



Appeal Decision

Inquiry held on 12 November 2024 and 1 to 3 April 2025

Site visit made on 12 November 2024

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2025

Appeal Ref: APP/L3815/C/23/3334645

Land south of Churchers Copse Barn, Hambrook Hill South, Hambrook, Chidham, Chichester, West Sussex PO18 8UJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Anthony Pouralli against an enforcement notice issued by Chichester District Council.
 - The notice was issued on 1 November 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the Land to use for the stationing of mobile homes for the purposes of human habitation.
 - The requirements of the notice are to:
 - (i) Cease the use of the Land for the stationing of mobile homes for the purposes of human habitation;
 - (ii) Remove all mobile homes from the Land;
 - (iii) Remove the outside seating, storage containers, clothesline, barbeque, wooden decking and walkways from the Land; and
 - (iv) Following compliance with steps (ii) and (iii) above level the Land and reseed with grass.
 - The period for compliance with the requirements is 6 months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) and (g) of the Town and Country Planning Act 1990 (as amended).
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Summary Decision: The appeal is dismissed and the enforcement notice is upheld with corrections in the terms set out in the formal decision.

Preliminary Matters

1. During the course of the appeal, some of the written evidence has been redacted and I was asked to disregard certain questions asked and oral evidence given.

The Notice

2. Before considering the grounds of appeal, I have a duty to put the notice in order, if necessary. At the start of the inquiry, I discussed my concerns with the parties with regard to the allegation of a change to a single use. In view of the location of the mobile homes in question, within a woodland area, and the reference in evidence to some tree felling, I questioned whether the use taking place on the site might be better described as a mixed use, including a forestry use. However, having heard the parties' representations on this matter, I am persuaded that the allegation of a single use is accurate in this case.
3. Notwithstanding the above, the notice refers to 'mobile homes' (plural), but does not specify the number of mobile homes it intends to target. I am, therefore,

concerned that the notice lacks precision in this regard. Furthermore, I also find the reference to 'human habitation' unusual and not particularly clear.

4. There is no dispute that two mobile homes are stationed on the land. Furthermore, both parties are clearly of the view that the purpose of the mobile homes (and, therefore, the land) is for a residential use. During the inquiry, neither party objected to a correction to the notice to specify the number of mobile homes or to include reference to a residential use. As the parties' respective cases have been prepared on this basis, I cannot conclude that injustice would be caused were I to make these corrections. Accordingly, using the powers transferred to Inspectors under section 176(1)(a) of The Town and Country Planning Act 1990 as amended (the 1990 Act), I intend to correct the notice to refer to the stationing of two mobile homes for the purposes of a residential use.

Ground (d)

5. An appeal on this ground is that, at the date on which the notice was issued, no enforcement action could be taken in respect of any breach of planning control that may be constituted by those matters. In order to succeed on this ground, the appellant must show that on the balance of probability the use alleged (corrected as I intend) had continued substantially uninterrupted for a period of ten years beginning with the date of the breach.
6. The appellant and his wife previously owned and lived at the adjoining property, Churches Copse Barn (CCB). Prior to this being sold in 2010, the appellant says that two mobile homes owned by him were moved from CCB onto the appeal site. He says that from 2010 onwards he and his wife lived in one of the mobile homes, and that both the mobile homes and land were used for residential purposes since that time. In support of his case, the appellant relies on the whole on his own recollections of the use of the site, and on the evidence of a number of witnesses who say that they also have a knowledge of the site.
7. Mr Paul White says that he carried out the work to move the mobile homes on skids from CCB to the appeal site in 2009. The appellant points to an older aerial photograph of CCB, which he says shows one of the mobile homes in question, prior to it being moved to the appeal site. Although there is some inconsistency with Mr White's evidence and the evidence of the appellant (for example, with regard to who moved the shed from CCB to the site), I find Mr White's description during the inquiry of how the mobile homes were moved to be plausible. He also indicated the location on the site where he recalls positioning the mobile homes, which was into the eastern part of the site.
8. Notwithstanding the above, I find it unusual that there is no documentary evidence to support the claims of both witnesses. I noted the reasons given for the lack of any invoices for the works. There was, however, little to explain the lack of receipts for the items purchased (receipts for the 5kW inverter or the 6 ground solar panels, for example) and evidence relating to the transfer to Mr White of the substantial sum of money for the works.
9. The appellant says that he commenced living in one of the mobile homes at the site a few weeks before the sale of CCB to Mr Craig Elkins in June/July 2010. The inconsistency in the dates given for the sale of CCB by the appellant and Mr Elkins is of little consequence, given that they are only a day or so apart.

