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## Appeal Decisions

Hearing held on 21 October 2025

Site visit made on 21 October 2025

**by Diane Lewis BA(Hons) MCD MA LLM MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 November 2025**

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### **Appeals: Land at Lyndale, Hovefields Drive, Wickford, Essex SS12 9JD**

#### **Appeal A Ref: APP/V1505/C/25/3369058**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Buildit (SPV) Ltd against an enforcement notice issued by Basildon Borough Council.
  - The notice was issued on 12 June 2025.
  - The breach of planning control as alleged in the notice is: Without planning permission, the material change in use of the Land to a mixed use comprising residential use, leisure use independent of the host dwelling, and use for the storage of caravans, motor vehicles, building materials and a shipping container.
  - The requirements of the notice are:
    - i. Cease the use of any part of the Land for leisure purposes independent of the host dwelling.
    - ii. Cease the use of any part of the Land for the storage of caravans, motor vehicles, building materials and shipping containers.
    - iii. Permanently remove from the Land all caravans, motor vehicles, building materials and shipping containers.
    - iv. Permanently remove the close-boarded fencing from the Land as shown approximately by the blue line on the attached notice plan.
    - v. Permanently remove all other internal fencing from the Land.
    - vi. Permanently break up and remove the hardstanding from the Land as shown approximately edged and hatched pink on the attached notice plan.
    - vii. Permanently remove all resultant debris and materials from works completed in compliance with the above requirements from the Land.
    - viii. Return the Land to its condition prior to the unauthorised breach by levelling and reseeding with grass.
  - The period for compliance with requirements (i), (ii), (iii), (iv) and (v), is four (4) months after the notice takes effect. The period for compliance with requirements (vi), (vii) and (viii), is six (6) months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). 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 of Decision: The enforcement notice is quashed.**
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#### **Appeal B Ref: APP/V1505/C/25/3369059**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Buildit (SPV) Ltd against an enforcement notice issued by Basildon Borough Council.
- The notice was issued on 12 June 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change in use of the Land to a mixed use comprising residential use, leisure use independent of the host dwelling, the stationing of caravans for residential occupation, and the storage of motor vehicles, building materials and a shipping container.
- The requirements of the notice are to:

- i. Cease the use of any part of the Land for leisure purposes independent of the host dwelling.
  - ii. Cease the use of any part of the Land for the stationing of caravans for residential occupation.
  - iii. Cease the use of any part of the Land for the storage of motor vehicles, building materials and shipping containers.
  - iv. Permanently remove all caravans from the Land.
  - v. Permanently remove all residential paraphernalia, utility/day rooms, outbuildings, trailers, fixtures and fittings associated with the stationing of caravans for residential occupation from the Land.
  - vi. Permanently remove all motor vehicles, building materials and shipping containers that are being stored on the Land from the Land.
  - vii. Permanently remove the close-boarded fencing from the Land as shown approximately by the blue line on the attached notice plan.
  - viii. Permanently remove all other internal fencing from the Land.
  - ix. Permanently break up and remove the hardstanding from the Land as shown approximately edged and hatched pink on the attached notice plan.
  - x. Permanently remove all resultant debris and materials from works completed in compliance with the above requirements from the Land.
  - xi. Return the Land to its condition prior to the unauthorised breach by levelling and reseeding with grass.
- The period for compliance with requirements (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) is four (4) months after the notice takes effect. The period for compliance with requirements (ix), (x) and (xi) is six (6) months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). 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 of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and variations.**
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### Appeal C Ref: APP/V1505/C/25/3369060

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Buildit (SPV) Ltd against an enforcement notice issued by Basildon Borough Council.
  - The notice was issued on 12 June 2025.
  - The breach of planning control as alleged in the notice is: Without planning permission, operational development of:
    1. The erection of a Building shown approximately edged and hatched black on the attached notice plan; and
    2. The erection of lampposts shown in the approximate locations by a green cross on the attached notice plan.
  - The requirements of the notice are to:
    - i. Demolish the Building shown approximately edged and hatched black on the attached notice plan.
    - ii. Break up the concrete base beneath the Building shown approximately edged and hatched black on the attached notice plan.
    - iii. Demolish the lampposts shown in the approximate locations by a green cross on the attached notice plan.
    - iv. Permanently remove all fixtures/fittings associated with the Building and lampposts from the Land.
    - v. Permanently remove all resultant debris and materials from works completed in compliance with the above requirements from the Land.
  - The period for compliance with the requirements is six (6) months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). 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 of Decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld in the terms set out below in the Formal Decision.**
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## **Preliminary matters**

1. An application for costs was made by the Council against the appellant and by the appellant against the Council. These applications will be dealt with in separate Decisions.
2. The Council and the appellant were allowed time after the hearing on 21 October to submit lists of planning conditions and to follow the procedure to make their applications for costs. The hearing was closed in writing on 3 November 2025.

