



Appeal Decisions

Hearing held on 10 June 2025

Site visit made on 10 June 2025

by **R Merrett BSc(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal A Ref: APP/P4415/C/25/3359655

Appeal B Ref: APP/P4415/C/25/3359656

Land and Property at 34 Kimberworth Road, Rotherham S61 1AE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Aurel Sandi, LA Sandy Limited (Appeal A) and LA Sandy Limited (Appeal B) against an enforcement notice issued by Rotherham Metropolitan Borough Council.
- The notice was issued on 18 December 2024.
- The breach of planning control as alleged in the notice is a) The erection of canopies and buildings comprising covered seating area, kitchen unit, wash room, barbeque/fire pit used in connection with La Sandy Restaurant as per the blue area on the plan attached at section 2; b) The unauthorised mixed use of the site comprising van, trailer and mini digger storage area on the land (Class E and B8) as per the green area on the plan attached at section 2.
- The requirements of the notice are a) Demolish the canopies and buildings (within the blue edge of the plan at section 2 of the notice) and remove all of the materials used in their construction permanently from the site; b) Cease the use of the land (within the green edge of the plan at section 2 of the notice) for parking/storage of van, trailer and digger.
- The period for compliance with the requirements is 3 months.
- The appeals are proceeding on the grounds set out in section 174(2)(a) (Appeal A only), (e), (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 of Decisions: The appeals are dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decisions.

Procedural Matters

Nullity

1. The appellant has set out several reasons why they consider the enforcement notice is defective and constitutes a nullity. Firstly, they say the notice has failed to specify all development plan policies, relevant to the decision to issue the notice, as required by the regulations¹.
2. The officer report, on which authorisation for the service of the notice was based, referred to the development being in conflict with Policy CS 28 of the Rotherham Local Plan Core Strategy 2014 (CS); Policies SP 11, SP 52 and SP 55 of the Rotherham Local Plan Sites and Policies 2018 (SP) and with the National Planning Policy Framework (the Framework). These policies were each referred to within the notice, and with the exception of SP 11, specifically within the respective part of the notice setting out the reasons for it being issued. The Council confirmed at the Hearing it was not seeking to rely on other policies referred to in the report.

¹ Regulation 4(b) of The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002.

3. Whilst a detailed explanation was lacking in the notice as to the reason for conflict with Policy SP 11, I am satisfied that the requirements of Regulation 4(b) have not been breached. I am also satisfied that the appellant was given adequate time during the course of the Hearing to read and discuss the significance of this policy, such that they have not been prejudiced by its inclusion.
4. Secondly, the appellant says that within the notice, the Council purports to identify the site on an attached plan, however that no such plan was attached. Furthermore, they complain that the image actually used to identify the site, within Section 2 of the notice, is not to scale and lacks road names and compass points. This, they say, leads to uncertainty regarding the site location and boundaries.
5. The Council explains, whilst conceding the relevant image is technically not a 'plan', it does nevertheless constitute a clearly annotated aerial photograph, identifying the boundary of the site and its relevant features, in relation to its surroundings.
6. Having regard to the regulations², it is a requirement that the precise boundaries of the land to which the notice relates are specified, whether by reference to a plan or otherwise. Section 2 of the notice describes the address of the land affected by the notice, purportedly by reference to an aerial photograph. This image has been annotated with coloured outlining to distinguish the overall site, the unauthorised use and the unauthorised operational development. I consider the layout and 'corner location' of the site can be clearly recognised, in relation to adjacent premises and the configuration of adjacent highways.
7. In terms of the allegation, the wording in the notice refers to '...the plan attached at section 2'. Also, in terms of requirements, the Council has made reference in the wording to '...the plan at section 2...'. To my mind, this clearly directs the recipient to the image at section 2 of the notice, and indicates that reference to an 'attached plan' is a mis-description of what should properly have been stated as 'aerial photograph below'.
8. It therefore seems to me that subject to a necessary correction to the site boundary, to exclude part of an existing building, as agreed at the site visit, the nature and location of the alleged breaches of planning control, and what the appellant has to do to address these, can be clearly ascertained by reference to that image. The notice may be corrected accordingly without resulting in injustice.
9. It has been suggested by the appellant that the correction of the red line boundary, as described above, could be prejudicial to the owner of the excluded land in that they would lose the benefit of Section 173(11) of the 1990 Act. I do not agree with this point, as the removal of land from a notice boundary, on the basis it is not affected by the notice allegation and requirements, can only be beneficial to the owner of that land and not therefore prejudicial to them.
10. The parties are uncertain as to whether the address of the appeal site is correctly numbered. However, it was agreed that the validity of the notice does not turn on this issue. I concur, and therefore propose no correction in this specific regard.
11. Thirdly, it is the appellant's case that the notice is vague and unclear at section 3 (the allegation) and section 5 (the requirements), due to the use of ambiguous

