Planning Inspectorate

Appeal Decisions

Site visit made on 5 July 2025

by A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

an Inspector appointed by the Secretary of State

Decision date: 8th July 2025

Appeal A and B Refs: APP/L2630/C/22/3297156/57
The Old Vineyard, Overwood Lane, Great Moulton, Norfolk NR16 1LW

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the "1990 Act").
- The appeals are made by Mr Tony Calver (Appeal A) and Mrs Rachel Calver (Appeal B) against an enforcement notice issued by South Norfolk Council.
- The enforcement notice was issued on 23 March 2022.
- The breach of planning control is the material change of use of the land from agricultural land to a mixed use of agriculture and residential use and domestic storage and the erection of a building for a residential occupation in the approximate location marked with an "X" on the plan attached to the notice.
- The requirements of the notice are to: 1) permanently cease the use of the land for residential purposes 2) permanently cease the use of the land for domestic storage 3) permanently remove all residential and domestic fixtures, fittings and paraphernalia from the land and 4) permanently remove the building from the land.
- The period for compliance with the requirements is 9 months.
- Appeals A & B are proceeding on the grounds set out in section 174(2)(b), (c), (a) and (f) of the 1990 Act. Since the prescribed fee has not been paid in Appeal B within the specified period, ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended has lapsed[1].

Summary 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.

Preliminary matters – the scope of the redetermination

1. The appellants first appeal to the Secretary of State (hereinafter "the SoS") was determined on 25 April 2024 (the "2024 decision"). The appointed Inspector found the allegation should be corrected to read the following: *the material change of use of the land from agricultural land to a mixed use of agriculture and residential use and the erection of a building for a residential occupation in the approximate location marked with an "X" on the plan attached*. The appeals were dismissed on all grounds. For the reasons given by the first Inspector, I concur that no injustice is caused to any party by this correction and I too shall adopt it.

2. The 2024 decision was challenged pursuant to section 289 of the 1990 Act in the High Court, and ground 4) is pertinent. The appellants produced evidence to show that the full extent of their arguments in support of ground (f) had not been fully explored. Permission to appeal was granted by the Court in November 2024 and the SoS conceded the claim. Subsequently, the appeal parties were invited to make further representations within certain timescales. I shall take into consideration all representations. The consent order indicates only ground (f) should be re-determined. However, the extent of the further representations submitted by the appellants suggest circumstances have changed since the legal proceedings.

3. To avoid any surprise, I consider that the fairest way to address all matters now raised is to reconsider the appeals by opening all the grounds. I will proceed on this basis.

[1] On 26 April 2022 the Council confirmed the relevant fee had only been paid in respect of Appeal A.

Ground (b) and (c)[2]

4. In these combined appeals, the onus is firmly on the appellants to show the alleged breach, as corrected, did not in fact occur or, if it did, they do not constitute a breach of planning controls.

5. In ground (b), the nub of the argument is a simple one, namely, that the Council incorrectly describes the breach of planning control. The appellants argue that the building, that is the subject to enforcement action, is a twin-unit caravan.

6. Subsection 29 (1) of the Caravan Sites and Control of Development Act 1960 as amended (‘the CSCDA’) says that a ‘caravan’ means any structure designed or adapted for human habitation, which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include (a) any railway rolling-stock, which is, for the time being, on rails forming part of a railway system or (b) any tent.

7. Subsections 13 (1) and (2) of the Caravan Sites Act 1968 as amended (‘the CSA’) define twin-unit caravans as follows: (1) a structure designed or adapted for human habitation which (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the CSCDA by reason only that it cannot lawfully be so moved on a highway when assembled.

8. Subparagraph (2) says that for the purposes of Part I of the CSCDA, the expression ‘caravan’ shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits: (a) length (exclusive of any drawbar): [65.616] feet ([20]m); (b) width: [22.309] feet ([6.8] m); (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): [10.006] feet ([3.05] m)[3].

