



Appeal Decision

Site visit made on 18 June 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/D1265/C/24/3343458

Plot 76 Avon Castle, Hurn Road, Ringwood BH24 2BP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr M Alkabani against an enforcement notice issued by Dorset Council.
 - The enforcement notice was issued on 19th March 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the Land from Woodland to mixed Domestic and Woodland Use, together with the unauthorized development in creation of an access point onto the highway and laying of hard standing to facilitate parking on that land. Construction of gates and fences in excess of permitted development rights.
 - The requirements of the notice are:
 1. Cease to use the Land for any purpose other than Woodland;
 2. Remove all domestic paraphernalia from the Land.
 3. Reinstate the highway verge;
 4. Remove all hard standing
 5. Remove the gates and fences or alternatively reduce the height of the gates and fences to 1m in height.
 6. Remove all associated debris from the land.
 7. Make good the land: use topsoil as appropriate and reseed the surface of ground and allow to recover.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) 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.

Procedural Matters

2. Planning permission was dismissed at appeal (reference 3334017) on 30 August 2024 for the *"change of use from agricultural/forestry land to mixed use comprising recreation and leisure use for 110 days per year and all year-round forestry maintenance; erection of 1.5m high timber gate on west frontage of plot to form new vehicular access."* Following this decision the appellant has withdrawn their appeal on ground (a), and therefore, this appeal is proceeding on ground (f) only.

The Appeal on Ground (f)

3. The appeal on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to

- remedy any breach of planning control which may be constituted by those matters (i.e. the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
4. The Notice requires the use of land for any purpose other than Woodland to cease; the removal all domestic paraphernalia and hard standing from the Land together with reinstating the highway verge. The Notice also requires that the gate and fence is either removed or alternatively to reduce the height of the gates and fence to 1m in height, in compliance with permitted development rules, and make good the land. Therefore, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
 5. The appellant states that confining the domestic paraphernalia to the south-western corner of the appeal site only and removing any item over 1 metre in height will enable his children an area for recreation whilst he carries out his woodland maintenance duties. He also states that vehicular access is required and therefore an area of hardstanding for 5 metres either side of the entrance gates will enable access and allow turning of vehicles within the site. It is also claimed that it is unnecessary to reinstate the highway verge as there needs to be a vehicular access to maintain the woodland.
 6. However, since there is no appeal on ground (a) appeal, there is no deemed planning application. Therefore, the planning merits of the development in relation to children's play area, the effect on openness and the benefits of the development can play no part in my decision. The notice has been issued to remedy the breach of planning control. That would not be achieved by the steps outlined by the appellant, as it would not remedy the breach of planning control, which is the purpose of the notice and planning permission would still be required.
 7. Therefore, the appeal on ground (f) fails.

Conclusion

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

R Satheesan

INSPECTOR