² Regulation 4(c) of The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002.

wording that lacks definition. The appellant says it is unclear what the kitchen unit, wash room, and barbecue / fire pit actually refer to. The interchangeable use of the terms 'building' and 'structure', and in singular and plural form, within the section of the notice setting out reasons for its service, is also cited.

12. Within Section 3a) the breach is cited as 'The erection of canopies and buildings....' and then further defines these structures as 'comprising covered seating area, kitchen unit, wash room, barbecue / fire pit'. Section 5a) of the notice requires the demolition of the 'canopies and buildings' within the blue edge of the plan at section 2 of the notice. To my mind that requirement can reasonably be interpreted as requiring the demolition of the canopies and buildings, within the area outlined in blue, which are made up of the structures as defined above.
13. It seems the initial question is whether all the defined structures within the blue outlined area can be said to constitute canopies and buildings. From my visit, I noted the seating area, incorporating a small bar, is covered and sheltered by an extensive canopy, comprising timber roof and supporting posts, bolted to the ground. Adjoining the seating area, is a partitioned cooking area, comprising barbecue cooking grills, with brickwork fireplace behind, feeding to a chimney above.
14. Adjacent to this area, is as a separate structure, which appears fitted out with kebab cooking equipment, food preparation surfaces and heating equipment. The appellant says this unit is not used to cook food, rather simply as a self-service salad bar associated with the restaurant. It appears the unit was formerly a hot food takeaway (burger) van. However, it is clear the wheels have now been removed and that the unit is secured on the ground by chocks and under its own weight.
15. To the rear of this unit, is an enclosed structure containing a sink and some metal surfaces. This appears to comprise a washing area. It is constructed in timber and appears to be bolted onto the rear of the former burger van.
16. There is no evidence before me to suggest that the above-described structures are intended to be moved; or have been moved at any time since the issue of the notice. Having regard to their scale, physical fixation and degree of permanence I am in no doubt that, as a matter of fact and degree, it is reasonable to regard the various structures as a series of adjoining buildings, facilitating the restaurant's cooking, serving and cleaning operations and canopy sheltering the customer seating area.
17. From my visit, and evidence before me, it would appear that a small part of the canopy roof (which adjoined the existing brick building) has now been removed. It would arguably have been more accurate for the notice allegation and requirements to have referred to the canopy in singular, rather than plural, form. However, I do not consider this to be a critical point in this case, as there is no suggestion of a need to distinguish and retain any lawful canopies.
18. In terms of the definition of the canopy and various buildings, I consider from my description above, the covered seating area, wash room and barbecue / fire pit may be plainly identified. Whilst the former burger van is said, in practice, not to be used as a kitchen unit, to my mind the interior still has the appearance of such and thus, on the balance of probability there should be no confusion as to what

structure the term kitchen unit is actually referring to, when also taking into account that the barbecue / fire pit is separately identified.

19. Leading on from this, and despite some interchangeable use of the terms building(s) and structure(s) in singular and plural form, within the section of the notice setting out reasons for its service, I see no difficulty in reasonably being able to interpret the requirement to demolish the 'canopies and buildings' and remove all materials used in their construction permanently from the site.
20. I have had regard to various case law cited by the appellant³. However, I consider the notice enables the appellant to tell fairly what they have done wrong and with reasonable certainty what they need to do to remedy it. Scrutiny of the notice for defects does not need to be unduly technical and formalistic.
21. The notice therefore meets the relevant tests, and I conclude it does not constitute a nullity.