9. The appellants’ evidence is that they began building the structure in April 2021 and despite conflicting advice from the Council, they continued the construction on the basis that a twin-unit caravan was being erected. A dispute arose when the overall width of the appeal structure was increased by 0.77 x 4.4 m, due to the addition of a bay window extension on the northern elevation. They contend that the extension should not preclude it from meeting the legal definition of a caravan, and the extension is just an add-on and that it can easily be removed. However, the uncontroversial evidence is that when the notice was issued the overall width of the appeal structure was 7.57 metres. I too observed the extension is part and parcel of the structure and is incorporated into the principal build. It matters not if the addition was constructed from the outset or added later, because it clearly forms part of the original fit out. The external cladding on the structure’s western elevation extends fully across the bay window. The bay is fully encompassed within the main roof pitch, with the roof canopy extending beyond its outermost elevation.

10. When assessing if the structure falls within the scope of CSA s13(1)(2), to my mind it matters not if the bay window is structurally integral or it can be easily detached. What is crucial is the dimensions and, in this case, the structure’s width exceeds the 6.8 m limitation. That was the circumstances when the notice was issued.

[2] As arguments are interlinked, I will assess these appeals together.
[3] As amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 (SI 2006/2374).

11. In any event, even if the overall size met the statutory definition, there is an added complexity because the appellants must demonstrate that the structure meets what is commonly called the construction and mobility test. Established case law has set down three primary tests for assessing whether a structure amounts to a building: size, permanency and the degree of physical attachment[4]. No one factor will be decisive, and any assessment will be a matter of fact and degree in the given circumstances. The question of whether a caravan would amount to a building has also been the subject of case law.

12. The appellants refer to various authorities including *Measor v SSETR & Tunbridge Wells BC* [1999] JPL 182. Generally, a mobile caravan would not satisfy the definition of a building due to its lack of permanence and attachment to the ground. It was also found that a conclusion that all caravans are buildings would offend against the provisions of Parts II and VII of the 1990 Act and be contrary to common sense. That is not to say that a caravan could never become a building but having regard to *Measor*, that would not be the case in most instances unless, for example, there was a substantial degree of affixation to the land.

13. These judgments and the findings therein serve to illustrate that with each case it is a matter of fact and degree based on the circumstances. When considering whether a structure is deemed to be a caravan or, as in this case, a twin-unit caravan, the following matters are relevant considerations; there must be a structure, it must be designed or adapted for human habitation and that structure must be capable of being moved as a single entity. A structure composed of not more than two separately constructed sections which are designed to be assembled on site, and, when assembled, is physically capable of being moved by road is not excluded from the relevant legislative provisions.

14. In applying the construction test, the two sections should be “separately constructed” and designed to be “assembled on site”. In other words, there is an element of pre-fabrication built into the definition whereby the two separate sections should be constructed and then “assembled” on site by being bolted, clamped or joined together. The act of joining the two parts together is the element of work that is envisaged on the site and vice-versa, it appears to me that the implication in s13(1)(a) is that the structure should be brought to site in not more than two sections. In that respect it appears to me that the definition deliberately differentiates between a caravan which should be separately designed and constructed before being assembled on a site, and more complex building operations that would take place on site. In my judgment, it is significant that the structure would be brought to the site in more than two sections because that increases the possibility of complex work required on a site and, thereby, increases the likelihood that considerable building operations would be involved.

15. The bundle of evidence includes photographs of the construction phase and, although a snapshot, I find it is particularly instructive of the nature, manner and way in which the appeal structure was assembled. I also observed that elements of the structure and veranda were exposed, which gave me an opportunity to see how the structure has been framed. It appears to me that the work involved in constructing the structure includes the placing of the foundations on firm ground. A timber sub floor base, which includes specially designed supporting frames, has been installed. The images appear to show the erection of an outer frame and walls comprises sections of studs located at intervals in an upright position attached to sole and header plates. The walls seemed to have been supported by vertical noggins presumably for lateral support and insulation panel installation. It appears that these timbers were physically connected to form four contiguous external walls. The roof trusses were

[4] *Cardiff Rating Authority v Guest Keen Baldwin's Iron & Steel Co Ltd* [1949] 1 KB 385 and *Skerritts of Nottingham Ltd v SSETR (No 2)* [2000] 2 PLR 102.

erected at regular intervals, and a pitched roof was installed, which was attached to the main body of the structure and made watertight and insulated.

