour of the development.
62. I note the concerns of residents and the Ramblers Association in relation to works carried out to the bridleway. As works beyond the scope of the planning application proposals, they are not matters of significant weight in the appeal.

Very special circumstances and the planning balance

63. By virtue of the proposed use of the building and the effect of the development on the openness of the Green Belt - one of its essential characteristics, the proposed building and hardstanding would be/are inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it.
64. In addition to the harm to openness, the appellant's use of the land for off-site agriculture and forestry contracting would result in unqualified additional traffic movement along an unmade bridleway. The appellant has failed to demonstrate that that would not cause material adverse effects on users of the bridleway or those resident along it.

65. Benefits would accrue from the development including facilitating the appellant's business/es and improved management of the land, including potential biodiversity enhancements.
66. Taking all of the above together, I find the considerations presented by the appellant do not clearly outweigh the totality of the harm identified. Accordingly, the very special circumstances necessary to justify granting planning permission do not exist and the development is contrary to Policies SD2, ENV1 and TR2 of the Rossendale Local Plan and the Framework when read as a whole. It follows that planning permission should be refused for the development.

Conclusion on Appeal D

67. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR