



Appeal Decisions

Inquiry held on 3 and 4 June 2025

Site visit made on 2 June 2025

by Jessica Graham BA (Hons) PgDipL

an Inspector appointed by the Secretary of State

Decision date: 1 July 2025

Appeal A Ref: APP/Q5300/C/24/3350789

Appeal B Ref: APP/Q5300/C/24/3350790

Guy Lodge Farm, Whitewebbs Lane, Enfield, EN2 9HJ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Ms Hayley Mann (**Appeal A**) and Ms Lucy McEwan (**Appeal B**) against an enforcement notice issued by the Council of the London Borough of Enfield.
 - The notice, Ref ENF/24/0736, was issued on 28 June 2024.
 - The breach of planning control as alleged in the notice is: "Without planning permission, the unauthorised change of use of part of the Premises (outlined in red on the plan for identification purposes) with the erection and positioning of associated structures, for the commercial storage and distribution of wooden pallets."
 - The verbatim requirements of the notice are to:
 1. Cease the use of the site for the commercial storage and distribution of pallets at the Premises (as outlined in red for identification purposes on the attached plan)
 2. Remove all pallets stored in relation to the commercial use at the Premises (as outlined in red for identification purposes on the attached plan) from the Premises
 3. Remove all items the Premises (as outlined in red for identification purposes on the attached plan) associated with the commercial pallet company
 4. Cease the parking and storage of motor vehicles associated with the Commercial pallet company at the Premises (as outlined in red for identification purposes on the attached plan)
 5. Cease all vehicle movements at the Premises (as outlined in red for identification purposes on the attached plan) associated with the commercial pallet company
 6. Remove all portacabins, containers and associated structures, erected to facilitate the unauthorised use from the Premises (as outlined in red for identification purposes on the attached plan)
 7. Remove all resulting waste material from the Premises.
 - The period for compliance with the requirements is six months.
 - The appeals were originally made on the grounds set out in section 174(2)(c), (d), (e), (f) and (g) of the Town and Country Planning Act 1990 (as amended), but are now proceeding on grounds (d) and (g) only.
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Appeal C Ref: APP/Q5300/C/24/3350792

Appeal D Ref: APP/Q5300/C/24/3350793

Guy Lodge Farm, Whitewebbs Lane, Enfield, EN2 9HJ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Ms Hayley Mann (**Appeal C**) and Ms Lucy McEwan (**Appeal D**) against an enforcement notice issued by the Council of the London Borough of Enfield.
- The notice, Ref ENF/24/0249, was issued on 28 June 2024.
- The breach of planning control as alleged in the notice is: "Without planning permission, the change of use of parts of the Premises (outlined in red on plan 1 for identification purposes) with the erection and positioning of associated structures, to:- (1) the distribution of plastic products (area 1 on plan 2); (2) to the storage of scrap/accident damaged/ broken down vehicles (area 2 on plan 2); (3) to a storage yard for a property management company (area 3 on plan 2); (4) for the storage of building

materials associated with motorway maintenance work (area 4 on attached plan 2); (5) the storage of motor vehicles associated with the motorway maintenance work (area 5 on plan 2); (6) and the unauthorised construction of an enclosed structure for the storage of plastic products (area 1 on Plan 2) that facilitates the unauthorised change of use (area 1 on Plan 2)."

- The verbatim requirements of the notice are to:
 1. Cease the use of the enclosed structure constructed at the Premises (as outlined in red for identification purposes on the attached plan numbered 1) for the storage and distribution of plastic products (marked as area 1 on plan 2 for identification purposes)
 2. Cease the storage of all motor vehicles stored at the Premises (as outlined in red for identification purposes on the attached plan numbered 1) in connection with the scrap/accident damaged/broken down vehicles business (marked as area 2 on plan 2 for identification purposes)
 3. Remove all scrap/accident damaged/broken down motor vehicles stored at the Premises (as outlined in red for identification purposes on the attached plan numbered 1) (marked as area 2 on plan 2 for identification purposes)
 4. Cease the use of the Premises (as outlined in red for identification purposes on the attached plan numbered 1) as a storage yard by a property management company (marked as area 3 on plan 2 for identification purposes)
 5. Remove all items the Premises (as outlined in red for identification purposes on the attached plan numbered 1) stored by the property management company (marked as area 3 on plan 2 for identification purposes)
 6. Cease the use of the Premises (as outlined in red for identification purposes on the attached plan numbered 1) for storage of building materials associated with the motorway water maintenance company (marked as area 4 on plan 2 for identification purposes)
 7. Remove all items stored at the Premises (as outlined in red for identification purposes on the attached plan numbered 1) associated with the motorway water maintenance company (marked as area 4 on plan 2 for identification purposes)
 8. Cease the storage of motor vehicles at the Premises (as outlined in red for identification purposes on the attached plan numbered 1) associated with the motorway water maintenance company (marked as area 4 on plan 2 for identification purposes)
 9. Remove all stored vehicles from the Premises (as outlined in red for identification purposes on the attached plan numbered 1)
 10. Remove all portacabins, containers and associated structures, erected to facilitate the unauthorised uses referred to above, from the Premises (as outlined in red for identification purposes on the attached plan numbered 1)
 11. Remove the structure constructed at the Premises (as outlined in red for identification purposes on the attached plan numbered 1) (marked as area 1 on plan 2 for identification purposes)
 12. Cease all vehicle movements at the Premises (as outlined in red for identification purposes on the attached plan numbered 1) connected to the bringing on of vehicles in connection with the unauthorised uses referred to above (marked as area 1,2,3,4 and 5 on plan 2 for identification purposes)
 13. Remove all resulting waste material from the Premises.
 - The period for compliance with the requirements is six months.
 - The appeals were originally made on the grounds set out in section 174(2)(c), (d), (e), (f) and (g) of the Town and Country Planning Act 1990 (as amended), but are now proceeding on grounds (d) and (g) only.
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Summary of Decisions:

Appeals A and B are allowed, and the Pallets Notice is quashed.

Appeals C and D succeed in part. The Other Uses Notice is upheld, with corrections and variations as set out in the Formal Decision below.

Preliminary Matters

1. In the interests of clarity, I shall refer to the enforcement notice ref ENF/24/0736 as “The Pallets Notice” and the appeals made against it (Appeals A and B above) as “The Pallets Appeals”. I shall refer to the enforcement notice ref ENF/24/0249 as “The Other Uses Notice” and the appeals made against it (Appeals C and D above) as “The Other Uses Appeals”.
2. On 4 November 2024 I held a Case Management Conference (CMC) with representatives of the Appellants and the Council, at which we discussed the management of the Inquiry and the presentation of evidence. Arrangements were made for me to visit the Appeal Site, unaccompanied, the day before the Inquiry opened. At the Inquiry it was agreed that no further site visit was necessary.
3. Both the Pallets Appeals and the Other Uses Appeals were originally made on grounds (c), (d), (e), (f) and (g). However, the Appellants confirmed at the CMC that they no longer wished to pursue the appeals on ground (e), and confirmed in the Statement of Common Ground (SOCG) that they no longer wished to pursue the appeals on ground (c), or the appeals on ground (d) in respect of Areas 4 and 5 of the Other Uses Notice.
4. The focus of the Inquiry, therefore, was on the remaining grounds on which the appeals are to be determined. These are ground (g), and ground (d) in respect of the Pallets Notice and Areas 1,2 and 3 of the Other Uses Notice.
5. All oral evidence at the Inquiry was given, and tested, on oath.

Putting the Notices in Order

6. The CMC discussed a number of concerns about the wording of the two enforcement notices. At my request, the Council provided a list of suggested amendments, and the Appellants provided comments on them.
7. The main difficulty with the Notices, as originally drafted, was the method of identifying relevant areas of land by reference to two attached plans. Plan 1 of each Notice shows the entirety of the land at Guy Lodge Farm edged in red and a smaller area within it edged blue, and Plan 2, which consists of the smaller blue-edged area from Plan 1, identifies other smaller areas within that, which are also edged in blue. Plan 2 of the Pallets Notice is annotated “Specific area of unauthorised Pallet Storage outlined in blue for identification purposes, as identified in Enforcement Notice” and Plan 2 of the Other Uses Notice is annotated “Specific areas of unauthorised activity outlined in blue for identification purposes, as identified in the Enforcement Notice”. However, the alleged breaches and specified requirements of each Notice make no reference at all to any of these blue-edged areas.
8. The Council suggested a number of corrections to the allegations and requirements of both notices, aimed at clarifying the relevant areas by reference to the coloured markings on the plans. In light of the explanatory annotations already provided on each of the two Plan 2s, and as agreed by the parties at the Inquiry, I am satisfied that I can make these corrections without injustice to anyone.
9. The Council also suggested amendments to the Other Uses Notice aimed at correcting minor discrepancies between the alleged breach and the requirements.

