



Appeal Decisions

Site visit made on 7 July 2025

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

an Inspector appointed by the Secretary of State

Decision date 02 September 2025

American Barn, Huntswood Lane, Taplow, Buckinghamshire SL6 0GA

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
 - The appeals are made by Mr Bogdan Grudzinski against enforcement notices issued by Buckinghamshire Council.
-

Appeal A Ref: APP/N0410/C/24/3343577

- The notice was issued on 1 March 2024.
- 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 storage and the stationing of caravans and a portacabin associated with the unauthorised use'.
- The requirements of the notice are to
 1. Permanently cease the use of the Land for storage.
 2. Remove all items stored in connection with the unauthorised use from the Land, including but not limited to vehicles, vehicle parts, tyres, machines and equipment.
 3. Remove the caravans from the Land.
 4. Remove the portacabin from the Land.
 5. Remove all materials and debris resulting from complying with steps 1 to 4 of this Notice from the Land.
 6. Restore the Land to the condition it was in prior to the commencement of the unauthorised use.
- The period for compliance with the requirements is: 2 months.
- The appeal was made on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected and varied then upheld.

Appeal B Ref: APP/N0410/C/24/3349257

- The notice was issued on 20 June 2024.
- The breach of planning control as alleged in the notice is 'Without planning permission, the undertaking of operational development comprising:
 - Engineering operations to alter the land levels;
 - The laying of a hard surface;
 - The formation of tracks;
 - The widening of an existing access track;
 - The formation of bunds.
 - The erection of a gate'.
- The requirements of the notice are to:
 1. Rip up and remove the hard surface (as shown in the approximate position crosshatched in black on attached Plan 1 and as shown by the attached photographs labelled A), from the Land.
 2. Rip up and remove the tracks (as shown by the red lines on attached Plan 2 and as shown by the attached photographs labelled B), from the Land.
 3. Rip up and remove the widened sections of the existing access track (as shown by the attached photographs labelled C), from the Land.
 4. Remove the material forming the bunds (as shown in the approximate positions by the green lines on attached Plan 3 and by the attached photographs labelled D), from the Land.
 5. Take down and remove the gate (as shown in the approximate position by the black X on attached Plan 2 and as shown by the attached photograph labelled E), from the Land.

6. Restore the Land to the condition that it was in prior to the commencement of the unauthorised development. This includes, but is not limited to, re-profiling the ground to its previous level re-seeding with grass.
 7. Remove from the Land all materials, debris, plant and equipment associated with steps (1) to (5) above.
- The period for compliance with the requirements is: 2 months.
 - The appeal was made on the grounds set out in section 174(2)(a), (b), (e), (f) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected and varied then upheld and planning permission is refused.

Preliminary Matters

1. In Appeal A, the appellant submitted a case on ground (a). He was given an opportunity to pay the fee for the deemed planning application but did not do so. Accordingly, ground (a) did not proceed.
2. In Appeal A, the appellant claims the land has always been used for storage and, in Appeal B, that a gate had always been on the land. This raised grounds (c) and (d) in each appeal in these regards. The Council was able to consider these matters in its appeal statement and final comments. I am therefore satisfied there is no injustice to any party by determining both appeals on this basis.

Enforcement Notices

3. In Appeal A and Appeal B, the appellant maintains some caravans on the land were occupied (by virtue of being an address and lived in) by the time the notices were issued. He is content for the alleged breaches of planning control to encompass this and, though a snapshot in time, I saw at my site visit that some caravans are still lived in. I shall therefore reflect residential caravans in the Appeal A notice, including requirement 5(3). But in Appeal B there is little evidence that stationing residential caravans involved operational development, which is what this notice is directed at, so it is unsurprising that it did not refer to residential caravans.
4. In Appeal A, the notice is directed at a primary storage use. Thus whilst not a matter for me, any future lawful use of the land, such as equestrian or agriculture with incidental or ancillary storage (including in the building on the land) would not conflict with the notice, so it is not restrictive. The unauthorised uses are already evident in the alleged breach of planning control, so it is superfluous to refer to 'associated with the unauthorised use' and I shall remove this wording.
5. In Appeal B, the hard surface, tracks and bunds are over more of the land than has been marked in the notice plans when the notice was issued. In requirements 5(1) and 5(4) these markings are not intended as definitive but 'in the approximate position'. There is no dispute that, amongst other things, this notice pursues the hard surface, tracks and bunds on the land, including by virtue of requirement 5(6) to restore all of the land to the condition it was previously. I shall therefore include this same approximate position wording in requirement 5(2) to be consistent.
6. In Appeal B, though raised in ground (f), the appellant highlights the need to 'rip up' the hard surface, tracks and sections of tracks in requirements 5(1), 5(2) and 5(3). This is an unusual term but its intention (and execution by whatever means or process) is plain when taken with removal of these items from the land, as also set out in these requirements.