Correction of Use Allegation

22. The appeal site comprises a brick building, and the aforementioned canopy and buildings which are required by the notice to be removed. Both of these areas are reached via a small, central, external yard, which accommodates the alleged unauthorised storage use. The external yard is entered via a gate which serves as the single point of access for the entire appeal site.
23. It is undisputed that the appeal site includes a restaurant and retail (shop) use, both of which are lawful. From my visit it was apparent that the retail use is operated from the existing brick building. The restaurant use is primarily operated within the canopy and buildings targeted by the notice. However, it was confirmed by the appellant that clients are able to buy food from the shop, for preparation and consumption in the restaurant; also to use toilet facilities there. Having regard to these arrangements, and also to the single physical enclosure of the appeal site, I conclude the appeal site comprises a single planning unit, with several primary uses. Accordingly, the appeal site accommodates a mixed use development.
24. In mixed use cases, the allegation should refer to all the components of the mixed use, even if only one is required to cease. Also it is a single 'sui generis' mixed use, so it would not be appropriate to cite other use classes in the allegation.
25. The parties agreed at the Hearing that if I decided to correct the allegation and requirements to refer to all uses present on the appeal site, including the restaurant and shop, this would not result in injustice, because the Council accepts that these additional uses are lawful. I have therefore corrected the notice accordingly.

Withdrawal of Appeal Grounds

26. The appellant confirmed in advance of the Hearing that the appeals on grounds (b), (c) and (d) were withdrawn. I therefore take no further action in relation to these grounds.

³ *Miller-Mead v MHLG* [1963] 2 QB 196; *Egan v. Basildon Borough Council* [2011] EWHC 2416

The appeals on ground (e)

27. This ground of appeal is that copies of the enforcement notice were not served as required by s172 of the 1990 Act. S 172(2) requires that the notice be served on owners, occupiers and anyone with an interest in the land subject to the notice.
28. S329 of the Act sets out various alternative means of effectively serving a notice. These include delivering it to the intended recipient in person; sending it by registered post / recorded delivery; or by leaving it at their usual or last known place of abode.
29. The notice refers to it being served on Mr Aurel Sandi, who is undisputed to be the director of the business associated with the restaurant located on the appeal site, La Sandy Ltd. It appears to me that that business, should reasonably be regarded as an occupier of the appeal site. I am in no doubt that Mr Sandi has an interest in the land subject to the notice. The notice also refers to it being served on Mr Mohamed Maliq, who I have no reason to doubt is the landowner in relation to the appeal site.
30. The Council has provided evidence of attempted service by recorded delivery. This evidence comprises a failed attempt to deliver the notice to one of Mr Maliq's addresses, on the basis of it being unknown. The Council has also provided Royal Mail proof of delivery records, purportedly in relation to Mr Sandi's home and business addresses.
31. In addition, the Council refers to handing a copy of the notice to Mr Sandi, together with hand posting a copy to his business / home address. It would also appear the notice was hand posted by the Council to Mr Maliq's business address. Photographs are provided with the Council's evidence to support this position.
32. The appellant's stance is the Council has failed to effect service of the notice in accordance with the requirements of the regulations. This includes representations that the Council failed to serve a copy of the notice on a company with an interest in the appeal site, that company being Sandy Telecommunications Ltd; and that envelopes containing the notices omitted to state that the communication was "Important".
33. However, even if the notice had not been correctly served, section 176(5) of the 1990 Act provides that failure to serve may be disregarded if the appellant, or person required to be served, has not been substantially prejudiced by the failure to serve them.
34. The appellant is the interested party in relation to La Sandi Ltd, La Sandy restaurant and Sandy Telecommunications Ltd. They have been able to submit an appeal against the enforcement notice and to argue it fully in the course of these appeal proceedings.
35. The Council say that Mr Maliq confirmed, in telephone conversations on 20 and 21 January 2025, that he had received a copy of the enforcement notice; they provide records of Mr. Maliq's phone having been contacted on these dates. The appellant's agent does not deny that Mr Maliq received the enforcement notice and confirmed this to the Council. In addition, it is undisputed that the enforcement notice itself refers to it being an important communication affecting the recipient's property. I conclude, on the balance of probability, that Mr Maliq received,

understood the importance of, and had the opportunity to submit an appeal against the enforcement notice, but has chosen not to do so. Mr Maliq has not, therefore, been substantially prejudiced.