16. There is no conclusive evidence showing how the halves were bolted or clamped together. To my mind, considerable pre-planning and operations was required in erecting or putting together the floor, outer walls and roof. What is clear is that the work on the site did not simply involve "assembling" or bolting together two sections, as envisaged by the s13(1)(a). The evidence points in the probability that significant building operations were needed to construct multiple elements of the structure and, thereafter, it seems likely that internal and external finishes were added to the desired quality.

17. In theory, at least, the structure could be cut into two separate halves given the nature of the built fabric, but that seems too impractical and far-fetched given the design and scale of the structure. It would potentially involve its significant dismantling and removal of the pitched roof coverings and the roof trusses. It would involve the cutting or physical removal of the main centreline beams and solid gable-end timbers. In addition to all of that, the separation of the units would potentially expose the interiors to the elements, due to the design and internal layout of the structure. The evidence points to the probability that the latter fails the construction test in s13(1)(a) to the CSA.

18. In terms of the mobility test, the appellants take issue with both the Council's and previous Inspector's approach. I agree that whether there is an intention to move the structure regularly is not determinative and such considerations do not get to the heart of whether the structure would meet the definition of a caravan. To meet the terms of s13(1)(b), it is only necessary that it is capable of being moved by road, not that it would be moved regularly. For example, many static holiday units on parks around the country fall within the definition of a caravan but do not move on a regular basis.

19. That said, the evidence presented does not support the appellants claim that the structure could be lifted by crane, or by other means, and put onto a low loader for transportation. There is no specific expert or technical evidence to show how the structure could be practically lifted in one piece without causing substantial damage. It was physically assembled on site in sections, but it could not be towed because of its size and scale, and there is nothing before me to indicate the structure can be physically moved. It seems to me that the structure would need to be separated and lifted and loaded onto a low loader for onward transportation. The structure would then need to be reassembled. Given the circumstances of where and how the structure had in fact been assembled, and that it cannot be moved in its assembled state, the quantum of evidence suggests that the structure fails the mobility test in s13(1)(b) to the CSA.

20. Given that the structure does not amount to a caravan due to the method of construction, it is appropriate to apply the three tests of permanence, size and affixation to the ground in assessing whether it amounts to a building. As noted above, the method of construction does not appear to be a straightforward matter of joining together two sections but of erecting multiple elements, after which internal and external fit out was necessary. Whilst the appellants carried out the work, that type of work is likely to be undertaken by a builder or similar tradesman with specific skills, having regard to the definition of building operations at s55(1A)(d) of the 1990 Act.

21. The appellants point to the lack of affixation or physical attachment to the ground. The structure sits on its own pad-stones or similar foundation. Nonetheless, that factor alone is not decisive. In terms of permanence, the structure is substantial in size and is likely to remain in place for considerable length of time. The reality is that the structure has a substantial degree of permanence even through its own weight. Its size is not insignificant, being large enough to

accommodate all the facilities for day-to-day existence. The material facts show that the structure has been assembled on site from components and it has a significant degree of permanence and attachment characteristic of buildings. Taking account of all three factors, in addition to the method of construction and lack of mobility, as a matter of fact and degree, I find that the structure amounts to a building for the purposes of the 1990 Act[5].

22. I appreciate that the inter-relationship between the definitions of a caravan and a building within the respective acts may result in what could seem to be an anomalous situation whereby a structure falling within the definition of a caravan may not be considered as a building, and therefore not require planning permission, whereas a similar sized or even smaller structure intended for the same purpose may be construed as a building for which planning permission is required. However, that is the way in which the statutory definitions are set out and have been interpreted according to established case law, and that is how I have approached the matter in this instance.

23. The argument about the use of the structure in connection with agriculture is not a good one. Firstly, the appeal parties agree the underlying use of the appeal site is agricultural and a floricultural business has been established. That activity encompasses several built structures, including a commercial glass house, a welfare unit and an agricultural storage building. The appellants do not dispute the site is also used for residential purposes. As I have already said elsewhere, the structure occupied for residential use is a building and not a caravan. The self-contained residential use constitutes a change of use of the site, which forms a single planning unit in a mixed agriculture and residential use.

