



Appeal Decisions

Site visit made on 7 October 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal A: Ref APP/B1550/C/23/3326097

Appeal B: Ref APP/B1550/C/23/3326098

Appeal C: Ref APP/B1550/C/23/3326099

Land adjacent 256 Daws Heath Road, Rayleigh, Essex SS6 7NP as shown edged red on the plan attached to the notice

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mr Eftichios Neocleous, Appeal B is made by Mrs Helen Louise Neocleous, and Appeal C is made by Daws Heath Boarding Kennels & Cattery against an enforcement notice issued by Rochford District Council.
 - The enforcement notice was issued on 13 June 2023.
 - The breach of planning control as alleged in the notice is:
Without planning permission, the material change of use of the land from a nil use to a mixed use as cattery, dog grooming, office/reception and dog exercise facility comprising the construction of 2 buildings (marked A and B on the attached plan), laying of an area of hardstanding (shown cross hatched) and the erection of a fence and gates (marked by XXXs and labelled C to D on the attached plan), forming new access off Daws Heath Road.
 - The requirements of the notice are to: (i) Permanently cease the use of the land for the mixed use as cattery, dog grooming and dog exercise facility. (ii) Permanently cease the use of building A for the mixed use of cattery, dog grooming and office/reception. (iii) Permanently cease the storage use of building B and its elongated canopy used for shading for the animals. (iv) Demolish building A and B and remove the canopy and all associated foundations to all the buildings and infill the foundation holes, resurface with topsoil and grass so as to be level with the rest of the Land. (v) Permanently break up and remove from the Land the area of hardstanding (including all rubble and building materials) shown cross hatched on the plan and resurface with topsoil and grass so as to be level with the rest of the Land. (vi) Remove the close boarded timber fence and gates shown in the approximate position marked by XXXs and marked C to D on the attached plan. (vii) Remove from the land all resultant material and debris arising from carrying out the steps above.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2) (a) (c) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeals on ground (a) have been made, the applications for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered.
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Decisions

1. It is directed that the notice be corrected and varied by:

- In section 3, the deletion of “dog grooming,”;
- In section 3, the replacement of “an area” with “areas”;

- In section 5(i), the replacement of “dog grooming” with “office/reception”;
 - The deletion of section 5(ii);
 - The deletion of section 5(iii);
 - In section 5(v), the replacement of “area” with “areas”; and
 - In section 6, the replacement of “Six (6)” with “Twelve (12)”.
2. Subject to these corrections and variations, which are made partly due to limited success on ground (g) and partly due to the need to put the notice in order, Appeals A, B and C are otherwise dismissed and the notice is upheld. Planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

National Planning Policy Framework

3. Since the appeals were received, changes have been made to the National Planning Policy Framework (the Framework). Accordingly, and particularly given the changes made to the Chapter on protecting Green Belt land, the parties have provided comments as to the effects of those changes on their cases. I have taken all into account.

The enforcement notice

4. It appears to be uncontroversial, that on the date the notice was issued, the mixed use of the appeal site did not include a dog grooming element since that part of the business had ceased¹. The appellants have made it clear that a deemed planning application is sought without that element, and the Council has indicated that no party would be prejudiced were the allegation to be amended. Accordingly, I am using my powers under section 176 of the Act to remove dog grooming from the description of the alleged unauthorised mixed use (in section 3 of the notice) without any injustice being caused.
5. I am also using my powers, by way of putting the notice in order, to clarify it and to amend section 5 so that the use required to be discontinued on the land mirrors that said in section 3 to be the breach of planning control.