36. I conclude, therefore, that in the circumstances of this case, any failure by the Council in terms of service of the enforcement notice may be disregarded.

37. Consequently the appeals on ground (e) fail.

Appeal A on ground (a)

Main Issues

38. The appeal on ground (a) is that planning permission ought to be granted. The main issues are the effect of the development on i) the character and appearance of the area; ii) the living conditions of nearby residents having regard to noise disturbance and cooking odours and iii) highway and pedestrian safety.

Reasons

Character and Appearance

39. Policies CS 28 of the CS and SP 55 of the SP set out the Council's approach to achieving good design from new development. This includes a requirement for well-designed and visually attractive buildings, taking into account height, scale, massing and materials, that respect the local character and distinctiveness of the town.
40. The appeal site, part of which was formerly an external yard and used to display products for sale, including cars and sheds, is prominently situated at the junction of Kimberworth Road and Ferham Road. There are a mixture of land uses in the area, with the site immediately adjoining retail and commercial premises, and residential properties at upper floor level nearby. The wider area is characterised by a predominance of traditional, terraced residential properties along Ferham Road to the west, and a greater preponderance of commercial and industrial premises to the east.
41. The local architecture is highly varied, in terms of design, scale, massing and materials. Marked changes in ground level further dilute any sense of architectural uniformity or coordination, although the presence of mature trees help to soften the built form.
42. With regard to topography, the appeal site is at a relatively low level, with the gradient of adjacent roads rising markedly away from it. This serves to enhance its visibility from the east, along Coronation Bridge, from where it is possible to see, from a short distance away, the external elevations and roofscape of the canopy and (in part) the buildings targeted by the notice.
43. The elevations of the canopy adjacent to Kimberworth Road and Ferham Road, essentially comprise of timber panels and insulation boarding, painted dark brown, and immediately adjoining the metal railings of the site boundary. Painted timber fencing panels substantially screen the eastern corner of the site. The flat roof of the overall structure is largely comprised of felt. All fenestration is focused on the elevation of the structure facing into the site. Accordingly, from immediately

outside the site the overall structure is relatively modest in scale, and appears more as a reinforced enclosure than a building.

44. However, and notwithstanding the presence of screen fencing, the former hot food takeaway van and somewhat 'rough and ready' metal chimney rising up next to it, appear haphazardly and crudely fabricated into the overall structure. I also have concerns regarding the quality of other materials, notably the durability of the painted insulation boarding. Also, if the insulation boarding were removed, the extent of timber used in the canopy walls could be revealed, which would visually jar in an area where timber constructions do not form a strong building characteristic. I am left in no doubt this simply does not meet the high quality of architecture to which the development plan aspires. I cannot therefore find justification to grant planning permission for the canopy / buildings in their present form.
45. Notwithstanding this, there is some mitigation to be found in the relatively low-lying position of the site, and the squat and relatively inconspicuous form of the targeted structure, when also combined with the significantly greater massing of built structures in the wider area. Despite its prominent location, these factors together with the road alignment tend to lead the eye away from the site and towards larger and more distinctive structures such as street furniture, the gable elevations of nearby buildings and the football ground floodlights. The appeal site elevations are also softened to a degree due to the backdrop of mature trees.
46. The above factors mean it may be possible to produce a more acceptably designed building for the restaurant use. Indeed, this spatially constrained corner location may lend itself to a novel design solution, as an imaginative way to optimise use of the site. This is a matter the appellant may seek to discuss further with the Council in future.
47. However, at this point in time, I am only able to assess the development, subject to the enforcement notice, and which forms the deemed application for planning permission. To conclude on this matter, drawing the above considerations together, I therefore find harm to the character and appearance of the area, in conflict with the aforementioned development plan policies and with the good design and therefore sustainable development required by the Framework. I have taken into consideration the appellant's point, made at the Hearing, that the site is located within a run-down commercial area. However, even if the quality of existing buildings are of a poor standard, this does not excuse poor new developments.