7. I am satisfied the above will cause no injustice to any party.

Appeal B on ground (e)

8. For ground (e) to succeed the appellant must demonstrate that a copy of the notice was not properly served on every person who was an owner or occupier of the land or had an interest in the land that would be materially affected. The appellant claims some other people who occupied caravans and lived on the land did not each receive a copy of the notice.
9. However, the Council also addressed the notice to 'The Occupiers' and affixed a copy to the main entrance gate on the land. This is not disputed or that it is a method of service in section 329 of the Act. There is no apparent reason why the other people could not have been aware of this copy of the notice in this conspicuous position or been able to conveniently inspect it. Whether they were also informed about the notice by anyone who had been served with it by name, including the appellant, is a separate matter for the individuals concerned.
10. Consequently, these other people had an opportunity to understand the notice and make written representations or lodge an appeal if they had wished to do so. They have not, therefore, been substantially prejudiced by how the Council served the notice and having regard to section 176(5) of the Act, it made little practical difference that a copy of the notice was not served on them by specific reference to their names or at their caravans on the land. Accordingly, ground (e) fails.

Appeals A and B on ground (b)

11. For either ground (b) to succeed, the onus and burden of proof is firmly on the appellant to demonstrate, on the balance of probabilities, that the alleged breach of planning control in each notice had not occurred as a matter of fact.
12. I have already dealt with residential caravans as relevant to ensuring both notices are in order. I deal with some other matters, also raised in ground (b), in grounds (c) or (d) which are more relevant in those respects. There is then little else in each ground (b).
13. The appellant has therefore not demonstrated on the balance of probabilities that the alleged breach of planning control in both notices has not occurred as a matter of fact. Accordingly, each ground (b) fails.

Appeals A and B on ground (c)

14. For ground (c) to succeed, the onus and burden of proof is firmly on the appellant to demonstrate, on the balance of probabilities, that the development in each notice does not constitute a breach of planning control. For example, because it is not development or is not development that requires an express grant of planning permission, including if it is permitted development.
15. In Appeal A, the appellant claims the land has always been used for 'storage' but referred to hay bales in the building and to horse box, muck removal and farrier movements associated with an earlier equestrian use. This aligns with the Council's planning history which indicates that the land, including the building, was previously last in equestrian use. The notice does not prevent resumption of lawful equestrian use of the land even if it has not been 'active for decades', as the appellant claims,

and I saw that part of the building remains internally sub-divided into loose boxes, albeit no longer for horses in a stable but as part of a vehicle workshop.

16. Given that there is no dispute, and as I saw, that motor vehicles or motor vehicle parts, including for repair are stored on the land, there is little to persuade me that any of this is, or is for, an equestrian use. Nor to counter that it is a materially different use of the land to equestrian use so development that requires an express grant of planning permission. The appellant has not suggested that the current storage use is permitted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO).
17. In Appeal B, there is little evidence about an alleged pre-existing gate, thus if it was the same in any respect to the vehicular gate in the approximate position marked with a cross in Plan 2 of the notice (gate X). There is undisputed evidence, and as I saw, that gate X is more than 2m high by attachment of a Heras fence panel and the appellant does not argue it is not adjacent to a highway (Cliveden Road). There is little else to show that gate X would have been permitted by the GPDO or does not require express planning permission, even if it replaced an earlier gate or has since been increased in height. It has been covered by a tarpaulin but there is little to suggest that this in itself amounts to development.
18. Nonetheless, as a matter of fact and degree, the appellant has not demonstrated on the balance of probabilities that the development in both notices did not require an express grant of planning permission or was not a breach of planning control for any other reason. Accordingly, each ground (c) fails.