## **Enforcement Notices and the Land**

3. The Council issued three enforcement notices relating to the same area of Land. Enforcement Notices One and Two allege a material change in the use of the Land to a mixed use and Enforcement Notice Three is concerned with operational development. At the Hearing the appellant stated they have been the owner of the Land for about two years, since around October 2023. This information is not entirely consistent with the response given in a Planning Contravention Notice in November 2023 when a different land owner was named by the appellant and the land purchase probably was in progress.
4. The use of the Land over the recent past is indicated by a series of aerial photographs submitted by the Council. In April 2021 Lyndale appeared to comprise the bungalow sited near the frontage and the garden land to the back, extending down to the rear fence. The area of land north of the fence line formed part of a larger field of grazing land. In August 2021 all the rear garden and the area to the front of the dwelling appeared to have been cleared and probably hard surfaced. The images taken in November 2021 and March 2022 showed vehicles on the hard surfaced areas and possibly two containers in the far corner. Waste materials in the adjacent field can be seen in the March 2022 photo. By June 2022 a caravan was stationed on the land near the rear boundary, possibly with a touring caravan near the dwelling in the October 2022 photo. By January/February 2023 two additional static caravans were stationed on the site and cars and vans were parked on the land, together with a touring caravan near the bungalow. No physical internal division of the land was evident.
5. By mid October 2023 the land had been extended and enclosed to take in an area from the adjacent field and ground engineering works were ongoing, including the digging of trenches. The three caravans were sited closer together and sections of newly erected fencing enclosed a parking area and the small rear garden to the bungalow. By May 2024 the land at the rear of the plot was surfaced and used for storage/parking of vehicles. The images dated July, September and November 2024 showed a similar picture with the area behind the bungalow garden used for parking/storage of vehicles. By January 2025 a building had been erected and a blue container sited on the area just to the south of the caravans. A similar picture occurred in April 2025.
6. This outline of the chronology of events helps to inform whether as a matter of fact and degree the Land is a single planning unit in a mixed use or, as the appellant stated for the first time at the hearing, in three planning units each with a single primary use. These were described as the dwelling and leisure building, the land occupied by the three caravans and the land used for storage. Physical and functional separation need to be considered.

7. The sequence of photos illustrates changes took place over a period of about four years, with fluidity in the use of various areas and shifting patterns and levels of parking, storage and numbers of caravans. Extension of the developed area and increase in use occurring from around October 2023 coincided with the appellant's involvement with the land.
8. The Land is in single ownership. The appellant stated the dwelling and caravans are rented but no information was forthcoming about the areas used for storage. The site inspection confirmed the Land is enclosed by close boarded fencing along the side and rear boundaries and by a metal gate and wall along the frontage. There is a common single access and the driveway extends along the boundary to the rear. A double gate in the rear fence allows access to the area used for storing building materials, as shown on photographs attached to the notice dated 6 May 2025. Internal fences extend partway across the site to separate the vehicle storage area from the caravans and the caravans from the leisure building but free movement between the areas is maintained via the access track. There is no direct access between the garden to the bungalow and the fenced and gated area containing the leisure building and container. The front door to the bungalow opens directly onto the internal access way. Movement was possible through the length of the site and the main physical feature of separation is the perimeter fencing and the boundary treatment to the frontage.
9. The physical attributes and layout on the ground can be understood by use of the photographic evidence, records of site visits and the appeal site inspection. A certain amount on how the site has functioned may be inferred from such evidence but detailed information from the appellant to substantiate the case of three planning units was missing. There is uncertainty, for example, whether the residents of the caravans may have used the rear area to store their vehicles. Likewise, the area to the front of the bungalow may have been used for vehicle storage as well as parking. The occupier of the bungalow may be associated with the storage business. The appellant claimed the leisure use was incidental to the use of the dwelling but failed to support this with any evidence, whether documentation or personal testimony. No ground (b) appeal was made on the independent leisure use to challenge the Council's understanding of the facts on the ground.
10. Based on the photographic evidence, the position on use and function has not been static and appears to have changed over time. A feature of a mixed use is where the component activities fluctuate in their intensity from time to time and the different activities are not confined within separate and physically distinct areas of land.
11. Conclusions. The lawful use of the Land was as a dwelling and grazing land. In view of the evolving pattern and timing of subsequent development and the very limited amount of evidence from the appellant on how the site overall functioned, the unit of ownership, rather than occupation, comprises the planning unit. The Land correctly comprises the larger enclosed area between the properties known as Lynview and Hawthorns and includes the strips of adjacent land where storage of building materials has occurred. There are no grounds for identifying two smaller areas used for the storage of building materials. No corrections to the notices are required in respect of the definition of the Land.