Appeals A, B, C; Ground (c)

6. For success on ground (c), I must be satisfied on the balance of probabilities that matters stated in the notice do not constitute a breach of planning control.
7. The ground (c) argument is limited to the eastern section of the fence targeted by the notice, which is said to have general planning permission by reason of Article 3(1) and Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
8. While I accept that the eastern section of the fence falls within the limitations of such permitted development, and would accordingly be lawful as operational development in its own right, it is clear to me that the notice targets the

¹ Not technically a ground (b) appeal (nor was one explicitly made) since the appellants do not dispute that the alleged material change of use including the dog grooming element **had** occurred prior to the issue of the notice.

unauthorised material change of use of the land and that the allegation includes the fence as a work facilitating that change of use. As an integral part of the alleged breach of planning control, the fence is a matter stated in the notice forming a constituent element of the breach. Therefore, ground (c) fails.

Appeals A, B, C; Ground (d)

9. On ground (d), the appellants must demonstrate on the balance of probabilities that enforcement action was not possible on the date the notice was issued.
10. No ground (d) case has been advanced as regards the change of use, or as regards Building B and associated hardstanding. Rather the appellants' case is concerned with Building A, and with the fence, gates and area of hardstanding at the front of the appeal site.

Building A

11. Section 171B(1) of the Act provides that where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed².
12. The Council identified Building A as being substantially incomplete on its 6 September 2019 officer visit. Notwithstanding the alternative being advanced in the appellants' statutory declarations and submissions, the photographs from the Council's visit show the building with unfinished external walls exhibiting exposed inner insulation panels (which would later be clad with timber boarding) and large holes into which fenestration would later be added. The operations were on that date far short of what appears to have been intended as completion, as evident when comparing against the photographs in Appendix A of the appellants' Statement (and with what I saw on site).
13. Accordingly, I find that Building A was not substantially completed until after the Council's visit. It did therefore benefit from immunity when the notice was issued on 13 June 2023, and ground (d) fails in respect of it.

Fence, gates and front hardstanding

14. The Council states explicitly in the notice that the fence, gates and area of hardstanding at the front of the site were substantially complete at the time of its 6 September 2019 officer visit. Further, the statutory declarations in support of the appellants' case say that such works were completed by the end of May 2019 (those declarations also being supported by dated photographs), and I have no good reason to find otherwise.
15. However, section 171B(3) of the Act provides that - in respect of the material change of use targeted by the notice - no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.
16. I am satisfied that the site boundary treatments and hardstanding at the front of the site (in front of Building A) were created to facilitate the material change of use of the land and were part and parcel and ancillary to that change, as suggested by the appellants' narrative about deciding to use the land to build a new cattery building. It is clear from all the evidence that the fence, gated

² Where substantial completion took place before 25 April 2024.

entrance and hardstanding were operations facilitating the new use in providing associated access and security. Accordingly, the "Murfitt principle"³ is engaged and so effectively the 10 year immunity period relating to the material change of use applies. Accordingly, ground (d) does not succeed.

Appeals A, B, C; Ground (a) and the deemed planning applications

Main Issues

17. The main planning issues in the appeals, which now relate to the amended allegation, are:

- whether the development is inappropriate development in the Green Belt;
- the effect of the development on the openness of the Green Belt;
- the effect of the development on the character and appearance of the area;
- the effect of the development on the living conditions of neighbouring residents, particularly as regards noise and disturbance from barking dogs;
- the effect of the development on highway safety.
- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Green Belt

18. Chapter 13 of the Framework stresses that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

19. The Framework says that development in the Green Belt is inappropriate, apart from certain specified exceptions. The appeal site lies within the Green Belt.

Replacement of the cattery building

20. One of the Framework exceptions (at paragraph 154.d)) is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

21. Building A has replaced a building that had existed on the main site of the business to the west of the appeal site. That building had housed the cattery, as Building A does currently. However, the replacement building (which also includes an office/reception) is significantly larger than the original cattery – notwithstanding that it is not quite as high, Building A's footprint is almost 3 times that of the more constrained former building. The result is a new building which is significantly longer and wider, and which takes up much more floor space than the former structure. Simply put, I find it to be 'larger', and materially so. The exception at paragraph 154.d) does not apply.