Again, as agreed by the parties at the Inquiry, I am satisfied that I can make these corrections without injustice.

10. At the Inquiry I raised the possibility of a residual appeal on ground (c), in that the Other Uses Notice alleges “the storage of scrap/accident damaged/broken down vehicles” on Area 2, whereas the evidence of the Appellants is that the vehicles stored in this area were none of those things. It was agreed that since that evidence is not disputed by the Council, an appeal on ground (c) was not needed: instead I could resolve the matter, without injustice, by correcting the notice through deleting the unnecessary adjectives.

The appeals on ground (d)

11. The appeals on ground (d) concern the land identified on Plan 2 of the Pallets Notice (“the Pallets Area”), and Areas 1, 2 and 3 on Plan 2 of the Other Uses Notice. The ground of appeal is that by the date when the Notices were issued – that is, 28 June 2024 – the time available to the Council for taking enforcement action had expired. S.171B(3) provides that for the type of breach here alleged, “no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach”. This means that to succeed on ground (d) the Appellants would need to demonstrate that, on the balance of probabilities, the material change of use took place before 28 June 2014, and continued without significant interruption for a period of at least ten years.

History of use: Area 1 and the Pallets Area

12. Guy’s Lodge Farm has been owned by the Appellants’ family for around three decades. Historically the land has been used for “low-key” farming, but over the years this has diversified into other uses. In 2005 a barn was constructed on the land now identified as Area 1. The Council issued an enforcement notice alleging this was unauthorised development, on the grounds that the land was not in agricultural use and the building not required for the purposes of agriculture, but a successful appeal¹ was made against that notice: the Inspector concluded that the barn had the benefit of permission from the Town and Country Planning (General Permitted Development) Order 1995. In brief, the barn constructed in 2005 was not unauthorised development, and its lawful use was for agriculture.
13. Ms Hayley Mann has owned the entirety of the land that is the subject of both notices since 2003. Her undisputed evidence is that hardstanding was laid around the barn in 2006. This concreted area had been significantly extended by 2010 and together with the barn, was being used for agricultural purposes by her father, Mr David McEwan Sr. However, that use ceased in 2011. In March 2011 the barn and the concreted area next to it, now identified as the Pallets Area, were occupied for the storage and distribution of wooden pallets for commercial purposes by Peter Pallets, run by Mr Peter Sieviewright (also referred to in evidence as “Stretch” and “3 metre Peter”).
14. In 2013 Peter Pallets left and Lloyds Pallets, run by Mr Lloyd Diedrick, took over the occupation of Area 1 and the Pallets Area, again for the commercial storage and distribution of wooden pallets. Also in 2013 Total Tools began to occupy part of the barn on Area 1, where they stored and assembled wooden brooms for

¹ Ref APP/Q5300/C/05/2003460 dated 25 May 2006

onward distribution. Mr Lewis McEwan gave evidence that pallets were stored alongside the barn and up against its eastern wall; this coincides with the evidence of Mr Michael Carter as being the place to which he had delivered pallets to both Peter Pallets and Lloyds Pallets.