### **Appeal A: ground (b) appeal**

12. The appellant disputed that at the time Enforcement Notice One was issued the caravans were being stored on the Land and maintained the caravans were residentially occupied. Reliance was placed on the photographs attached to the notice showing residential paraphernalia around the caravans.
13. The contrary evidence from the Council includes the report of a site visit on 6 May 2025 when the appellant said the caravans were empty. This information is consistent with a statement by the appellant in an email to the Council's environmental health officer dated 12 August 2025.
14. At the hearing the appellant confirmed the caravans were not being stored but were for residential use. The Council was willing to accept this position. On the balance of probability my conclusion is the purpose of stationing the caravans on the site was for residential use and over the period leading up to when the notice was issued the caravans were occupied for residential purposes. The appeal on ground (b) succeeds. The Council served Enforcement Notice One and Enforcement Notice Two as alternatives to cover both eventualities. Therefore I will quash Enforcement Notice One to avoid uncertainty and a risk of injustice. That being so, the Appeal A grounds of appeal (c), (a), (f) and (g) will not be considered.

### **Appeal B: ground (c) appeal**

15. The issue is whether the matters stated in the allegation amount to a breach of planning control. The onus is on the appellant to prove their case where the standard of proof is the balance of probability.
16. The appellant disputes one element only and submits the blue storage container is permitted development because it is used ancillary to the dwelling house for the storage of residential items. At the hearing the appellant maintained the container is a building and clarified that they relied on the permitted development rights under Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The appellant presented no reasoned argument on these matters.
17. The notice alleges the storage of a shipping container. The aerial photographs show that the blue container was first sited on the Land between 15 November 2024 and 23 January 2025. On the appeal site visit the container was in the same place, between the leisure building and the boundary fence. The appellant was unable to open the container, the stated reason being the tenant of the dwelling had the key.
18. Class E permits the provision within the curtilage of a dwelling house "any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such". Therefore, the container must be a building, even if within the curtilage of the dwelling. The three primary factors to consider are size, permanence and physical attachment. The container would have been transported to the site. No measurement was provided but it is one of the smaller units. The photos indicate the container has been in place for less than a year during which time it probably has not been moved. The container probably remains in place by its own weight and there were no visible means of attachment to the ground. The site plans submitted by the appellant (existing and proposed)



do not show the container in situ. The series of images of the Land show containers have come and gone over time. As a matter of fact and degree I conclude the blue container is not a building and is not permitted development under Class E.

19. Regarding its use, the Council did not see inside the container on the visit in May 2025 but, because of its siting, was of the view it was more likely used in connection with the adjacent leisure building than the dwelling. The appellant declined to provide information on the use through a Planning Contravention Notice dated 13 May 2025. Even if the appellant had not been able to get the key to open up the container on the day of appeal, photographic or similar evidence could have been provided to assist. The burden of proof has not been discharged and I am unable to conclude on the balance of probability the container is used for domestic storage in connection with the dwelling.
20. For the reasons stated above the storage of the shipping container amounts to a breach of planning control and the appeal on ground (c) fails.

### **Appeal B: Appeal on ground (a), deemed planning application**

#### **The development and main issues**

21. The development which is the subject of the deemed planning application is derived directly from the description of the breach of planning control, a material change in use of the Land to a mixed use comprising residential use, leisure use independent of the host dwelling, the stationing of caravans for residential occupation, and the storage of motor vehicles, building materials and a shipping container. No corrections to the description arise from the appeal on ground (c). The mixed use or composite use is a single sui generis use in its own right. The deemed planning application is for this development that has been carried out.
22. The main issues are the effects of the mixed use development on:
  - the Green Belt and whether the material change of use is inappropriate development,
  - the character and appearance of the site and surrounding area, the amenity of neighbouring occupiers and on the Essex Coast Protected European Sites,
  - the provision of homes in the Borough.
23. Other considerations include intentional unauthorised development and the benefits identified by the appellant. Should development be inappropriate, the final issue becomes whether the harm by inappropriateness and any other harm is clearly outweighed by other considerations. The use of planning conditions to mitigate adverse effects will be taken into account and whether they could enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission. National policy states planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
24. The appellant did not put forward a case to support the development of the mixed use described in the notice. The statement of case was directed towards seeking