24. The introduction of a primary residential use, facilitated by the erection of a building, has changed the physical appearance of the site given the spread of domesticity. Comings and goings associated with a residential use are different in nature and scale to the agricultural use of the site. Cumulatively, the mixed use generates observable on and off-site planning effects requiring assessment. Taking these points in combination, I consider the introduction of the residential use has changed the definable character of the site's lawful use[6].

25. The contention that planning permission does not exist for the erection of the building, nor the alleged mixed use, is unchallenged. The claim, however, is that the development constitutes permitted development ("PD") as set out in article 3, schedule 2, to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended ("the GPDO"). Again, it seems to me the Council's approach and comments on PD rights has confused matters. This is because there is no applicable PD right for the residential caravan site and the exemption in part 5 apply to caravan sites and recreational campsites, which is most definitely not applicable in this case.

26. I have also considered the contention that part 4 to the GPDO is applicable. The latter relates to the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. There is no evidence to indicate to me that the appeal building is required in connection with any operation.

27. Pulling all the above threads together, I too conclude that the matters alleged in the corrected notice have in fact occurred and constitute a breach of planning controls. Therefore, it follows ground (b) and (c) must fail.

[5] Section 336(1) includes definition of "building".
[6] *Wealden DC v SSE & Day* [1988] JPL 268 – applied.

Appeal A - ground (a) and the deemed application

28. The terms of the deemed application are directly derived from the allegation as corrected, and the ground (a) appeal is for a mixed use of agriculture and residential use and the erection of a building for a residential occupation. As part of their ground (f) appeals, the appellant indicates that a lesser step could remedy the breach of planning controls at less expense and disruption by removing the bay window. Given the terms of s177(1)(a) of the 1990 Act, I consider that the erection of a building for a residential occupation without the bay window is part of the matters alleged. In assessing the planning merits of the deemed application, I will also consider the alternative scheme advanced.

29. Against that background, the **main issues** are as follows: (1) the effect of the development on the Broads Special Area of Conservation and Ramsar Site (2) whether the location of the development is sustainable, regarding development plan policy and (3) whether the development results in a loss of employment space, contrary to development plan policy.

First issue

30. The appeal site is located within the hydrological catchment of The Broads Special Area of Conservation (SAC) and Ramsar Site (protected sites), and sites comprise a series of naturally nutrient-rich lakes, which support relict vegetation of the original Fenland flora. These sites are afforded special protection under the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Regulations"), as collectively, they contain one of the richest assemblages of rare and local aquatic species. These are deemed to be in an unfavourable condition by Natural England (NE), due to the risks of eutrophication caused by excessive levels of phosphorus and nitrogen. Given the appeal site falls within their associated catchment, any additional nutrient load attributed to the foul effluent from the residential building, risks exacerbating the unfavourable condition of these protected sites. In turn, the development, in combination with other projects, risks likely significant effects on the protected sites.

31. The requirements of the Regulations must be applied to any development proposals, including the retrospective erection of a building for residential occupation. The appellants contend that there has been a residential use on site for several years, but that does not necessarily mean the development has no greater effect on the protected sites. It should be borne in mind the agricultural use of the land, or temporary and occasional overnight stays in connection with that lawful use, is likely to have different effects in comparison to the mixed residential and agriculture given the introduction of permanent overnight accommodation.

32. Nevertheless, in response to The Planning Inspectorate's request for additional comments post litigation, the appellant says that it has now been three years since the nutrient neutrality policy was introduced. Mitigation options include upgrading the existing sewage treatment plant or purchasing credits. It is contended that there has been no change in the baseline position since March 2020 and a suitably worded condition could be imposed to require mitigation, but I do not consider a condition can be imposed in the absence of supporting evidence. Despite multiple opportunities the appellant has not submitted sufficient evidence to demonstrate the kind of risks arising from this development and the proposed mitigation strategy.