15. Mr David McEwan Jr has been involved with pallet reclamation and timber recycling since 1993. By 2005 his company had four recycling machines capable of shredding pallets, and provided a hire service of taking these machines to customers' sites. He gave evidence that on occasion, his company had been contracted to take a machine to Guy Lodge Farm to clear scrap pallets that had accumulated on site. The machine would be set up on the Pallets Area alongside the barn, for a day or sometimes over the bank holiday weekend, and the shredded wood that came off the conveyer belt piled up alongside the wall of the barn. He explained that the last time one of his machines had been taken to the Appeal Site was in 2014, after which Lloyds Pallets had had to take their scrap pallets off site in lorries for recycling elsewhere.
16. On 1st March 2016 the barn, and its contents, were completely destroyed by fire. The remains were cleared, and Lloyds Pallets subsequently occupied the entirety of the cleared site area; Total Tools moved out after the fire, and no longer occupied any part of Area 1. In 2023 Redgrave Plastics Limited began occupying part of Area 1 for commercial storage and distribution purposes, including a building constructed in broadly the same location as the former barn. Lloyds Pallets continued to occupy the remainder of Area 1 and the Pallets Area until early 2024. In his oral evidence to the Inquiry, Mr Michael Carter advised that his pallet business has now moved into the space formerly occupied by Lloyds Pallets.

History of use: Areas 2 and 3

17. The land identified as Area 2 lies on the opposite side of the access track to Area 1 and the Pallets Area. The evidence of Ms Hayley Mann is that it has been used for the storage of pallets, parking of pallet lorries, trailers, workers' cars and portacabins since 2011: between 2011 and 2013 it was used by Peter Pallets in connection with its use of other areas, and between 2013 and 2024 it was occupied by Lloyds Pallets in conjunction with its use of other areas. In October 2023 Juliano Transport took over the western side of Area 2, for the storage of cars and in May 2024, after Lloyds Pallets moved out, Selwyn Industrial Services Ltd moved in to the other side of Area 2 for the commercial storage and distribution of pallets.
18. A number of other witnesses confirmed that Area 2 was used mainly for parking pallet lorries and staff vehicles, and had portacabins and portaloos for use by staff of the pallet businesses. The evidence of Mr Lewis McEwan is that after Lloyd Pallets took over this area in 2013, they expanded its hardstanding to create more suitable space for the storage of their pallets.
19. Area 3 lies to the west of the access track, at the point where it turns to continue northward. The evidence of Ms Hayley Mann is that it between 2014 and 2015 it was used by APC Services, run by Mr Alvyn Charles, to store a lorry, container, and various cars. Between 2015 and 2020 it was used for lorry storage by Mr John Dodge, and from 2020 to 2024 it was occupied by a property management company known as AMGB for the storage of articles associated with their

business. From “at least” April 2014 a mobile home, used as an office and tea room, was located on this area.

20. A number of other witnesses confirmed these uses, and the presence of the caravan that functioned as an office and tea room. Mr Lewis McEwan said that this was first placed on Area 3 in 2013, and used by Stretch and his men, then later by Lloyds Pallets. The caravan is no longer there, but the witnesses were (entirely understandably, given the passage of time) unable to recollect when its use ceased. Ms Lucy McEwan remembered that it was moved to Area 4 “after Covid”.

Analysis

21. The meaning of “material change of use”, as an action amounting to development which requires planning permission, is not defined in statute or by statutory instrument. The approach which has evolved through caselaw is to establish the correct “planning unit” – that is, the most appropriate physical area against which to assess the materiality of the change – and then to assess whether, as a matter of fact and degree, there is a significant difference in character between the current activities and those that have gone on previously.
22. In this case, there is no dispute that when the barn and the area around it ceased to be used for agricultural purposes in 2011, and instead started to be occupied for other commercial business activities, that amounted to a material change of use. The commencement of the new uses broadly coincided with the creation of various bunds, and at this point the unlawful non-agricultural storage use became functionally and physically separate from the lawful agricultural use of the wider premises, resulting in the creation of a new planning unit.
23. The Council pointed out that in 2016, agents acting for the Appellants submitted a planning application for “A new equestrian centre, campsite and mobile home at Guy Lodge Farm”, with supporting material which described the land as being in agricultural use.² I note that the site identified in that (unsuccessful) application did not include the areas of land that are the subject of these appeals. More importantly, I have had the benefit of – and prefer – the more recent evidence provided to the inquiry, which was given (and tested by the Council) on oath.