planning permission for the use of the land residentially with the siting of mobile homes. A proposed site layout plan was submitted<sup>1</sup>. The appellant also invited consideration of the residential occupation of the mobile homes based on an unrestricted residential use and secondly as a Traveller site, with a planning condition restricting occupancy to Gypsies and Travellers. In fact much of the ground (a) statement of case focused on the provision of a Traveller site. The planning history of development of the Land since 2021 provides no evidence that a caravan site for travellers has formed part of the development. At the hearing the appellant confirmed the caravans have not been occupied by Travellers at any time.

25. This approach was discussed at some length at the hearing and whether the proposed residential use in isolation constituted part of the matters or not. Later the appellant supplemented their case expressed at the hearing by additional submissions made alongside the lists of proposed conditions. I will return to the matter after assessing the development as described in the notice.

### **Policy**

26. The Basildon District Local Plan Saved Policies September 2007 (the Local Plan) is the development plan for the area. No policies specific to mixed use development have been brought to my attention. Policy BAS BE12 applies to new residential development and for the alteration and extension of dwellings. The Land is in the Green Belt, the boundaries of which are defined through Policy BAS GB1 of the Local Plan. The policies for considering planning applications for sites in the Green Belt are in the National Planning Policy Framework (the Framework).

### **Green Belt**

27. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
28. As set out in paragraph 154 of the Framework, development in the Green Belt is inappropriate unless one of the stated exceptions applies. One of these exceptions 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) ... , which would not cause substantial harm to the openness of Green Belt.' The definition of previously developed land excludes land in built-up areas such as residential gardens. The site is outside the built-up area of Basildon and so this exclusion does not apply. However, although part of the development is within the curtilage of the dwelling and hence on previously developed land, the development extends onto former grazing land outside the curtilage. The development does not fall within the exception at paragraph 154(g).
29. Paragraph 155 of the Framework does not regard the development of homes, commercial and other development in the Green Belt as inappropriate where all the stated criteria are met. The first consideration is whether the development would utilise grey belt land, which requires assessment of whether the land strongly contributes to any of the Green Belt purposes (a), (b) or (d), as set out in paragraph 143 of the Framework. Planning Practice Guidance (update February 2025) identifies considerations to inform such judgements. Basildon and Wickford

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<sup>1</sup> WSP Appendices Appendix 2 Plan no. J005350-DD502

are not historic towns and therefore the focus is on purposes (a) and (b) to check unrestricted sprawl and to prevent merging of neighbouring towns.

30. The Land lies in a larger area of land separating Basildon and Wickford, identified as Parcel W19 in the Council's Green Belt Study 2023. The area is characterised by mixed farmland and plotland development, where urban influences significantly reduce the gap between the built-up areas and increase the gap's fragility. The assessment in the Green Belt Study is useful context, remembering the Land in the current appeal is a smaller area for assessment.
31. The Land is partly contained by development on each side and the bungalow has existed as a form of built development for years. However, the extension of the mixed use into the adjacent field results in an extended finger of development into the open Green Belt and represents an incongruous pattern of development, even in the Hovefields Drive area. The area of physical and visual separation between Basildon and Wickford would become significantly weaker. The Land, and particularly the northern part, strongly contributes to checking the unrestricted sprawl of large built-up areas and in preventing neighbouring towns merging into one another. Accordingly, the development would not utilise grey belt land alone.
32. My assessment is generally consistent with the Inspector in the Hillview appeal<sup>2</sup>. I note the appellant did not dispute the conclusion of the Inspector but distinguished the current appeal by describing the plot site as backland development where the proposal would infill a gap between developed surroundings, not protrude outwards into undeveloped surroundings. However, the appellant's assessment is based on their alternative proposal for use of a smaller area of land residentially, not the mixed use on the Land described in the notice.
33. In terms of the second part of criterion (a) the development because of its small scale would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
34. To comply with criterion (b) requires a demonstrable unmet need for the type of development proposed. There is no evidence of need for the mixed use. The next consideration is whether the development would be in a sustainable location with particular reference to paragraphs 110 and 115 of the Framework. Limited detailed evidence was presented on the matter of the mixed use development in question. The decisions on proposals for traveller sites have little relevance because the Framework expects those assessments to be based on Planning Policy for Traveller Sites (PPTS).
35. The site is not too far from Basildon and Wickford when travelling in a car. The position is very different regarding use of public transport. A walk to any bus stops would be along roads in poor condition or without footways and would not be a safe option for many. A genuine choice of transport modes for all occupiers and visitors to the site has not been demonstrated, even allowing for the varying opportunities to maximise sustainable transport solutions between urban and rural areas.
36. In making my assessments I have had regard to the officer reports for proposed traveller site developments at Lyn View and Hillview, particularly in terms of Green Belt and sustainability. Lyn View is the more relevant because the land in question