Appeals A and B on ground (d)

19. For ground (d) to succeed, the onus and burden of proof is firmly on the appellant to demonstrate, on the balance of probabilities, that when the notices were issued it was too late to take enforcement action against the alleged breaches of planning control in respect of storage use and gate X.
20. In Appeal A, there is no dispute that in response to a notice issued by the Council under section 330 of the Act, the appellant confirmed the current storage use of the land commenced in December 2023. On this basis alone, and that there is little evidence to the contrary, the relevant 10 year period for this material change of use cannot be demonstrated.
21. In Appeal B, there is undisputed evidence that this operational development started soon after the storage use commenced in December 2023 and was in progress in June 2024 by the time a Council officer revisited the site. On this basis, and that there is little evidence to suggest that any of this development, including gate X, was substantially completed by the time the notice was issued shortly after in June 2024, the relevant 10 year period for gate X cannot be demonstrated.
22. The appellant has not, therefore, as a matter of fact and degree, demonstrated on the balance of probabilities that this development is immune from enforcement action due to the passage of time. For these reasons, at the date the notices were issued enforcement action could have been taken in respect of both breaches of planning control. As a result, each ground (d) fails.

Appeal B on ground (a)

Main issues

23. The deemed planning application seeks planning permission for the operational development set out in section 3 of the notice. The land comprises almost 4 hectares of countryside in the Green Belt. The main issues are therefore:

- whether the operational development is inappropriate development in the Green Belt, including its effect on the openness of the Green Belt;
- its effect on the character and appearance of the area; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the operational development.

Reasons

Whether inappropriate development, including effect on openness

24. The National Planning Policy Framework (NPPF) sets out that development in the Green Belt is inappropriate unless a relevant exception applies. The Council accepts there has been operational development by engineering operations to alter land levels, lay a hard surface, form tracks, widen an existing access track and form bunds on the land. I have no reason to find otherwise, so the exception at NPPF paragraph 154(h)(ii) potentially applies¹.
25. The bunds have been formed by digging up or scraping back upper layers (and to that extent lowering the surface level) of what were grass fields or paddocks. The bunds are extensive in linear dimensions along some edges of the land and as they stretch internally across significant parts of its length and width, with a bulky profile rising high above the essentially surrounding flat ground.
26. The hard surface largely originates from leftover bare earth, compacted or consolidated with hardcore (such as crushed stone, gravel or brick and concrete rubble) to establish more convenient or usable outside storage areas. The new or widened tracks are similar in construction, including by incursion into what were or remain of fields or paddocks. These features spread extensively over parts of the land, including most of one half of it to the south of a tree belt that crosses it from west to east.
27. Albeit that some of these works are at or close to original ground level, the individual and cumulative innate spatial presence of the engineering operations on the land, particularly the protruding bunds which form solid barriers and sub-divide it, mean that a majority of the land is no longer open in any equivalent or comparative sense to what it was as grass fields or paddocks. While much of this development is largely out of public view, I saw that some of it can be glimpsed through boundary hedgerow along Huntswood Lane or can be noticed, albeit more fleeting, by passers-by from Cliveden Road when gate X is open.
28. Consequently, the engineering operations cause significant harm to openness. This does not preserve the openness of this part of the Green Belt or the Green Belt overall, which is one of its essential characteristics. Nor does this development

¹ Paragraph 155(b) of a previous NPPF, as referred to by the appellant.

safeguard this part of the countryside from encroachment, in conflict with this purpose of the Green Belt. The engineering operations do not, therefore, comply with the exception at NPPF paragraph 154(h)(ii), so it does not apply.