10. In the year or so prior to this move, Ms Catriona Silk, a friend of the appellant and his wife, says that she lived at CCB and that she moved with the appellant and his wife onto the appeal site, living in the second of the two mobile homes. Ms Silk describes eventually being rehoused within the area, although she does not say when. Nevertheless, there is no suggestion that her permanent occupation of the second mobile home continued for a period of 10 years or more from 2010. Instead, after she move to accommodation elsewhere, Ms Silk describes staying in the second mobile home at times when she is not feeling well.
11. Despite Ms Silk describing having lived with the appellant and his wife for a number of years, and having moved with them from CCB to the appeal site in 2010, neither mention Ms Silk in their written evidence. Indeed, there is little to support the evidence of Ms Silk and her occupation of the second mobile home. In fact, in contradiction of Ms Silk's evidence, Mrs Pouralli says in her written evidence that the easternmost caravan on the site was originally occupied by her younger brother. However, at the inquiry she then said that her brother had never lived at the appeal site.
12. Notwithstanding this, whilst there is reference to the second mobile home being used for friends and family, neither the appellant nor his wife give sufficient evidence to demonstrate the continued and substantially uninterrupted use of the second mobile home for residential purposes for a period of ten years or more from 2010. There is also no suggestion that they themselves used it from this time. Few of the witnesses were able to give evidence about the presence and/or use of the second mobile home. Indeed, having regard to Ms Silk's evidence and the evidence of the use of the second mobile home by the appellant's niece for holiday purposes, the evidence indicates that the use of the second mobile home for residential accommodation was intermittent, save for Ms Silk's initial occupation of it.
13. As for the continuity of the use of the first mobile home, there are a number of witnesses¹ who describe having been to the appeal site on numerous occasions since 2010 to visit the appellant or his wife. The frequency and purpose of the visits vary. I note that some were regular visitors during certain periods. That includes Mr Horwood at the time the appellant says he first moved to the site. Also, Lyn Pouralli during her occupation of the outbuilding at CCB. Many refer to the appellant being in his dressing gown on some of the visits, indicating that he was living at the site in the mobile home. That includes the current owner of CCB, Mr Craig Elkins. He describes visiting the appeal site, although he says this was not often. I also note Mr Elkins' description of the initial arrangement for vehicle parking for the appeal site at CCB. Whilst the evidence from the appellant's family, friends and acquaintances corroborates his claims with regard to the continuity of the use, most of the witnesses were particularly general about the frequency of their visits and few were specific about any particular dates.
14. Whilst the appellant has provided some evidence to show an address at the appeal site, which I will come to below, this includes confirmation from Royal Mail, dated 28 July 2015, of a request to redirect mail from the appeal site, referred to in the letter as 'Woodlands Retreat', to a property elsewhere. The appellant's explanation for this is that, due to a family tragedy, there was a need for him to be in New Zealand for a period. At the inquiry he said that, because of this, he was worried

¹ Some of who gave oral evidence at the inquiry and others who provided statutory declarations and evidence in writing only.

about him and his wife not being at the appeal site and so redirected the mail to his business address, saying that it did not matter if the post addressed to the appeal site accumulated there.