<sup>2</sup> Appeal Decision dated 23 January 2025 ref APP/V/1505/C/24/3344638 and others



is to the south of the appeal site and Hovefields Drive. Even so the relationship to adjacent developed sites and settlement is not the same as the appeal site and the same conclusions do not necessarily follow.

37. In conclusion, the mixed use development is inappropriate when assessed against the relevant factors set out in paragraph 155. The photographic evidence indicates that the lawful residential use of the land maintained a good level of openness. The dwelling and the smaller outbuildings in the garden affected openness but the plot layout, the grass and vegetation and the open grazing land all reinforced openness such that little harm occurred. The development has resulted in a very significant change in that much of the former open land is now occupied by structures, primarily the mobile homes or by vehicles. The envelope of development has extended beyond the well established rear boundaries to Lyndale and adjacent properties, increasing the harm to the Green Belt.

### **Character and appearance**

38. The Land is located in Fairmead Plotland. The Council's Plotland Area Assessment gives a good overview of the landscape and settlement character. In summary, the landform is flat to gently undulating, with scattered woodland blocks and tree belts. Development is interspersed with open fields, paddocks and undeveloped (often overgrown) plots and includes residential properties, traveller sites and small businesses occupying outbuildings.
39. The Land is in a small block of development along Hovefields Drive, where development is less intense than seen in the more densely developed block to the west along the main access route Hovefields Avenue. The mixed use development has had an adverse effect on the historic field pattern by encroaching into the grazing land and boundary vegetation has been lost. The extensive hard surfaced areas are utilised to station the mobile homes and store vehicles in the open. This has led to a loss of greenspace and spaciousness that contributed positively to the semi-rural countryside character and appearance. The mixed use development shows little respect for the surrounding plotland area. The layout, minimal landscaping and juxtaposition of uses harm rather than add to the quality of the area.

### **Amenity of neighbouring occupiers**

40. The neighbouring property to the east (Hawthorns) appeared to be representative of the traditional residential plotland. The single storey dwelling is sited towards the back of the plot, enclosed by mature trees on the garden area nearer Hovefields Drive. Therefore, before the mixed use development was carried out, the residents would have enjoyed the privacy of good separation from the activity focused around the dwelling at Lyndale. In the context of development over the years at Hovefields their home probably has been a valued place of retreat.
41. A very significant feature of the new development, confirmed on the appeal site visit, is the proximity of the mobile homes to the eastern boundary and the primary living accommodation next door. The mobile homes are raised up, partly to allow for service and utility connections below and they are sited 'end on' to the boundary. Residents entering and leaving their caravans would overlook the neighbouring residence, resulting in disturbance and a serious loss of privacy to the neighbouring occupiers. Furthermore, the very small areas of amenity space between the caravans probably would be intensely used by residents, again very

close to the neighbouring dwelling. A further point raised by the Council's Environmental Health officers is the need to provide adequate separation distance to minimise risk in the event of a fire and so ensure safety to all residents.

42. The creation of the vehicle storage area and the somewhat haphazard storage of building materials have introduced commercial development to the side and rear of the neighbouring property where there was no development previously. Disturbance and uncertainty over increased levels of stored building materials in the future would reduce the neighbours' amenity.
43. On the adjacent property to the west the living accommodation is on the front part of the plot, with garden land behind. This layout provides greater separation distance with the mobile homes. Nevertheless, the main access through Lyndale runs alongside the boundary, leading to traffic movement and noise where previously there was none. The storage area also would introduce a commercial use adjacent to the neighbours' amenity space, potentially causing some noise and disturbance.