33. The appellant claims support from policy DM1.3 of the Council's Local Plan 2015 (LP), but that policy relates to sustainable location of new development and, in any event, seeks to protect biodiversity. I too find that, on the available evidence, without appropriate mitigation, the development, in whole or in part, has the potential to have an adverse effect on the integrity of the SAC and Ramsar Site and the mixed-use risks adverse effects on the integrity of the protected sites. In turn, the development, in part or whole, does not pass the appropriate assessment required under Regulation 63. This says a competent authority may only agree to

a plan or project after having ascertained that it will not adversely affect the integrity of any relevant European site.

Second main issue

34. LP policy DM1.3 states planning permission for development outside of the defined boundaries of settlements will only be granted if certain criteria is met. The appellant maintains that the development has economic, social and environmental benefits. For example, a licenced coffee shop opened in 2023, and this provides social benefit to local walkers, cyclists and residents. The horticultural enterprise is going well and provides employment opportunities.

35. The appeal site is located near to Forncett St Peter and Aslacton, which are both defined settlement villages within the LP. The countryside surrounding these villages is punctuated by several scattered dwellings, which means the appeal site is not isolated. There are a few local facilities within these villages, including a primary school, church, village hall and Public Houses, all of which are walkable from the appeal site. Whilst relatively infrequent, there is also a local bus service operating in the area which provide access to built-up local centres further afield. I agree that these factors go towards the suitability of the appeal site in terms of access to local facilities in this rural area.

36. The mixed-use reflects the aims of policy DM3.10, and policies 1 and 6 of the Joint Core Strategy, all of which promote development which integrates with the public transport network, encourages walking and cycling and which minimises the need to travel. The same findings are relevant to the erection of a building for residential occupation. I too conclude that the appeal site is reasonably located.

Third main issue

37. Planning permission was granted on 6 December 2018 for the erection of a floricultural building within the appeal site (application reference 2018/2090) (Floricultural Permission). The building is marked “Y” on the plan attached to the issued notice and is consistent with the site’s wider agricultural use. It is clearly used primarily in conjunction with the floricultural business. As already mentioned, the ground floor accommodates workstations, as well a variety of tools, building materials and equipment. Most of the domestic storage is limited in scale and confined to the mezzanine floor.

38. There is nothing before me to cast doubt on the claim that the appellants’ business is a small-family operation. Even if the appeal site is regarded as an employment site, the development does not result in an unacceptable loss of employment space. The development is broadly consistent with policy 5 of the Joint Core Strategy and LP policy DM2.2, which both support small-businesses and the retention of employment sites, to support the growth of the local economy. These findings are equally applicable to the alternative scheme advanced.

Planning balance

39. The appellant’s business incorporates several habitat and biodiversity improvements and utilises elements of renewable energy. Also, there are economic and social benefits of this floricultural business.

40. The appellants highlight a need to remain on site for business and security reasons. However, this is more relevant to a functional need for a dwelling on site, which would be governed by LP policy DM2.11. The matters alleged relate to a mixed-use of the site and I do not consider an agricultural worker’s dwelling is part of the matters alleged. In any event, I concur with the previous Inspector that no information has been provided to demonstrate the overall viability of

the business. It has also not been demonstrated that any functional need could not be met by another existing dwelling in the area.

41. Since litigation, the appellant says that the Council's housing land supply has worsened. However, the presumption in favour of sustainable development will not apply in this case, as in accordance with paragraph 188 of the National Planning Policy Framework, given the absence of detailed evidence, there may be significant effects on the SAC or Ramsar Site.

42. It appears reversionary rights exist in this case but that would mean the appeal site can be used for agricultural purposes. Limited weight is given to this potential fallback.

43. Failure on ground (a) will, likely, require the appellants and their family to vacate their home. This interference engages Article 1 and 8 rights under the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. Nonetheless, there is nothing before me to indicate the appellant does not have the means or ability to secure alternative residential accommodation, even though this may lead to inconvenience and upheaval. Additionally, the period of compliance is 9 months, which is a reasonable period to allow searches to take place as well as potential negotiations.