³ *Murfitt v SSE & East Cambridgeshire DC* [1980] JPL 598

Infilling

22. The appellants have made a case that the development represents 'infilling', which is commonly considered to be the filling of a small gap along a continuous built up frontage. I accept that the appeal development does fill a gap between the built-up land immediately adjacent on both sides of the appeal site along Daws Heath Road (the appellants' land to the west with several buildings relating to the kennelling business spread across the site, and a builders yard to the east where a large detached building is situated close to the position of Building A).
23. However, the Framework exceptions do not simply concern 'infilling' in any situation within the Green Belt.
24. One exception (paragraph 154.e)) relates to limited infilling in villages. I have seen no evidence that the appeal site lies within a village.
25. Another of the Framework exceptions (at paragraph 154.g)) is limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
26. Is the appeal site previously developed land? The Framework definition is:
- Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*
27. The appellants' Statement (at 2.4, 4.28 and 4.70) says that the appeal site was essentially a small strip of overgrown scrubland adjoining their land used as an access way for an electricity company. Further, the Council's Statement (at 5.32 and 9.5) says that the appeal site was devoid of development and that aerial images of site prior to the development taking place show the site to be covered in vegetation⁴. The appellants' final comments continue this theme in referring to the introduction of built form to a previously open site.
28. It seems to me that there is very limited substantive evidence of the appeal site being previously developed land. Even had it been lawfully developed at some time in the past, any remains of any permanent structure or fixed surface structure would appear to have blended into the landscape.

⁴ The officer report on 22/00204/FUL (*Retrospective planning application for the erection of a cattery, dog grooming and dog exercise area including covered shaded area*), cited in the notice, also said (at paragraph 41) that the land was free from development.

29. Accordingly, I find as a matter of fact and degree that the appeal site is not previously developed land. Therefore the exception at paragraph 154.g) of the Framework does not apply.

‘Grey Belt’?

30. ‘Grey Belt’ is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that does not strongly contribute to certain purposes of the Green Belt as set out in paragraph 143 of the document. Those purposes are to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another and to preserve the setting and special character of historic towns.

31. The appeal site lies beyond the urban settlement of Rayleigh, where the town’s built-up areas give way to a ribbon-type development along Daws Heath Road and where sporadic buildings are typically interspersed with areas of woodland and verdant open areas. The appeal site had constituted the latter and, in its spatial openness⁵, had strongly contributed to the purpose of preventing the unrestricted sprawl of Rayleigh’s built-up settlement upon the open Green Belt outside the town. The fact that it was located between developed sites with buildings only emphasises the role the open scrubland played in maintaining the open character of the Green Belt and restricting the sprawl of urban development in this area close to Rayleigh.

32. The appellants refer to strategic sites for development near the appeal site (albeit, as they say, in the emerging plan and not formally adopted) but in my judgement the fact that there might be development nearby only serves to reinforce the importance of open areas of land within the Green belt (such as the appeal site before its unlawful development) in restricting the spawl of large built-up areas.

33. For these reasons, I do not find the appeal site to constitute ‘Grey Belt’ as defined in the Framework. It cannot therefore benefit from the possible exception in paragraph 155.

Conclusion on Inappropriateness

34. For the above reasons, the appeal development does not meet any of the exceptions in the Framework. It is therefore inappropriate development.

Openness

35. Notwithstanding the appellants’ point that the number of animals accommodated by the business would remain the same, the appeal development constitutes a new use of a piece of open land for commercial animal boarding activities. As a result of the change use, and in association with the enclosing structures that have been developed, the openness of the land is significantly reduced by the activities taking place including the exercising of dogs at the rear of the site.

36. Although Building B and its canopy are relatively light structures, they contribute to a sense of enclosure of the Green Belt particularly taking into account the associated hardstanding which reinforces the built form in this location.