Area 1 and the Pallets Area

24. The key point of difference between the parties is the impact of the fire that destroyed the barn in 2016. The Council contends that after the remains of the barn were cleared, a new and materially different use of the planning unit began which was of a different character to that which preceded the fire. The Appellants maintain that the fire did not result in any significant disruption to the use of the planning unit, which subsequently continued without any material change in character.
25. As was fairly accepted in closing submissions for the Appellants, there is some conflict in the evidence about the aftermath of the fire. Mr Terence Boreham recalled that the fire destroyed all the pallets alongside the barn; that clearance of the site took ten days; and that its use re-started within about three weeks. Mr Dean Edwards and Mr Dragos Nechita confirmed that the fire had destroyed the contents of the barn and the pallets adjacent to it, and stated that there were some

² Ref 16/01744/OUT

pallets within Area 1 and the Pallets Area which were not destroyed by the flames. Mr Edwards was shown an aerial photograph of pallets being stored on the site of the former barn, and stated that this had probably happened as soon as it was cleared, when Lloyds Pallets “took it all over”. The evidence of Mr Jim Wellington was that as soon as a part of the site was cleared, Lloyds Pallets would use it to store pallets; he said that pallets were being stored on the cleared areas within “a couple of days” of the fire.

26. At most, then, there was a break of three weeks between the fire that destroyed the barn and the resumption of the pallet storage activities. From the evidence before me it seems likely that while this was the amount of time it took to return to “business as usual”, some storage of pallets was nevertheless continuing around the margins; on Parts of Area 1 and the Pallets Area, and also on parts of Area 2. The evidence shows that by the time of the fire Lloyds Pallets was a thriving small business, which did not cease trading, re-form or re-locate as a consequence of that fire, but instead continued operating from the same place and expanded into the adjoining area. It is reasonable to conclude that the business resumed its activities on the fire-affected land as soon as it possibly could.
27. In my judgment, the fire and its consequences resulted in a minor interruption, rather than significant cessation, of the unlawful use which by then had subsisted for five years. The short suspension of activities, while the site was cleared, was akin to the type of minor break that may occur when (for example) there is a change of ownership, or a period of illness. I am satisfied that the Council would, had it considered it expedient to do so, have been able to take enforcement action during this temporary cessation of use: the land continued to be occupied by a commercial pallet storage business, there is evidence that non-agricultural storage continued on parts of it, and there was no reversion to or resumption of any lawful agricultural use on any part of it.
28. There is also conflicting evidence as to the extent to which the use of the barn was shared, before the fire, by Lloyds Pallets and Total Tools. The evidence of Mr Lewis McEwan was that both Lloyds Pallets and Total Tools used the inside of the barn together until it burnt down, whereas the evidence of Mr Dean Edwards was that by the time of the fire, Lloyd had moved out and Total Tools had taken over the use of all of the barn. Mr Dragos Nechita said that he could not remember how much of the barn was being used by Total Tools by the time of the fire. But be that as it may, it is clear that from 2011 until its destruction in 2016 the use of the barn was for commercial storage and distribution purposes, rather than agriculture: the evidence is also clear that after the barn burned down Lloyds Pallets occupied the entirety of the area where it had stood, Total Tools having moved elsewhere.
29. With the barn gone, the space it had occupied was used to store pallets in the open air. This was not a new activity; the evidence shows that outdoor storage of pallets had already been taking place on other parts of Area 1, on the Pallets Area and, from 2013, Area 2. Mr David McEwan gave evidence that the use of a larger site would benefit a pallet business, as more storage would provide the ability to retain pallets for sale until market conditions were most favourable; if space is tight, sales have to take place regardless of market conditions in order to make room for newly bought pallets coming on to the site.