44. The legitimate aim of protecting the environment and, specifically, the identified protected sites mean interference with the appellant and his family's human rights is proportionate and reasonable. While the economic and social benefits of the agricultural business can be given significant weight, the arguments advanced in favour, individually or cumulatively, do not outweigh the potential harm caused to protected sites due to the mixed-use development and the erection of a building for residential occupation, in whole or in part. I am not persuaded suitably worded conditions can be imposed to mitigate the potential effects of the development.

45. On balance, despite my findings on the second and third main issues above, I attach substantial weight to my findings on the first main issue. I conclude that the development, as well as the alternative scheme advanced, conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that outweigh these findings.

Ground (f)

46. The notice shall specify the steps to be taken, or the activities to cease, to achieve, wholly or partly, any of the purposes set out in s173(4)(a)(b) of the 1990 Act. For example, remedying the breach by discontinuing any use of the land or by restoring the land to its condition before the breach took place, or remedying any injury to amenity which has been caused by the breach.

47. The nub of the appellants case relates to the requirement to remove the building. Essentially, the appellants argue the requirement is disproportionate and, rather than removing the entire caravan, the argument is that a lesser step would remedy the breach by removing just the bay window extension, which is located to the north of the building.

48. The appellants refer to Council correspondence[7]. This appears to suggest the removal of the additional "part" attached to the structure will bring it back within the permitted dimensions of a caravan. The same letter erroneously refers to part 5 of the GPDO, which relates to caravan sites and recreational campsites, which is manifestly irrelevant because, as part of the appeal on ground (c), the appellants refer to part 4 (temporary buildings and uses). In any event, the Council's letter pre-dates enforcement action and states failure to comply with its recommendations risks further action.

[7] 20 January 2022.

49. The appellants' approach is based on their main argument that a caravan facilitates a residential use, but my decision should not be read in isolation. This is because, as I have found in ground (b) and (c) above, the building does not constitute a caravan, and residential occupation requires express planning permission. The building is facilitative of the primary residential use of the appeal site. It has not been erected in connection with any lawful use.

50. I have carefully given thought to the alternative step advanced. The planning merits of granting planning permission for the erection of a building for residential occupation without the bay window are assessed above. The harm arising from the development would remain even if the steps required were varied to remove the bay window. That kind of under-enforcement would not achieve the purpose behind the notice and cessation of the residential use and removal of the facilitative building is the bare minimum required to remedy the breach.

51. The issued notice requires removal of all residential and domestic fixtures and fittings, which ensures the cessation of the unauthorised residential use, but the word "paraphernalia" introduces uncertainty. As I have already said elsewhere, the appellants' partial success on ground (c) means the requirement to cease the use of the land for domestic storage is superfluous. Given that domestic storage is incidental to the residential component of the mixed-use of the site, in practice, this element will still be caught by the requirement to cease residential use. In addition, use of the word "permanent" is also unwarranted due to the notice's continuing effect. Finally, the steps should require the mixed-use to cease. The intended variations result in steps that are no more onerous than first issued and the notice can be varied without causing injustice or widening its scope. As I am varying the requirements, the appeals on ground (f) succeed to this limited extent only.

Appeals A and B - overall conclusions

52. I too conclude that the appeals on ground (c) succeed but only insofar as relevant to the allegation of domestic storage. Otherwise, the appeals on legal grounds fail. The appeals on ground (f) succeed as I am varying the requirements to bring greater clarity to the steps but otherwise the requirement to cease the unauthorised mixed use and remove the building are not excessive. In Appeal A, I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

Appeals A and B - formal decisions

53. It is directed that the enforcement notice be corrected by:

(a) deleting the words "and domestic storage" from the second line of paragraph 3;

And varied by:

(b) deleting section 5, what you are required to do, and substituting therefor the following text:

(i) Cease the mixed-use comprising agriculture and residential use

(ii) Remove the building from the land which is shown approximately on the plan marked "X" on the site plan attached to the enforcement notice, and

(iii) Remove all domestic fixtures and fittings from the land.

54. Subject to the correction and variations, 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.

A U Ghafoor INSPECTOR