⁵ Notwithstanding visual screening from public views

37. Building A, to which I have already referred, is a building of significant dimensions and large footprint (including when compared with other buildings in the locality). It spans a great deal of the width of the appeal site and is quite near the building within the adjacent builders yard. The total outcome produced is a significant enclosing effect on the spatial openness of this part of the Green Belt, particularly when combined with the enclosing effects of the appeal development taken as a whole.
38. While the effects of the development on visual openness is restricted due to the limited public views into the site due to vegetative and other screening, the impacts upon spatial openness are significant.

Character and appearance

39. The front fence and gates have a rather stark and overly conspicuous appearance due to their scale, materials and design. This fits uncomfortably with the semi-rural setting and causes significant harm to the character and appearance of the area.
40. However, it is now uncontroversial between the parties that this issue could be made acceptable by the imposition of a planning condition requiring approval by the Council of a new boundary treatment and soft landscaping. The appellants have already produced a revised plan (DAWS/04) to this end, with the Council suggesting that the proposed design (fencing slats removed, gates to match those of the appellants' home, soft landscaping in front of the fence) is an improvement and an acknowledgement of its concerns. Were I not refusing the deemed planning applications on harm to the Green Belt, I would have imposed such a condition.

Noise and disturbance – barking dogs

41. The new dog exercising area upon the appeal site is towards its rear behind Building A, furthest from dwellings along Daws Heath Road, and next to the A127 Southend Arterial Road which is itself a significant noise source. Despite expansion onto the appeal site, the business (in line with its licensing conditions) does not involve more dogs than before the unauthorised appeal development and I note that the pre-existing lawful exercise area (on the site to the west) was/is closer to Daws Heath Road.
42. While I see reference in the appeal documents to noise complaints and the involvement of the Council's environmental health department, I have not seen the details of any such complaints or of any environmental health investigation. The issue of possible disturbance through intensification of activities upon the site through a dog grooming operation is no longer relevant to the appeal, due to the amended description of development.
43. For these reasons, I find that the appeal development causes no harm to the living conditions of neighbouring residents though noise and disturbance.

Highway safety

44. I place significant weight on the evidence of Highways Engineers that there is insufficient intervisibility between vehicles on the carriageway and those using the gated access. Accordingly, I find an unacceptable degree of hazard for highway users to the detriment of highway safety.

45. The appellants have submitted a revised plan (DAWS/03B) with the appeal, proposing to set the gate back 6 metres and to provide adequate visibility splays. Were I not refusing the deemed planning applications on harm to the Green Belt, I would have imposed a condition requiring that such a scheme of works be submitted to the Council for its approval and implemented.

Other considerations

Animal welfare

46. The appellants say that a new cattery needed to be built upon the appeal site as new animal welfare legislation required the cats to be accommodated further away from the dogs in order to reduce their levels of stress. Mr Neocleous (Appellant A) states in his statutory declaration that he came to that view following a site visit by the Council's licensing department who advised him of the requirement verbally. While I give moderate weight to the formal statement signed in the presence of a solicitor, the appellants' case has not been supported by details of the new legislation (or any related guidance) that is said to have necessitated the unauthorised development. Neither have I been provided with copies of any licence-related documentation (licence conditions, correspondence with the licensing department) in support of the appellants' position. On balance, I find it unlikely that the cost and effort of the appeal development would have been undertaken on the argued basis that it was principally as a result of an intervention from the Council's licensing department, especially when the Council says it has no record of such an intervention and the appellants do not have any supporting correspondence (which one might expect from a licensing department advising a licensee that the law now required significant steps to be taken).
47. The appellants' argument is further undermined due to the fact that they have also positioned a number of external dog exercise pens upon the newly acquired land constituting the appeal site, directly to the rear of the new cattery⁶. Indeed, the building housing the cattery (Building A) was initially fitted out internally for the purposes of a dog grooming with dog holding pens situated adjacent (across a dividing wall) to cat pens⁷. These factors seem to run counter to the central argument that the unauthorised development was necessary to put distance between cats and dogs, to reduce the stress of the latter. As does the appellants' ground (f) argument that an alternative measure (rather than demolition) would be to re-site Building A upon the business's lawful site – if it was originally necessary under animal welfare laws for the cattery to be re-positioned (in a new building) upon the acquired land, how would the suggested alternative measure be possible/lawful? The appellants' arguments do not run together consistently and without conflict.
48. It is stated that the canopy to the rear of the appeal site provides a shaded area conducive to the welfare of dogs being exercised. That is accepted, but it is unclear why such animal welfare measures cannot be provided on the lawful site which has dog exercise areas.
49. For these reasons, I give this consideration limited weight.