30. The Council pointed out that without the constraints of having to fit inside a building, the pallets could be stacked higher and would become more conspicuous. That may be so, but I cannot see any reason why stacks of pallets made on the part of the site previously occupied by the barn would be any higher than those which had, before the fire, been made outdoors on other parts of the site. It is probable that the expansion of the business resulted in a higher volume of pallets being stored at the site, such that their presence became more conspicuous, but there is no evidence that this resulted in any change to the character of the land, for example through the pallets becoming visible at viewpoints from which they would not previously have been seen.
31. Rather, the evidence indicates that while the scale of Lloyds Pallets' storage use increased to fill the space available, its operations remained fundamentally the same. There is no suggestion of any material intensification of the use, through additional activities - such as, for example, the purchase and use of an on-site pallet shredder – and while the number of vehicle movements to and from the storage areas is likely to have increased as the number of pallets increased, there is no evidence that this had any significant effects, on or off the site.
32. Taking all of this into account, I find that the destruction of the barn did not alter the character of the use then being made of Area 1 and the Pallets Area. Pallets were being unlawfully stored in these areas before the fire in 2016, and continued to be unlawfully stored there after the fire, by the same commercial operator and with no material change to the nature of that use. Put another way, the destruction of the barn on Area 1 did not “stop the clock” on the breach of planning control: the unlawful storage use that began in 2011 continued after the fire in 2016.
33. The Council contends that the shredding of pallets, undertaken on the Pallets Area using a machine owned by Mr David McEwan's recycling business, amounted to a separate *sui generis* recycling use which would break the continuity of the storage use. However, the evidence of Mr David McEwan was that the machine was brought to the site “occasionally”, for the purpose of shredding the scrap pallets accrued firstly by Peter Pallets, then later by Lloyds Pallets. He explained that while the resulting material would usually be exported quickly it would sometimes remain on site longer, for example during the annual outages of the biomass power station.
34. The evidence indicates that shredding was a mutually convenient means to dispose of scrap pallets in a way which helped to reduce the build-up on site. Getting rid of scrap pallets would be a normal and integral part of any pallet storage operations; as Mr David McEwan explained, after the on-site shredding ceased in 2014, Lloyds Pallets had to take their scrap pallets off site in lorries, for recycling elsewhere. In my judgment the shredding that took place on the Pallets Area was part and parcel of the primary storage use of that land, rather than a different or separate use in its own right.

Area 2

35. The evidence shows that from 2011 until May 2024 Area 2 has been used for purposes incidental to the use of Area 1 and the Pallets Area; that is, for parking and unloading vehicles, and the provision of rest facilities for staff working with pallets. I note that since October 2023 only the eastern part of Area 2 has been used in connection with pallet storage and distribution, the western part having

been occupied from that date by Juliano Transport Ltd for the storage of vehicles; but a change of occupier does not necessarily result in a material change of use.

36. The evidence of Ms Hayley Mann, supported by an email from Mr Julian Cyranski, is that Juliano Transport Ltd collects cars from auctions or similar and stores them on its part of Area 2 for a maximum of 24 hours. I consider that, as a matter of fact and degree, this change in the nature of the goods stored was not material since the overall character of the activity, and the general on-site and off-site implications for the area, remained the same. Similarly, no material change in the character of the use occurred in May 2024, when Selwyn Industrial Services Ltd took over from Lloyds Pallets as the occupier of the eastern part of Area 2 and continued its use for the commercial storage and distribution of pallets.

Area 3

37. The use of Area 3 appears to have started some years after the unauthorised material change of use of Areas 1 and 2 and the Pallets Area. The evidence of Ms Hayley Mann is that this area was used for the storage of lorries, vehicles and trailers by successive occupiers from April 2014 “at the latest” until 2020. There is undisputed evidence that “from at least” April 2014 a caravan was stationed on this area, and used as an office and tea room.
38. My attention was drawn to an aerial image dated 26 March 2017, submitted as part of the Council’s evidence, in which a number of what appear to be containers, and possibly the welfare caravan, are visible around the edges of Area 3 but the central part is empty. This image is not time-stamped, but that it was taken during daylight hours is readily apparent. The evidence of Ms Hayley Mann was that John Dodge, who occupied Area 3 on that date, had “3 or 4” roll-on roll-off lorries whereas Mr David McEwan said that he had 2, and “1 or 2” spare bins stored there. Both said the lorries were out all day, but parked within Area 3 overnight.
39. I am satisfied, on the basis of the oral evidence given on oath by these and other witnesses, that Area 3 was in continuous use for storage from April 2014 until 2020. Aerial photographs are only capable of capturing one moment in time, and an adequate explanation has been provided for the absence of lorries from Area 3 during the daytime. In my judgment none of the changes to activities on Area 3 that subsequently occurred – specifically, its occupation by a Property Management Company for the storage of items associated with their business from 2020, and the removal of the welfare caravan “after Covid” - materially altered the character of its storage use.
40. In summary, I find that the use of Area 3 for storage, including activities incidental to the storage use taking place on Area 1 and the Pallets Area, had commenced by April 2014 and continued, without significant interruption or material change, up to the date the enforcement notices were issued.