29. The appellant referred to some other exceptions. However, with regard to NPPF paragraph 154(h)(iv), the deemed planning application is not for re-use of buildings². Nor is it, in respect of NPPF paragraph 154 (h)(v), about a material change in the use of land³. Accordingly, the engineering operations do not comply with either of these exceptions, so they also do not apply. No exception for gate X has been advanced, whether it be as a result of engineering operations or not.
30. Although prepared in the context of Government guidance for the Green Belt at the time⁴, the Council's South Bucks District Local Plan, March 1999 (the LP) pre-dates the NPPF. LP Policy GB1 does not explicitly recognise the scope of the NPPF for engineering operations to constitute not inappropriate development in the Green Belt. This development in this case is contrary to LP Policy GB1 by virtue of this omission. As such, and for the purpose of my assessment, this policy is inconsistent with the NPPF in this respect. That said, the overarching aims of this policy as expressed in the supporting text – to allow appropriate development in the Green Belt and prevent harm to the Green Belt – are still broadly aligned with the NPPF. For this reason, though not a determining factor, this policy carries some weight in this case.
31. I therefore find that the operational development is inappropriate development in the Green Belt, contrary to the NPPF. It is also at odds with the Council's intentions for the Green Belt in the context of LP Policy GB1.

Character and appearance

32. This area of predominantly flat countryside includes a patchwork of mostly open, grassed fields or paddocks in agricultural or equestrian use, interspersed with belts of trees and hedgerow or pockets of woodland. Amongst this are some main roads and country lanes or other scattered or sporadic development, such as individual or small clusters of residential properties or buildings for farming or equestrian use. The land sits within (and as a whole was part of) this distinctly largely tranquil and undeveloped homogenous rural setting, where the landscape and rural activity prevail. As well as by intervening distance, this countryside visually and spatially separates the land from the outer fringe or built-up edges of the nearest settlements and urban activity within them.
33. The altered ground levels are subtle in gradient or depth but extensive in area, including most of the land south of the tree belt, and the new or widened tracks permeate across large parts of it. The compacted bare earth and incorporated man-made materials are distinctly different in colour and texture to grass fields or paddocks, including some areas that are rough or somewhat unkept and makeshift in nature or form. Though largely made of soil and have become partly overgrown by vegetation, the significant size and regimented layout of the bunds sub-divide the land into smaller pockets and are obviously man-made features, incongruous in what was a mainly natural landscape.

² Previously paragraph 155(d).

³ Previously paragraph 155(e).

⁴ Planning Policy Guidance 2: Green belts, originally published January 1995.

34. While some parts of the land north of the tree belt remain as grassed fields or paddocks, the plain impression is of an abrupt, overwhelming discordant intrusion of this development on the land such that it no longer resembles fields or paddocks, especially more extensively and intensively south of the tree belt. This industrial, urban scale of development has demonstrably undermined the rural nature of the land which detracts from its immediate setting – an unwelcome scar with catastrophic visual and spatial adverse impact on the landscape across a large swathe of what was pleasant countryside. Albeit to a more limited, localised extent, and despite the apparent security purpose of it, gate X, including with the tarpaulin, is an incompatible feature and adds to this impression. The absence of greater public visibility of much of this development does not alleviate the intrinsic harm.
35. For these reasons, I find that the development has resulted in substantial harm to the character and appearance of the area. Such is the fundamental incompatibility of it in this part of the countryside that these impacts could not be overcome with planning conditions or obligations, including if it were reduced in scale or extent (though there is little evidence the appellant seeks such reductions) or limited to a temporary period of 2 years as promoted by the appellant.
36. Consequently, this development does not comply with LP Policy EP3 which, amongst other things, sets out that development will only be permitted if it is compatible with the character and amenities of the site and the locality, including in scale, layout, siting, height, materials and use. Nor does it comply with objectives of the NPPF to achieve well-designed places or to conserve and enhance the natural environment because it does not add to the overall quality of the area, is not visually attractive, is not sympathetic to local character and does not maintain a strong sense of place nor recognise the intrinsic character and beauty of the countryside.

Other considerations

37. Though referred to by the appellant, the alleged planning merits of use of the land for storage of motor vehicles or motor vehicle parts, including for repair, and that a condition could control stacking of such items on the land, are not relevant to my decision on the operational development in Appeal B on ground (a). Nor are LP (or NPPF) policies about the loss or creation of employment or an alleged traffic generation fallback.
38. Refusal of planning permission for the operational development would likely affect the appellant's personal (living or working) circumstances, as well as others who live or work on the land, including disruption or costs to comply with the requirements of the Appeal B notice. This would directly interfere with their rights for respect for private and family life, including their home and, as I saw, at least one child, as well as enjoyment of their possessions⁵. I have also had due regard to the age (child) and race (nationality and language of the appellant and some of the other persons) protected characteristics in this case for the purposes of the Public Sector Equality Duty, including the need to eliminate discrimination and advance equal opportunity⁶.