⁶ I saw on my site visit that there are also occupied dog pens which have been constructed on the eastern edge of the lawful business site adjacent to the appeal site not far from Building A.

⁷ Drawing DAWS/01

Further social, economic and environmental considerations

50. The appellants say that the overgrown and neglected visual appearance of the appeal site detracted from the attractive character of the area. However, they also say that it was screened from view and I give the matter limited weight.
51. I accept that the volume of traffic generated is no different from the existing lawful business. However, this is a neutral factor and I apply limited weight.
52. I accept that Building A is of a high quality design (notwithstanding its footprint and harm to the Green Belt), with a lower ridge height than the building it replaced and with natural materials used to integrate within the setting. I also understand that a contract has been signed for solar panels, so as to render the building 'carbon-neutral' and provide all the power it needs 'off-grid'. I give these considerations moderate weight.
53. It is said that development of the site makes an efficient use of land which is a logical extension to the appellants' existing lawful business. It may be a logical desire for the business to spread out onto neighbouring land and put it to its commercial use, but given my findings I consider that the land had erstwhile been efficient in providing a sense of permanent openness to this part of the Green Belt and in restricting the sprawl of large built-up areas. I give this consideration limited weight.
54. I have no doubt that the service provided by the business is a significant benefit to its users, including a customer base which has been built up over many years. The business also generates local jobs in employing a total of 21 staff (11 full time and 10 part time). I also accept that there is a demand for the business which is said to run at capacity for most of the year. However, the appellants' have repeated in their submissions several times that the geographically expanded business does not involve the accommodation of a greater number of animals than before the unauthorised development – and, in fact, there are fewer cat pens in the new cattery than existed in the old one. It is therefore entirely unclear to me how the appeal development improves capacity, makes the business more viable or supports a level of employment over and above the pre-development situation. I therefore apply limited weight to this consideration.
55. The appellants point to Policy DM 11 of the Rochford District Council Development Management Plan (2014) (DMP) which says the Council will support existing lawfully established businesses in the Green Belt, allow extensions to existing business premises, the replacement of existing business premises, and changes of use to enable diversification, where appropriate. However, that is subject to requirements that (i) a replacement building should not be materially larger than the one it replaces, (ii) the development has been designed to minimise impact on the character, appearance and openness of the Green Belt and (iii) the scale, design and materials of the original building is respected. I have found otherwise, and apply no weight to the argument.
56. Likewise, Policy GB1 of the Rochford District Council Core Strategy Adopted Version (2011) (CS) says that the rural diversification and the continuation of existing rural businesses will be encouraged, as appropriate, so long as such activities do not significantly undermine the objectives or character of the Green Belt. Again, I have found otherwise and apply no weight to the appellants' argument that this policy supports their case.