Conclusions on the ground (d) appeals

41. For the reasons set out above, I have found that the unlawful B8 storage and distribution use that began in 2011 created a new planning unit, which at that time consisted of the Pallets Area, Area 1 and Area 2. In my judgment that use has continued without significant interruption from 2011 to the present day. The ten-year period available to the Council to take enforcement action expired in

2021, and has not been re-started by any subsequent cessation of (or material change to) that use. I have also found that the unauthorised material change of use of Area 3 to B8 storage and distribution had occurred by April 2014, and then continued without significant interruption or material change until the date the notices were issued. It follows that the ten-year period available to the Council for taking enforcement action in respect of this area expired by April 2024.

42. I therefore conclude that the appeals on ground (d) should succeed in respect of the Pallets Area and Areas 1,2 and 3.
43. The consequence of this is that the Pallets Notice will be quashed. The Other Uses Notice will remain in force, to the extent that it addresses other uncontested breaches of planning control on other areas of Guy Lodge Farm, but will be varied to remove the allegations and requirements relating to Areas 1, 2 and 3.
44. As discussed at the inquiry, there is undisputed evidence that the structure which now stands on Area 1 was not put there to facilitate the material change of use attacked by the notices, but was built much more recently. In the circumstances, I consider it appropriate to correct the Other Uses Notice by deleting references to this structure from its allegations and requirements. This will not cause any injustice to the Appellants, who fairly acknowledge that the building is of recent construction. Nor will it cause injustice to the Council, since it will not affect its ability to take enforcement action against the structure, should it consider it expedient to do so in the light of my other findings about the use of Area 1.

The appeals on ground (g)

45. As a consequence of my conclusion in respect of the appeals on ground (d), the appeals on ground (g) relate only to the areas of land remaining in the Other Uses Notice after correction and variation: that is, Areas 4 and 5. The ground of appeal is that the compliance period specified by the Notice falls short of what should reasonably be allowed.
46. The Appellants contend that the six months specified by the Notice should be extended to twelve months, as the tenancy and licence agreements with existing occupiers will need to be terminated, and there is a shortage of alternative sites in the area to which the materials needing to be relocated could be transported and subsequently stored. However, no evidence has been provided as to the terms of any existing tenancies or licences, or the notice period required for vacation; nor is there any substantive evidence (such as letters from property agents in response to enquiries) to demonstrate a lack of alternative storage sites in the area.
47. In the absence of any persuasive evidence to the contrary, I consider that a period of six months should provide adequate time for existing occupiers to search for alternative premises. The appeals on ground (g) therefore fail.

Conclusion on the Pallets Appeals

48. For the reasons given above, I conclude that on the balance of probabilities the appeals on ground (d) should succeed in respect of those matters which, following the correction of the notice, are stated as constituting the breach of planning control. The Pallets Notice will be corrected and quashed. In these circumstances, the appeals on ground (g) do not need to be considered.

Conclusion on the Other Uses Appeals

49. For the reasons given above, I conclude that on the balance of probabilities the appeals on ground (d) in respect of those matters which, following the correction of the notice, are stated as constituting the breach of planning control should succeed in respect of Areas 1, 2 and 3. The appeals on ground (g) in respect of these three areas do not therefore need to be considered. For the reasons given above I have concluded that the appeals on ground (g) in respect of Areas 4 and 5 must fail. The Other Uses Notice will be corrected, and then varied, to remove the allegations and requirements relating to Areas 1, 2 and 3. Subject to the corrections and variations, the notice will be upheld.