15. The visit to New Zealand is not mentioned in any written evidence and the appellant did not say how long he and his wife stayed in New Zealand. Nevertheless, this demonstrates that the appellant and his wife spent some time away from the appeal site. I am mindful of the caselaw that has been drawn to my attention² and acknowledge that a short trip away from the site would not have prevented the Council from enforcing against the breach in this case. However, that there was a need to redirect his mail indicates that the trip was not for an insubstantial period. Furthermore, I note that the appellant requested that his mail be redirected for a full 12 months, rather than a shorter period. This indicates a lack of presence at the appeal site for a substantial period.
16. Later in 2015 the appellant says that he rented a furnished property in the Woodmancote area. He says he signed a 12 month tenancy agreement and that for the purposes of council tax, he was registered at the property. The evidence indicates that the property was rented from October 2015. Despite this, the appellant says that he and his wife continued to live at the appeal site during this time. The reason for doing this are set out in the proof of evidence of the appellant and Stephen Shepherd. The reasons were also explored during the inquiry.
17. Mr Shepherd clearly struggled with giving evidence to the inquiry. Nevertheless, I cannot ignore the clear inconsistencies between his oral and written evidence. This includes that, when asked if the appellant and his wife resided at the Woodmancote property, Mr Shepherd's answers contradicted his written evidence and the evidence of the appellant. Furthermore, despite writing that he was a regular visitor to the appeal site, Mr Shepherd said at the inquiry that he had not been to the appeal site either prior to or since the events of 2015. This means that little reliance can be placed on his written confirmation of the appellant having lived at the appeal site since 2010, having family and friends stay at the second mobile home, and having moved the mobile homes 'a couple of times'. Indeed, at the inquiry Mr Shepherd confirmed that this is what he was told by the appellant. For these reasons, the appellant acknowledges that the evidence of Mr Shepherd should be given less weight than others in my determination of the appeal.
18. That the appellant rented and registered for Council tax at a property away from the appeal site is evidence that clearly contradicts his claims in this case. Whilst I note the appellant's explanation for having done this, the evidence to corroborate this must be regarded as limited, for the reasons given.
19. Furthermore, whilst I have noted the reasons given by the appellant for paying the rent and for all bills associated with the Woodmancote property, I find it unusual that the appellant had registered **himself** as the tenant and as the occupier for the purposes of council tax, rather than Mr Shepherd. This does not fit with the reasons given for renting this property, which were, in part, to demonstrate to the relevant authorities that Mr Shepherd had a home for him and his children to occupy.
20. Following the events of 2015, the appellant entered into a similar situation in July 2016, when he rented an outbuilding at CCB for his sister, Lyn Pouralli, and paid all

² *Thurrock, Basingstoke & Deane BC v. SoSC&LG* [2009] JPL 1585-1597; [2009] EWHC 1012 (Admin)

utility bills and Council tax bills. I found the evidence of Ms Pouralli and her sponsor regarding her occupation of the outbuilding at CCB for around 10 months to be persuasive. Nevertheless, as with the property at Woodmancote, I find the arrangements to be unusual.

21. In addition to the above, Ms Pouralli's indication of the location of the mobile home occupied by the appellant and his wife was not consistent with that given by Mr White. This inconsistency might be explained by the suggestion in written evidence that the mobile homes had been moved a couple of times within the wooded area of the appeal site. However, in his oral evidence the appellant says that the mobile homes had been moved only twice, onto the appeal site and then to their current location.
22. I note the documents provided by the appellant that show the appeal site as his address. I acknowledge that these, together with the mail redirect request letter from Royal Mail, support the appellant's claim of him having resided at the appeal site. Their assistance to the appellant's case is, however, limited. I have already commented on the mail redirect letter above. In addition to this the patient summary record gives the appellant's address as the appeal site from 2015 and does not, therefore, support his claim of having resided at the site since 2010. The appellant says in written evidence that in 2015 he 'applied to royal mail for a formal address'. Yet, this is inconsistent with the Experian credit report, which gives the appeal site as the appellant's residence since April 2011. In short, the documents do not support the appellant's claim of him having continually resided at the site since July 2010.
23. Whilst I acknowledge that there may not have been the usual gas and electricity utility bills in this case, there is a distinct lack of other correspondence or documents that would usually be associated with someone's domestic residence. This includes those relating to car tax, driver's licence, mobile phones, and bank statements.
24. I turn now to the photographs and aerial imagery. The Council's first photographs of the site date from 2010. I also note the photographs from 2011 and 2012. It is difficult to understand what part of the site or surrounding area is shown in some of these photographs. In others, it is clear that these were taken of land outside of the appeal site. However, several of the images show a view looking towards the wooded part of the site where the appellant says his mobile homes were located at this time. Some also show the southern edge of the wooded area, with the nearby dwellings to the east in the background.
25. The appellant says that the mobile homes would not have been visible in these photographs, due to their location further into the wooded area. I can see that the wooded area was thick with trees and vegetation at the time these photographs were taken. This is consistent with the aerial imagery from 2011, 2012 and 2013. Relevant to this, I had intended to access the whole of the site during my site visit. However, I was unable to access the easternmost part of the site, due to the density of planting and vegetation cover. I also noted that the ground was particularly soft underfoot. If this type of vegetation cover was typical of the vegetation and tree cover across the site in the early years from 2010, I find it difficult to understand how there might have been space and suitable ground conditions to allow for the siting of two mobile homes on the easternmost part of the site.