### **Essex Coast Protected European Sites**

44. The Essex coastline is home to internationally important numbers of breeding and non-breeding birds and their coastal habitats. A large proportion of the coastline is covered by European and national wildlife designations. The coast is also a major destination for Essex residents to participate in recreational activities such as walking, sailing and fishing. The impact of recreational disturbance on the designated sites is a major concern. The Essex Coastal Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) has been prepared with the aim of delivering the mitigation necessary to protect the birds and their habitats.
45. The Land is within the Zone of Influence of the European sites. A tariff applies to each of the new dwellings, which would go towards providing necessary mitigation to avoid the likely significant effects from the in-combination impacts of residential development anticipated across Essex. The appellant has made the necessary contribution to the Council. Subject to an appropriate assessment as required by the Habitats Regulations<sup>3</sup> this issue is neutral in the planning balance and does not provide a strong reason for refusing the mixed use development.

### **Homes and other considerations**

46. The Council accepts that at the present time it cannot demonstrate a five year supply of deliverable housing sites for the settled population or, in the alternative a supply of specific deliverable sites sufficient to provide 5 years worth of traveller sites against their locally set target. As described by the appellant at the hearing the mixed use development to date has provided homes for two families and a single-person household, none of whom are Travellers. The contribution these homes make to supply is weakened by their quality. The existing site layout results in a very cramped space, where the caravans are sited in an unsafe and unacceptable site layout.
47. The appellant submitted there has been a failure in policy in providing for the Gypsy and Traveller community, the likely location for such sites is in the Green Belt and there are no available alternative sites for proposed occupiers.

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<sup>3</sup> Conservation of Habitats and Species Regulations 2017

Reference is also made to paragraph 27 of the PPTS that encourages effective use of previously developed land, sites being well-planned or soft landscaped, promoting opportunities for healthy life styles (for example by ensuring adequate play space) and not isolating a site from the rest of the community. These considerations look to proposals for the future and provide little support for the mixed use development which to date has not provided accommodation for travellers.

48. The mixed use development has utilised an area of previously developed land but also extended into the countryside. No attempt has been made to incorporate landscaping, instead trees and vegetation were removed. The living conditions provided for the occupiers of the mobile homes do not encourage healthy lifestyles and offer very little amenity space. The Framework definition of previously developed land makes the point it should not be assumed the whole of a curtilage should be developed, a very relevant factor in this case.
49. Intentional unauthorised development was carried out, a matter accepted by the appellant. This has led to environmental harm, harm to neighbours' amenity and unsafe living conditions. In the public interest the Council would have expended time and incurred significant expense to investigate and take enforcement action. The Government policy on intentional unauthorised development was introduced to address all such concerns. The enforcement regime is intended to be remedial rather than punitive but even with that in mind in this instance I attach significant adverse weight to the intentional unauthorised development consideration.
50. The lists of planning conditions put forward by the Council and by the appellant do not allow for the mixed use as described in the notice to continue on the Land. To the contrary, they indicate the serious harm identified would not be mitigated.

### **Planning balance and conclusion**

51. The material change of use of the Land to a mixed use is inappropriate development in the Green Belt and a significant loss of openness has occurred. The harm to the Green Belt has substantial weight. The harm to the character and appearance of the area, the harm to the amenity of neighbours, the poor standard of living conditions for the occupiers of the mobile homes and intentional unauthorised development each adds further significant weight against the development. The slight increase in the supply of homes is negated by the unacceptable and unsafe living conditions.
52. The planning balance weighs heavily against the development. The harm by inappropriateness and the other harm identified are not clearly outweighed by other considerations and very special circumstances do not exist to justify the mixed use development. The scheme as carried out is contrary to national policy protecting Green Belt.
53. In conclusion, any adverse impacts of granting permission for the mixed use would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing homes.

## **Alternatives**

54. The relevant statutory provisions regarding the ground (a)/ deemed planning application and the powers available in determining an appeal under section 174 provide the context.

### Statutory provisions in the 1990 Act (as amended)

55. Section 174(2) states an appeal may be brought on ground (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged. Where an appeal has been brought on ground (a) section 177(5) provides the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.
56. Section 177(1) states that on determination of an appeal under section 174 the Secretary of State may grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates.
57. Section 180(1) states that, where after the service of a copy of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.
58. Therefore, there is provision to make a split decision under a ground (a) appeal. In simple terms planning permission is granted for the acceptable part of the development, clearly identifying the land or part of the land to which the permission relates, the enforcement notice is upheld (as corrected/varied) and planning permission is refused for that part of the development found to be unacceptable on the land or part of the land. To ensure effective enforcement the notice is not quashed and reliance is placed on the notice ceasing to have effect insofar as it is inconsistent with the planning permission under section 180(1).
59. This approach first requires consideration of whether the alternative(s) form part of the breach of control for which permission may be granted. This involves considering whether the alternative part of the development falls within the scope of the notice and whether that element is severable, so that the acceptable and unacceptable parts are clearly distinguishable. In the case of a mixed use, it is the mixed use that is the use of the land. Permission may only be granted for one of more of the components if the carrying out of the component use(s) would form part of the development, considering planning impacts and character of the use. If the statutory test is satisfied, the acceptability of the part would be assessed.