Formal Decisions

The Pallets Notice

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

- In paragraph 2, after the phrase "...the attached plan", inserting the phrase "(Plan 1)"
- In paragraph 3, deleting the phrase "outlined in red on the plan for identification purposes" and substituting the phrase "identified in blue on the attached plan (Plan 2)"
- In paragraph 5.1, deleting the phrase "the site" and substituting the phrase "the area outlined in blue on Plan 2"; also deleting the phrase "(as outlined in red for identification purposes on the attached plan)"
- In paragraph 5.2, after the words "...in relation to the commercial use", deleting all subsequent words and substituting the phrase "from the area outlined in blue on Plan 2"
- Deleting paragraph 5.3 in its entirety and substituting the words "Remove all items associated with the commercial pallet company from the area outlined in blue on Plan 2"
- In paragraph 5.4, deleting all of the words which follow the phrase "...associated with the commercial pallet company" and substituting the words "at the area outlined in blue on Plan 2"
- In paragraph 5.5, deleting the phrase "the Premises (as outlined in red for identification purposes on the attached plan)" and substituting the phrase "the area outlined in blue on Plan 2"
- In paragraph 5.6, after the words "the unauthorised", deleting all subsequent words and substituting the words "use from the area outlined in blue on Plan 2"
- In paragraph 5.7, deleting the word "Premises" and substituting "the area outlined in blue on Plan 2".

Subject to these corrections, the appeals are allowed and the enforcement notice is quashed.

The Other Uses Notice

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

- In paragraph 2, after the phrase "...the attached plan", inserting the phrase "(Plan 1)"
- In paragraph 3, deleting the words "associated structures" and substituting the words "porta cabins, containers and associated structures"
- In paragraph 3(1), deleting the words "the distribution of" and substituting the words "the storage and distribution of"
- In paragraph 3(2), deleting the words "scrap/accident damaged/ broken down"
- Deleting paragraph 3(6)
- In the first sentence of paragraph 4.4, inserting the word "property" immediately prior to the words "management company"
- In the first sentence of paragraph 4.5, deleting the word "water"
- In paragraphs 5.2 and 5.3, deleting each occurrence of the phrase "scrap/accident damaged/broken down"
- In paragraphs 5.6, 5.7 and 5.8 deleting each occurrence of the word "water"
- In paragraph 5.9, after the word "Premises", deleting all subsequent words and substituting the words "referred to at paragraph 5.2 and 5.8 of this Notice"
- Deleting paragraph 5.11

And then varied by:

- Deleting sub-paragraphs 3(1), 3(2) and 3(3)
- Deleting paragraphs 5.1, 5.2, 5.3, 5.4 and 5.5
- In paragraph 5.9 AS CORRECTED (see above), deleting the words "5.2 and"
- In paragraph 5.10, deleting the phrase "(as outlined in red for identification purposes on the attached plan numbered 1)" and substituting the phrase "identified as Area 4 and Area 5 on Plan 2"
- In paragraph 5.12, deleting the phrase "(marked as area 1, 2, 3, 4 and 5 on plan 2 for identification purposes)" and substituting the phrase "identified as Area 4 and Area 5 on Plan 2"
- In paragraphs 3 and 5 re-numbering, consecutively, the allegations and requirements that remain.

Subject to these corrections and variations, the appeals in respect of Areas 1, 2 and 3 are allowed, the appeals in respect of Areas 4 and 5 are dismissed, and the enforcement notice is upheld.

Jessica Graham

INSPECTOR

APPEARANCES

For the Appellants

Mr Jack Smyth	Counsel for the Appellants, instructed by Mr Mark Turner of Aaron & Partners Solicitors
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He called:

Ms Hayley Mann	Appellant
Mr Terence Boreham	Former employee at Guy Lodge Farm
Mr Vic Smith	Owner and Director of Vic Smith Beds
Mr Dragos Nechita	Former employee at Lloyds Pallets
Mr Dean Edwards	Former employee at Guy Lodge Farm
Mr David McEwan	Owner and Director of Larner Recycling Ltd
Mr Lewis McEwan	Resident at Guy Lodge Farm
Mr Michael Carter	Commercial occupier of land at Guy Lodge Farm
Ms Lucy McEwan	Appellant

For the Council:

Mr Giles Atkinson	Counsel for the Council, instructed by the Council's Head of Law
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He called:

Ms Suzanne Armstrong	Principal Enforcement Officer at the Council
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Interested Parties:

Mr Jim Wellington	Joint Owner and Director of Evenheights
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