Living Conditions

48. The appeal site is in relatively close proximity to residential premises. It would appear the closest units are those above commercial premises on Kimberworth Road, with terraced dwellings along Ferham Road to the west also nearby. I acknowledge there is no dispute that, despite the presence of commercial uses, the appeal site is located within a residential area, as defined within the development plan. Notwithstanding this, it is important to recognise the notice does not seek to target the existing shop use or the restaurant use, in itself, taking place on the site. Furthermore, in terms of the canopy and buildings that are targeted, and which do facilitate the restaurant use, I find no reason in principle, in terms of policy seeking to protect residential amenity, to object to that use.

49. There are no technical assessments before me in relation to the site. Nevertheless, it seems to me that noise resulting from the socialising of clients; from music being played there and cooking related odours would all have the potential to result in harm to the living conditions of nearby residents. This would particularly be the case at quieter times of day and night when residents would seek to enjoy the peace and quiet of their homes. Indeed, it would appear that the premises have previously been the subject of noise related complaints and a subsequent noise abatement notice, issued by the Council's environmental health team.
50. However, I note the appellant would be agreeable to planning conditions limiting the opening time of the restaurant to customers to 10pm; controlling the playing of amplified music and requiring the installation of cooking extraction equipment. I am satisfied that with appropriate conditions it would be possible to satisfactorily mitigate the impact of the development on living conditions.
51. Accordingly, subject to conditions, I do not find harm to the living conditions of residents. I conclude the development would not therefore be in conflict with Policies SP 11 and SP 52 of the SP and with the Framework insofar as they seek to protect the health, wellbeing and amenities of local residents.

Highway and Pedestrian Safety

52. The Council's concern in this regard was in relation to commercial vehicles being stored on the site. Space constraints mean that it is not possible for those vehicles to turn within the site, so as to enter and leave in a forward gear. Consequently, it is necessary to reverse the vehicles onto Kimberworth Road.
53. The Council's highway authority has objected to this arrangement on highway safety grounds. It was evident from my visit that Kimberworth Road is very busy, with significant numbers of vehicles passing the site; also that the access is close to a busy and complex junction, resulting in added difficulty for drivers having to react to manoeuvring traffic.
54. It seems to me that visibility, both for drivers reversing onto Kimberworth Road and in terms of passing motorists noticing and reacting to vehicles reversing from the site, would not be conducive to safe driving conditions or to the safety of pedestrians passing the site. I note the appellant states that the site is no longer used to store the vehicles. Nevertheless, I must address the development, alleged to have been taking place, when the notice was issued. I conclude the alleged storage use results in harm to highway and pedestrian safety. Accordingly, there is conflict with the Framework insofar as it seeks to prevent unacceptable harm to highway safety.

Ground (a) Conclusion

55. I have found conflict with the Council's development plan, and with the Framework, in terms of harm to character and appearance and highway and pedestrian safety, in relation to which I attach significant weight to both factors. I recognise that the restaurant facility appears to be well-used, accessible, inclusive and appreciated by clientele, and that it is accepted by the Council in principle as a complementary use within a residential area. However, this is not sufficient to outweigh the policy conflict I have identified. I have not found harm in terms of impact on living conditions, however this lack of harm is neutral in the planning balance.

56. I therefore conclude there would be conflict with the development plan, when read as a whole, and with the Framework, and that it would not be appropriate to grant planning permission for the use and operational development targeted by the notice. The ground (a) appeal therefore fails.

The appeals on ground (f)

57. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the 1990 Act and include remedying the breach of planning control (s173(4)(a)). The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.
58. With regard to the unauthorised development, the objectives of the notice are to discontinue the unauthorised element of the mixed use, namely the vehicle storage use, and to demolish and remove the unauthorised operational development. It follows that the purpose of the notice is to remedy the breach of planning control, and to require that much does not exceed what is necessary.
59. The appellant's ground (f) appeal is that the harm could be remedied through the use of planning conditions to require alterations to the development; also that it would be excessive to require the removal of any materials that could be used lawfully on the site in future.
60. With regard to the first point, I am not satisfied that the visual and highway harm identified could be resolved simply through the imposition of planning conditions. In visual terms, there is no alternative scheme before me for consideration, also the problem with the design is too fundamental, simply to require a change of external materials; neither is it clear how highway and pedestrian safety might be protected through the use of planning conditions.
61. On the second point it is not enough in ground (f) cases for the appellant to suggest that component materials may be sustainably used on the site in future for some lawful purpose, when there is no definite alternative scheme or purpose before me for consideration, or any indication as to how their retention might constitute permitted development.
62. The ground (f) appeals therefore fail.

