



Appeal Decision

Site visit made on 11 June 2025

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2025

Appeal Ref: APP/Z3825/C/23/3319218

Land at The Spoon, Harbolets Road, West Chiltington, West Sussex, RH20 2LG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Daniel Lidbetter against an enforcement notice issued by Horsham District Council.
 - The notice was issued on 6 March 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, excavation of the land and the deposit of rubble and hardcore to form a hardstanding together with laying a surface formed of compacted road planings.
 - The requirements of the notice are to:
 - (1) Break up and remove from the land the hardstanding shown hatched brown in the approximate position on the attached plan and remove the resulting debris from the land;
 - (2) Following (1) above, reinstate the land to its original condition by re-seeding it with grass.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. I have dealt with another appeal on this Land, Ref: APP/Z3825/C/24/3336456. That appeal is the subject of a separate decision.

Appeal on ground (d)

3. The ground (d) appeal is that on the date when the notice was issued, no enforcement action could be taken. In relation to a breach of planning control consisting of building and engineering operations, at the time the notice was issued, no enforcement action may be taken after the end of the period of four years beginning when the development was substantially complete (s171B (1)). The relevant date in this case is thus 6 March 2019. The burden of proof in an appeal on this legal ground lies with the appellant and the test is the balance of probability.

The appellant's case

4. The appellant maintains that there has been hardstanding in situ prior to June 2013 when the entirety of the site was covered with permeable Fittleworth stone which created a firm subbase. Due to the permeable nature of the stone the site has revegetated over the years. However, the appellant states that he has always been intent on maintaining the hardstanding and topped up and repaired it both in 2018 and more recently in 2022 with road planings. Aerial images have been

submitted which the appellant says support his case, together with an extract from an appeal decision relating to a previous proposal for the site¹.

The Council's case

5. It is the Council's case that there is insufficient evidence to demonstrate that there was pre-existing hardstanding covering the whole of the site prior to the relevant date, and that the engineering works and hardstanding the subject of the enforcement notice were laid in December 2022. In addition, the Council has provided photographs of the site dated 2015, 2016, 2017 which are supported with extracts from historic planning application documents and appeal decisions. They believe the documentation casts doubt on the appellant's version of events.

Assessment

6. The appellant's evidence relies on aerial photographs taken in 2013, 2015, 2018, 2020 and 2022. The 2013 photograph appears to show that a light coloured aggregate has been spread across the site. However, the 2015 aerial photograph shows no evidence of that aggregate remaining, and the land has the appearance of pasture/grassland. The Council's photographs taken on 1 March 2015 also show the land as grassland with no evidence of any hardstanding on it.
7. The Council's photographs dated March 2016 show that a strip of aggregate had been laid on the site between the access gate and the newly constructed stable building. The remainder of the site is pasture. An Inspector's decision letter dated 14 March 2016 describes the site as having a small timber building on it served by an area of hardstanding leading from the gate. The Inspector describes the site as having a low key rural appearance². Further photographs taken December 2016 by the Council show that a small pile of road planings had been brought onto the Land together with some timber logs. The site retains that appearance in the Council's photographs taken in May 2017 and in the aerial photographs supplied by the appellant, dated 2018 and 2020. Furthermore, the Inspector's decision letter in relation to a proposal to use the site for the stationing of caravans for residential purposes dated October 2018, describes the site as having a simple open aspect with a small timber building which contributes to the rural character of the area. The proposal in that case is described in the decision letter to involve the construction of a day room, siting of a static caravan and hard surfacing³. There is no mention of hardstanding covering the site at that time, only proposed hardstanding.
8. On my site visit I observed that the appeal site appears to have been stripped, levelled with road planings and is now finished with pebbled stone across its entirety. It has a suburban character in contrast to its former appearance and character as a grassland paddock, as evidenced above. The Council state that those works to level and lay the road planings were undertaken in December 2022. The appellant does not dispute that he spread road planings across the site at that time.
9. Having regard to the totality of the evidence, I appreciate that some aggregate may have been laid on the site in 2013. However, on the relevant date, 6 March 2019, the site was predominantly pasture with only the remains of a small strip of

¹ Final comments, extract from APP/Z3825/W/14/3136292

² Para 10, APP/Z3825/W/14/3136292

³ APP/Z23825/W/15/3136292

hardstanding which the evidence shows was laid between the gate and stable building in 2016. The photographic and documentary evidence provided by the Council, and indeed the aerial images from the appellant, do not support and thus cast doubt on appellant's contention that the operations undertaken in 2022 and hardstanding laid were merely a repair and/or maintenance of that initially laid in 2013. The 2022 works were a new act of development and were not substantially completed more than four years before the notice was served. The appeal on ground (d) therefore fails.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Elizabeth Pleasant

INSPECTOR