⁵ Human Rights Act 1998 and United Nations Convention on the Rights of the Child.

⁶ Equality Act 2010.

Green Belt Balance

39. The operational development is inappropriate development in the Green Belt, which is by definition (as set out in the NPPF) harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
40. As required by the NPPF, I give substantial weight to the significant harm this inappropriate development causes to the Green Belt in this case, including harm to its openness. The substantial harm to the character and appearance of the area adds significant additional weight against ground (a).
41. Set against this, the operational development has little apparent or compelling planning merit, even to be retained for a further 2 years. It would otherwise unduly prolong profoundly unacceptable harm meantime, including a storage use that compounds adverse impacts in these regards. I therefore give these considerations little weight.
42. The operational development is important to the appellant and some others. Though not determinative, there has nonetheless been a blatant endeavour of significant unlawful development on the land. The harm it causes are matters of acknowledged planning importance in the wider public interest. There is little evidence that the best interests of any child would be adversely impacted or that anyone would lose their home, be made homeless or could not live elsewhere, including as a reasonable adjustment. It also remains little more than speculation that anyone would actually lose their current job or be made unemployed. In these circumstances, qualified rights such as these personal circumstances can be infringed by a decision under planning legislative provisions where it is justified.
43. Consequently, while I am sympathetic to the predicament of the appellant and the other persons, the other considerations do not, therefore, individually or collectively clearly outweigh the totality of harm. Accordingly, the very special circumstances necessary to justify the development do not exist.

Conclusion on Appeal B on ground (a)

44. The operational development conflicts with national planning policy to protect the openness of the Green Belt and is at odds with objectives of the Council's LP in this respect. It is also contrary to local and national planning policy related to character and appearance, including in the countryside. I am satisfied that these well-established legitimate aims can only be adequately safeguarded by the refusal of planning permission and that to do so would be a proportionate outcome in this case. There are no other considerations to indicate that ground (a) should be determined otherwise than in accordance with the development plan taken as a whole. Consequently, for the reasons given above the development is unacceptable and ground (a) fails.

Appeals A and B on ground (f)

45. The appellant refers to some amenity considerations set out in both notices. But these are part of the reasons why the Council believed it was expedient to take enforcement action. It is clear from the material change of use in Appeal A and the operational development in Appeal B, taken with the requirements set out in each

notice, that the purpose of both notices is to remedy these breaches of planning control and the Council does not seek to under enforce. For either ground (f) to succeed, the appellant must therefore demonstrate that the steps required by the notices to be taken exceed what is necessary to remedy the breaches of planning control.

46. In Appeal A, the appellant objects to requirement 5(1) of the notice to permanently cease the use of the land for 'storage'. But this requirement is not indiscriminate for the reasons explained above to ensure that the notice is in order and in ground (c), neither of which amount to lesser steps.
47. In Appeal B, there is little to contest that the bunds were ostensibly 'dug from the land', as the appellant puts it, rather than formed with material imported from elsewhere. In which case, there is no apparent reason why material that originates from the land should be removed from it, in line with requirement 5(4), as it would result in the same or similar material imported back onto the land in order to comply with requirement 5(6). I will therefore reflect this in requirement 5(4) to ensure removal of the bunds by means of redistributing the materials already on the land, used to form them, back across the land from where they were taken, after the hard surface and tracks have been removed. It will also need to be reflected in requirement 5(7) to allow the bund material to remain on the land.
48. The appellant has submitted little else in respect of either ground (f), including no other suggested lesser steps.
49. Consequently, in Appeal A, I am satisfied that the requirements of the notice are not excessive so this ground (f) fails. But in Appeal B, requirement 5(4) is excessive and for that reason this ground (f) succeeds.