### Proposed alternatives

60. The appellant's approach recognises planning permission for the full extent of the development that has taken place would be very unlikely. Through the enforcement appeal the aim was to gain a permission that allowed residential use in the form of a caravan site in addition to the dwelling on a reduced area roughly equivalent to the former extent of Lyndale. Storage and independent leisure uses do not form part of the proposed development and the removal of all stored

vehicles, materials and shipping container is envisaged. The new building, the subject of Enforcement Notice Three and Appeal C, would be for a use incidental to the dwelling.

61. At the hearing the appellant and the Council agreed that if planning permission is to be granted it would be for the mixed use described in the notice as constituting the breach and the land would be the red edged Land identified on the notice plan. Planning conditions would be the mechanism to restrict the use and secure an acceptable site layout. The list of conditions submitted by the appellant is similar to but not exactly the same as the list suggested by the Council. Neither party gave reasons to go with the proposed conditions.
62. The appellant proposed the area to the rear of the site, used for motor vehicle and building material storage, would be returned to its former condition as grassland within 3 months of the date of the decision and not be used for any other purposes including amenity or recreational space in association with the caravans or dwelling (condition 6). In addition, no commercial, industrial or business activities, including the storage of materials and goods would take place on any part of the site (condition 4)<sup>4</sup>. These conditions would be inconsistent with and contradictory to the description of development granted permission, namely the mixed use that includes storage as one of the primary components. The conditions are intended to prevent that use taking place, so they would nullify the benefit of the permission and be unreasonable.
63. The second aspect that was not addressed adequately is the independent leisure component of the mixed use. The appellant may expect to cover the matter by a permission granted through Appeal C, where a condition is proposed to restrict the use of the building to use incidental to the dwellinghouse. To apply a similar condition to Appeal B would not be reasonable because of the conflict with the operative part of the permission.
64. As to acceptability of site development, reliance is place on submission and approval of a scheme to detail the internal layout of the site, boundary treatments, landscaping, external lighting and drainage<sup>5</sup>. A proposed condition would restrict the number of mobile homes to 'no more than three', consistent with the existing number of homes. As indicated when considering the main issues, constraints include the size and shape of the site and existing development on and off site. The development area of the land would be significantly reduced by excluding the northern storage area from any amenity or recreational use. I am not satisfied a well designed and acceptable layout could be achieved.
65. Therefore the appellant has not demonstrated the alternative development controlled through the proposed planning conditions would be achievable, acceptable and in accordance with policy.
66. Alternative two was proposed by the appellant along with a second list of conditions after the oral proceedings. The description of development is the material change in the use of the Land to residential caravan site, where the Land is a newly defined site on an additional plan. However, the covering email indicates that the appellant is suggesting a split decision whereby planning permission would be granted for a residential caravan site and the dwellinghouse

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<sup>4</sup> Condition 8 and 4 are the equivalent conditions in the Council's list.

<sup>5</sup> Appellant's condition 5 and the Council's condition 6.



and planning permission would be refused for leisure use independent of the host dwelling and the storage of motor vehicles, building materials and a shipping container. Even so, the additional plan does not adequately reflect this position and whether the new building (subject of Appeal C) would be accommodated in the site area. The appellant also does not consider whether the residential development forms 'part of the development' described in the breach.