Green Belt/planning balance

57. Paragraph 153 of the Framework indicates that in considering any planning application, substantial weight should be given to any harm to the Green Belt. Accordingly, as I have found harm to the Green Belt I apply substantial weight in respect to it. I have also found that significant harm is caused by the as-built development to the character and appearance of the area and to highway safety. In totality, the harm is of a magnitude which weighs very heavily against the appeal development.
58. Having considered all matters raised in support of the appeal development I conclude that, collectively, they do not clearly outweigh the totality of the harm I have identified⁸. Accordingly, very special circumstances do not exist and the development is contrary to the guidance in the Framework, Policies GB1 and GB2 of the CS and Policies DM1 and DM11 of the DMP which together seek to protect the Green Belt, character and appearance and highway safety.
59. The conditions put forward for consideration, or any conditions, would not make the development acceptable in planning terms as regards the Green Belt harm.
60. Accordingly, I will not grant planning permission and the appeals on ground (a) do not succeed.

Appeals A, B and C; Ground (f)

61. For success on this ground, I must be satisfied that the requirements of the notice are excessive in meeting its purpose.
62. It seems to me from the way the notice has been drafted that its purpose is to remedy the breach of planning control by requiring the discontinuance of the unauthorised use and the return of the land to its condition before the breach took place. There is nothing illegitimate or excessive in the steps in the notice, which collectively do no more than that. I am however, as previously stated, using my powers to amend the notice so that section 5 mirrors the alleged use in section 3.
63. Even were the purpose of the notice to remedy injury to amenity, the alternative scheme put forward by the appellants (which I have addressed in dealing with ground a) and largely concerned with the front boundary treatment) does not remedy the harm I have identified to the Green Belt.
64. It is both lawful and, in my view, reasonable for the notice to require the removal of all identified works. I am satisfied that the boundary treatment and hardstanding at the front of the site (in front of Building A) were developed to facilitate the material change of use of the land and were integral and ancillary to that change, as suggested by the appellants' narrative about deciding to use the land to build a new cattery building. It is clear from all the evidence that the fence, gated entrance and hardstanding were operations facilitating the new use in providing associated access and security. Accordingly, the "Murfitt principle" applies and the notice can remove the removal of the works. Further, it is both necessary and reasonable to require removal of all identified works on the appeal site to ensure the discontinuance of the unauthorised use

⁸ Even if the harm to character and appearance, and to highway safety, is removed through an alternative scheme based on revised plans (as discussed under those headings).

and to restore this land in the Green Belt to its pre-existing condition. That includes demolition of Building A, and it is a matter for the appellants (within the confines of the law) whether they erect a replacement building upon the lawful business site. It also includes the demolition of Building B and I do not accept that its retention with canopy – and associated use for dog exercise – would not cause Green Belt harm for the reasons already set out.

65. Replacement of hardstanding by 'Grasscrete' would also cause unacceptable harm to the Green Belt due to its hard and artificial appearance (relative to grass and vegetation) over a significant portion of the site, and its use would not restore the land to its previous condition.
66. It is perfectly reasonable for land disturbed by the unauthorised development to be re-surfaced with topsoil and grass, to approximately achieve the condition of the overgrown land that had previously existed. Indeed, the notice might have required the appellants to go further in planting more plants to reflect its prior overgrown nature.

Appeals A, B and C; Ground (g)

67. For success on this ground, I must be satisfied that the 6 month compliance period of the notice falls short of reasonable.
68. The appellant requires 2 years, but it seems to me that the requirements (including all the steps of the notice) can reasonably be completed in far less time than that.
69. Compliance with the notice will involve a significant disturbance to the business and the undertaking of a good deal of demolition and restoration works. I do not consider that 6 months provides an appropriately lengthy period for everything to be completed.
70. It seems to me that 12 months would be a reasonable time for the appellants to make necessary business adjustments, seek any necessary planning consents, and carry out all works required by the notice. Ground (g) therefore succeeds to this extent, and I am varying the notice accordingly.

Conclusions

71. Subject to the corrections and variations to the notice, made partly due to limited success on ground (g) and partly due to the need to put the notice in order, Appeals A, B and C are otherwise dismissed and the notice is upheld. Planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Andrew Walker

INSPECTOR