Appeals A and B on ground (g)

50. For either ground (g) to succeed, the appellant must demonstrate that the 2 month period specified in the notices to take the steps required by each notice falls short of what should be reasonably allowed.
51. In Appeal A, there is little evidence that looking for alternative living arrangements, including to station a caravan elsewhere, would be unusually difficult or require an extraordinary amount of time, including up to 9 months as sought by the appellant. However, the area in storage use and quantum of stored items is vast. I accept that having to look for a suitable equivalent storage facility in earnest, after the outcome of the appeals, would therefore not likely be straightforward or achieved quickly. In Appeal B, removing gate X would be relatively straightforward but the substantial engineering operations would need sufficient specialist equipment or machinery and likely need to be removed in a more orderly, phased manner. For instance, while the tracks were in situ the hard surface or stored items could be more easily removed.
52. I appreciate that the extent of operational development marked in the Appeal B notice plans, and how quickly the Council maintains these works and the storage use in Appeal A were established, informed the 2 month periods of compliance. But there is evidence these works or intensity of storage use cover more of the land and that undoing both would require some greater care or attention, including arrangements off-site. Some people on-hand on the land meantime would

safeguard the likely not inconsiderable value of the stored items and could lead to more timely outcomes with regard to requirements.

53. I am, therefore, concerned that while the (corrected or varied) requirements of both notices are descriptively relatively straightforward, in practical terms the 2 month periods are not much time to achieve them individually or taken together, including across both notices. It would also likely result in re-seeding towards or at the end of that period, now otherwise in October. This would not be optimal or conducive to reinstatement of grass fields or paddocks. Nor to lasting restoration of appropriate use and appearance of the land, which is essentially the Council's overall objective. While extending the period in both notices would perpetuate harm to the countryside and the Green Belt, this need not be for a further inordinate amount of time and would not be permanent.
54. With all this in mind, the order or individual timing of requirements in each notice do not need to be overly prescriptive to give flexibility, so long as they are all achieved within the prescribed period overall. This must be reasonable to begin with. The minimum 6 month period sought by the appellant would give sufficient opportunity to look for then secure alternative premises. But this period would stretch mainly over autumn and winter months with greater likelihood of sustained inclement weather inhibiting progress on the land, including still sub-optimal for grass re-seeding. The maximum 9 month period sought would incorporate all three spring months. However, since any one of those months would be more suitable for grass re-seeding, there is no apparent reason why March would not suffice.
55. Consequently, I consider that a period of 7 months for compliance with the requirements of each notice would be reasonable and proportionate in this case, so I will reflect this in the time period of both notices. Accordingly, the 2 month period given by each notice falls short of what is reasonable, so each ground (g) succeeds.

Overall Conclusions on Appeal A and Appeal B

56. In Appeal A, grounds (b), (c), (d) and (f) fail, but ground (g) succeeds so this appeal succeeds to that extent. I will uphold the corrected and varied notice.
57. In Appeal B, grounds (a), (b), (c), (d) and (e) fail, but grounds (f) and (g) succeed so this appeal succeeds to that extent. I will uphold the corrected and varied notice and refuse planning permission for the deemed planning application.

Formal Decisions

58. In Appeal A, it is directed that the enforcement notice is corrected and varied as follows:

- Section 3 – delete the alleged breach of planning control and replace with *'Without planning permission, the material change of use of the Land to use for storage and the stationing of residential caravans and a portacabin'*.
- Section 6 – delete *'Within 2 months'* as the period for compliance and replace with *'Within 7 months'*.
- Requirement 5(3) – insert *'residential'* between *'...the'* and *'caravans...'*.

59. In Appeal B, it is directed that the enforcement notice is corrected and varied as follows:

- Requirement 5(2) – between ‘...as shown’ and ‘by the red lines...’ insert ‘in the approximate positions’.
- Requirement 5(4) – delete ‘Remove’ and replace with ‘Redistribute’ then delete ‘from the Land’ and replace with ‘back across the Land from where it was taken, after requirements 5(1), 5(2) and 5(3) have been completed’.
- Requirement 5(7) – between ‘...all materials,’ and ‘debris, plant and equipment...’ insert ‘(with the exception of materials necessary to comply with requirement 5(4)),’.
- Section 6 – delete ‘Within 2 months’ as the period for compliance and replace with ‘Within 7 months’.

60. Subject to these corrections and variations, Appeal A and Appeal B are dismissed and the enforcement notices are upheld. In Appeal B planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan
INSPECTOR