



Appeal Decisions

Site visit made on 14 July 2025

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date **12 August 2025**

Appeal A Ref: APP/C3620/C/23/3315076

Appeal B Ref: APP/C3620/C/23/3315077

Shiremark Mill, Horsham Road, Capel, Dorking RH5 5JP

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- Appeal A is made by Mr Daniel Melliard and Appeal B is made by Mrs Penny Melliard against an enforcement notice issued by Mole Valley District Council.
- The notice was issued on 11 January 2023.
- The breach of planning control as alleged in the notice is 'Without planning permission the material change of use from agriculture for the stationing of a mobile home for residential occupation with its associated operational development'.
- The requirements of the notice are to:
 - 5(i) Cease the use of the Land for the residential occupation of the mobile home.
 - 5(ii) Remove from the Land all associated domestic paraphernalia facilitating residential occupation of the mobile home.
 - 5(iii) Restore the Land to its former condition before the breach took place.
- The period for compliance with the requirements is: six (6) months.
- The appeal is proceeding on the ground set out in section 174(2)(b) of the Act.

Summary Decisions: Both appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

1. The appellants were notified twice about the date and time of my site visit but there was no-one to meet me or let me through the entrance gates. There is no apparent reason why the appellants were unable to provide me with access to the Land. Given the ground of appeal pursued, I am satisfied there is no injustice to any party from an assessment of the written evidence only, including plans and photographs. I have therefore determined the appeals on this basis, including that the appellants were given an opportunity to comment on appendices referred to by the Council in its officer report¹. No comments were received.
2. There is no ground (a) deemed planning application. Consequently, planning merits such as a need for the mobile home and the care and welfare of animals are not relevant to my decisions.

Ground (b)

3. For ground (b) to succeed, the onus and burden of proof is firmly on the appellants to demonstrate, on the balance of probabilities, that the matters stated in the enforcement notice have not occurred as a matter of fact.
4. The Council issued an enforcement notice in 2010 for the stationing of a caravan for residential occupation on the (same) Land. At the time, the appellants explained

¹ Ref 2009/295/ENF

it had predominantly been used as a mess room and sometimes accommodation in connection with activity on the Land but it was not for residential use.

5. Further to a site visit in 2011, the Council accepted there was no habitable use taking place on the Land and sent a letter to the appellants confirming this. In 2015 a Council officer observed that a mobile home had replaced the caravan. Further to a site meeting with the appellants later in 2015, the Council sent them a letter setting out their affirmation that there was no residential use taking place on the Land, including that a 'large white building' was used as a mess room and not fitted out for any residential accommodation. I note that a Council photograph shows a large white mobile home on the land².
6. In response to a Planning Contravention Notice issued by the Council in 2021, the appellants said the mobile home was used as a mess/rest room and no residential occupancy was taking place. After observing the Land in 2022, including the mobile home, the Council issued the enforcement notice the subject of these appeals.
7. I appreciate that the appellants argue they complied with the 2010 enforcement notice (which remains in effect) or were never in conflict with it. But the current enforcement notice, which refers to a different structure on the Land and even if in the same place as the caravan, opened a new chapter in the planning history.
8. The appellants claim the Land is used as an agricultural smallholding. However, they have provided little objective evidence in this regard – such as details of livestock numbers said to be kept on the Land, to whom produce derived from the Land is sold to and if this activity is their full time employment. Moreover, the Land is said to be registered with a county parish holding (CPH) number but it has not been given. They have also provided little explanation about the purpose and use of the mobile home. The appeal form states Mr Melliard's address is one in the same as the Land and no other permanent place of residence or proof of such has been disclosed, including for Mrs Melliard.
9. There is no supporting corroborating evidence before me from an interested party in any of these respects and no sworn evidence from either appellant, such as a statutory declaration or an affidavit. These circumstances undermine the credibility of what the appellants claim and cast significant doubt in my mind.
10. For these reasons and as a matter of fact and degree, there is little of any substance to counter the evidence relied on by the Council about use of the Land to station a residential mobile home occupied by the appellants (including signed interested party witness statements). The appellants have not, therefore, demonstrated on the balance of probabilities that the matters stated in the enforcement notice had not occurred as a matter of fact at the date it was issued. Accordingly, ground (b) fails, the appeals are unsuccessful and I will uphold the enforcement notice.

Formal Decisions

11. Appeal A and Appeal B are dismissed and the enforcement notice is upheld.

Robin Buchanan
INSPECTOR

² Appendix 11