26. Furthermore, although there are several photographs of the tree line at various times, I cannot make out the 6 ground solar panels that the appellant and Mr White says were located along the southern edge of the tree line. Indeed, the solar panels are not obvious in any of the aerial imagery.
27. After the appellant began parking his vehicle at the appeal site (rather than at CCB), but before the mobile homes were moved to their current location, he says that he parked his vehicles at the edge of the wooded area and that access to the mobile homes was via a path laid with woodchip through the trees. The Council has provided photographs from 2019 showing the slab of the building on land adjoining the appeal site. Two are a panoramic view showing the tree line in the background, where I would expect to see the route through the trees and woodchip path. These are not, however, obvious in these photographs.
28. The appellant says that the mobile homes were moved to their current location in the summer of 2020. I have been provided with aerial imagery from 2021³ and 2022. The appellant does not dispute the date of the aerial photographs. Although a slightly blurred image, the parties agree that the mobile homes are visible in the 2022 photograph. The light coloured roof of the units is easy to make out and their location is consistent with the current location of the units, as agreed between the parties.
29. The 2021 aerial image is far more sharp than the 2022 image. The quality of the digital image I have been provided is such that I have been able to focus in and magnify it, without losing much clarity. In this I can clearly see the roof form of the building adjoining the appeal site, vehicles parked in the forecourt of the building and a single vehicle parked to the rear. The image is so clear, I can also make out the roof of the open sided covered area within the part of the site referred to as the play area. Indeed, my record is that the parties agreed that this structure is visible in this aerial image and that its shape is not consistent with either of the mobile homes.
30. Although the appeal site is clearly populated with trees, I can see that the western part of the site (upon which the appellant says the mobile homes were located at this time) is less dense than the eastern part. I say this because I can see the diagonal straight lines across this part of the site that results from the shadow of the trees. The fall of these shadows is consistent with that cast by buildings and other such items in the area. That most of the shadows are fairly straight indicates that they have fallen on a level area. I find it likely that these shadows have fallen on the ground surrounding the trees. Such shadows are not visible in the eastern part of the site.
31. Having regard to how visible the roof of the mobile homes are in the 2022 aerial photograph, I would have expected to see them even more clearly in the 2021 image. I say this, having regard to the detail I am able to see of other objects in this image. This includes the light coloured bonnet and roof of the vehicle to the rear of the building. However, the roofs of the mobile units are simply not visible in the westernmost part of the site in this photograph. Despite some discussion with the parties at the inquiry regarding the 2021 aerial image, the appellant was unable to point out the units in this photograph. I do not consider this aerial photograph to be inconclusive. Simply put, I am not persuaded that when this photograph was

³ Although the copy is dated 2022 in the Council's appendices, the Council confirmed that this is incorrect and the that aerial image is from 2021.

taken, the units were located where the appellant contends that they were at this time.

Ground (d) Summary

32. I am mindful of the weight that is carried by evidence that has been formally tested at an inquiry or has been given in a statutory declaration. There are, however, several inconsistencies in the evidence that has been given. This includes Ms Silk's account of her occupation of the second mobile home and that of Mrs Pouralli. There is also internal conflict in the evidence of Mr Shepherd; his oral evidence also contradicted that of the appellant.
33. I note the evidence of other of the appellant's friends and acquaintances, and acknowledge that this corroborates the appellant's claims. However, most were general about the frequency of their visits and few were able to be specific about any particular date of their visit. In particular, none referred specifically to the time during which the appellant was the tenant of the Woodmancote property or during the time the appellant had redirected his mail away from the site, which included a trip out of the country.
34. The evidence indicates that, notwithstanding Ms Silk's occupation of the second mobile home in the early years, the unit has only ever been used intermittently to provide residential accommodation to the appellant's friends and family.
35. The documentary evidence in support of the appellant's case is limited and to a degree, either contradicts or fails to corroborate the claims of the use of the site starting in 2010. The appellant's case is also absent of any documents to support the not insubstantial sum paid and works carried out to move the mobile homes to the site.
36. Finally, I cannot ignore that the photographic evidence fails to support the appellant's claims in this case. I understand that the dense vegetation and tree cover would mean that the mobile homes are unlikely to be visible in the photographs prior to them being moved to their current location. However, this also makes me doubt that the mobile homes could have practically been stationed in and amongst this dense wooded area. I find as such, having regard to my observations on site.
37. Notwithstanding this, the site photographs do not corroborate the appellant's claims with regard to the solar panels and woodchip path. And in my judgement, the aerial photograph from 2021, and its comparison with that in 2022, entirely contradict the appellant's claims with regard to the siting at that time of the mobile homes in the location as I observed them on site.
38. Bringing all of the above together, if I am to regard July 2010 as the date of the breach, there is a substantial deficit in the evidence to demonstrate that the use of the second mobile home for residential purposes had continued substantially uninterrupted for a period of ten years beginning with the date of the breach. It is, therefore, more likely than not that the residential use of the second mobile home was not lawful on the date the enforcement notice was issued.
39. As for the use of the first mobile home and, therefore, the appeal site, my decision is more finely balanced. Whilst I am persuaded that the appellant and his wife have lived at the site in the mobile home they currently occupy prior to the issue of the