The appeals on ground (g)

63. The appeal is that the period for compliance with the notice falls short of what should be allowed. This is based on the need to arrange for remedial works to be undertaken and for those works to be carried out without unduly compromising the operation of the appellant's businesses. A compliance period of up to 12 months is therefore sought.
64. I acknowledge the importance of striking a balance between enforcement that is intended to be remedial rather than punitive, whilst maintaining public confidence in the planning system.
65. I am mindful that I have found significant harm in terms of appearance and highway safety matters. However, whilst I would not envisage any significant

physical constraints to carrying out the requirements, in accordance with the notice, within the 3-month period allowed, I acknowledge the requirements, in terms of the operational development, would be likely to at least interrupt the continuity of the restaurant business, which is focused within the targeted canopy and buildings.

66. I am aware, having regard to the above considerations, it may still be possible to achieve a mutually acceptable revised building design for the restaurant. I therefore consider varying the compliance period, insofar as it relates to the operational development⁴, to nine months would allow an opportunity to submit a planning application, for the alterations to be carried out if such an application were to prove successful, and in the alternative to make the necessary arrangements for compliance with the notice. I consider this to be a proportionate response, and the ground (g) appeals succeed to this extent.
67. However, I am not persuaded from the representations before me, that there exists any legal or logistical constraint to ceasing the alleged storage use within the compliance period specified in the notice.

Overall Conclusion

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

Formal Decisions

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

Deleting the words “attached plan” at Section 2 and substituting the words “aerial photograph below” instead; and

Deleting the words “plan attached” at Section 3 paragraph a) and substituting the words “aerial photograph” instead; and

Deleting the wording at Section 3 paragraph b) in its entirety and substituting the following wording instead:

“b) Material change of use of the land to a mixed use comprising restaurant, shop and storage area for van, trailer and mini digger (the storage area being within the area outlined in green on the aerial photograph inserted at section 2 of the notice).”; and

Deleting the word “plan” at Section 5 paragraph a) and substituting the words “aerial photograph” instead; and

Deleting the wording at Section 5 paragraph b) in its entirety and substituting the following wording instead:

“b) Cease the unauthorised mixed use of the land by ceasing the storage use.”; and

⁴ Section 5, paragraph a) of the notice.

The substitution of the aerial photograph annexed to this decision for the aerial photograph at Section 2 of the enforcement notice.

70. It is directed that the enforcement notice is varied by:

Deleting the wording at Section 6, describing the time period for compliance with the notice, in its entirety and substituting the following wording instead:

“a) For requirement 5 a): 9 months
b) For requirement 5 b): 3 months”

71. Subject to the corrections and variations, the appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R. Merrett

INSPECTOR



Planning Inspectorate

Aerial Photograph

This is the aerial photograph referred to in my decision dated: 30 June 2025

by R Merrett BSc(Hons), DipTP, MRTPI

Land and Property at: 34 Kimberworth Road, Rotherham S61 1AE

References: APP/P4415/C/25/3359655 and APP/P4415/C/25/3359656

Scale: Not to scale



APPEARANCES

FOR THE APPELLANT:

Tim Wheeler	Agent
Aurel Sandi	Appellant
Andraea Sandi	Appellant's sister

FOR THE LOCAL PLANNING AUTHORITY:

Andy Lancashire	Principal Planning Enforcement Officer
Chris Wilkins	Development Manager

Documents submitted at the Hearing:

1. Annex 2: enforcement notices and appeals (unidentified source).
2. *Egan v. Basildon Borough Council EWHC [2011] 2416 case.*
3. Policy SP 11 – Rotherham Local Plan Sites and Policies 2018.
4. Copy of failed service of notice record regarding Norfolk Garage.

Documents submitted after the Hearing:

1. Outstanding copies of records relating to service of notice by recorded delivery / registered post.
2. Council's comments in relation to *Egan v. Basildon Borough Council EWHC [2011] 2416 case.*
3. Revised aerial photograph image to show the corrected enforcement notice land boundary.
4. Appellant's final comments in relation to the above.