enforcement notice, I am not satisfied that, on the balance of probability, this use has continued substantially uninterrupted for a period of ten years or more beginning with the date of the breach. For the reasons I have given, I cannot find the evidence to support the appellant's case sufficiently precise and unambiguous. The contradictions identified have led me to conclude that the appellant's version of events is less than probable. The appellant has not, therefore, discharged the burden of proof that is upon him.

40. Accordingly, I conclude that, on the balance of probability, the residential use of the first mobile home and, therefore, the appeal site was not lawful on the date the notice was issued. This means that the ground (d) appeal should not succeed, as on the date on which the notice was issued, enforcement action could be taken in respect of the breach of planning control alleged, corrected as I intend.

Ground (g)

41. An appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed. The notice specifies a period of 6 months from the date it takes effect. Whilst I note there is agreement amongst the parties that the period for compliance with the notice should be extended to 12 months, in order for the appellant's ground (g) appeal to succeed, I must be satisfied that the period specified in the notice is unreasonable.
42. To this end, the appellant's case under ground (g) is briefly stated. It is that 12 months is needed for him and his wife find alternative accommodation. Whilst this is noted, the appellant has not provided evidence relating to his current circumstances, such that I could conclude that finding accommodation elsewhere would be difficult. He has not suggested that there is a particular shortage of accommodation in the area, or in the area he and his wife would choose to live. Neither has he indicated that there would be any particular difficulty in removing the mobile homes and associated paraphernalia from the site.
43. In order to comply with the requirements of the notice, the appellant must find alternative accommodation, make the arrangements to move and then move from the site, and then remove the mobile homes and associated paraphernalia. I do not consider a 6 month period to be insufficient for this to occur. Furthermore, I have been given no reason to conclude that the particular circumstances of this case are unusual, such that a longer period would be required. Having regard to the evidence before me, I cannot conclude that the period specified in the notice falls short of what should reasonably be allowed.
44. Whilst I have had regard to the agreed position between the parties, I conclude that the ground (g) appeal must fail because I have not been provided with evidence to persuade me that more time than that specified in the notice is needed to comply with its requirements. Notwithstanding this, I am mindful of the provisions of section 173A of the 1990 Act that can be exercised by the Council to vary an enforcement notice, including the period for compliance. That would, of course, be a matter for the exercise of the Council's discretion in all the circumstances.

Overall Conclusion

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

Formal Decision

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

- the deletion from part 3 of the words "mobile homes for the purposes of human habitation" and their substitution with the words "two mobile homes and use for residential purposes"; and
- the deletion from part 5 (i) of the words "for the purposes of human habitation" and their substitution with the words "and use for residential purposes".

47. Subject to the corrections, the appeal is dismissed and the enforcement notice is upheld.

J Moss

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Wayne Beglan	Counsel – Cornerstone Barristers
Stephen Jupp MRTPI	Agent
Anthony Pouralli	Appellant
Sharon Pouralli	Witness for the appellant
Stephen Shepherd	Witness for the appellant
Lyn Pouralli	Witness for the appellant
Ross Horwood	Witness for the appellant
Catriona Silk	Witness for the appellant
Paul White	Witness for the appellant
Craig Elkins	Witness for the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Whale	Counsel – Landmark Chambers
Shona Archer MA MRTPI	Chichester District Council
Andrew George MRTPI	Chichester District Council

INQUIRY DOCUMENTS

ID1 Plan showing current location of both mobile homes