67. In support of the proposed approach the appellant submitted an appeal decision for a site in Brentwood, where a split decision was made following an inquiry<sup>6</sup>. Several factors show the two cases are different. Focusing on the most relevant points, in the Brentwood case the original notice was varied such that in terms of the use the breach was described as "*The unauthorised change of use of land edged in BLUE on the attached plan from commercial storage use to a mixed use comprising the stationing of mobile homes for residential use (within the land edged in PINK on the attached plan) and commercial storage.*" Planning permission was granted for that mixed use "namely the mixed use of the BLUE land as commercial storage and the stationing of mobile homes for residential use and associated mobile day rooms and sheds (on the PINK land only)," together with associated areas of hardstanding, boundary treatment and light fittings. Planning permission was refused for hardcore and hardstanding (which I understand to be an area marked in green).
68. Without knowing the details of the Brentwood case, it appears permission was granted for the same mixed use as described in the breach and that the element refused permission was for operational development of a distinct area of hardcore and hardstanding. By contrast in the current appeal the appellant is seeking permission for a residential use, not a single sui generis mixed use comprising several primary use components. The residential use and the mixed use would not function in the same way and would not have the same planning impacts. The character of a residential use, particularly in terms of activity and appearance would not be comparable to the mixed use. For these reasons the proposal does not form part of "the development". It is not open to me to decouple the residential component of the mixed use. Also of relevance, the Council did not specifically address the planning merits of a residential use including a caravan site on an area smaller than the Land. The appellant's proposals to decouple component activities is not an appropriate way forward and are outside the provisions within the 1990 Act.
69. Furthermore, on the basis that the harm to the Green Belt would be overcome by confining development to previously developed land, an outstanding, determining planning issue is the achievement of a well planned, soft landscaped and safe layout for the caravan site which would safeguard the amenity of neighbours. The appellant relies on a site development scheme condition. On the timescale in the proposed condition, it could be at least 14 months before approval of a scheme, with additional time for implementation. All consideration and discussion to date have been directed to accommodating the existing three mobile homes. The indicative site layout plan<sup>7</sup> demonstrates potential siting of the homes to achieve the necessary separation distance and provide for retaining access down the western side of the site. Little space would remain to provide privacy and amenity space for the occupiers of the homes, together with landscaping to provide new

<sup>6</sup> Appeal ref APP/H1515/C/21/3271421 Land at Craigielea, Brentwood dated 3 October 2024.

<sup>7</sup> Appellant's Hearing Statement Appendices Appendix 2

and replacement planting to enhance the appearance of the site. The poor relationship with the neighbouring residential property and the leisure building has not been addressed. Vehicle parking space and refuse storage would need to be accommodated too.

70. Taking account of on-site features I am not satisfied an acceptable layout could be achieved within the site constraints, to deliver an overall development in keeping with the site and surroundings. Policy requirements in the Framework to achieve good design, a key aspect of sustainable development, have not been addressed. In the alternative, securing the design aims in the PPTS (paragraph 27) have not been demonstrated. The position is different to other sites in decisions referred to by the appellant and the Council where the Inspector was satisfied an appropriate site layout and design could be secured through a site development scheme.<sup>8</sup> The proposed residential caravan site is unacceptable, with or without an occupation restriction to travellers.
71. Therefore alternative two does not form part of the development and planning permission should not be granted. Moreover, having briefly considered the planning merits, to resolve all details through planning conditions would not be acceptable in this case given the site constraints.

#### Conclusion on the ground (a) appeal

72. The material change of use to a mixed use development is contrary to policy and is unacceptable. The proposed alternatives have not been carefully planned and do not provide an acceptable way forward through the deemed planning application.
73. The appeal on ground (a) does not succeed.

#### **Appeal B: appeal on ground (f)**

74. The issue is whether the requirements are excessive to achieve the purpose of the notice to remedy the breach of planning control.
75. The appellant raised two matters, the first matter related to requirement (i) and the second to the hardstanding and fencing in requirements (vii), (viii), (ix) and (xi).
76. In relation to requirement (i), the step proposed by the appellant is not only to cease the leisure use independent of the dwelling but also to return to a residential use ancillary to the host dwelling. That goes beyond remedying the breach and is excessive.
77. The appellant's second point is that the pre-existing hardstanding and fencing is not a matter alleged as part of the breach of planning control and therefore the associated requirements are excessive.
78. The formation of hardstanding and the erection fencing were not included in the breach as separate acts of operational development. The Council considered they facilitated the unauthorised use and may be removed under the *Murfitt* principle. The appellant has not challenged this explanation or submitted evidence to show they constituted independent acts of development carried out in their own right. No case has been presented to demonstrate these elements were carried out for a

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<sup>8</sup> For example Council's Appendix 11, WSP Appendix 14

different lawful use. The pattern and chronology of development indicate the fencing and hardstanding have been integral to the making of the material change of use.

79. The purpose of the notice is to remedy the breach by discontinuing the unauthorised use of the land and to restore the land to its condition before the breach took place. The removal of the specified sections of fencing and the identified area of hardstanding would assist towards achieving that aim. In such circumstances it is not essential to include the fencing and hardstanding works within the description of the breach.
80. The fencing to be removed from the land is specified as the fencing shown by a blue line on the notice plan, which is between the vehicle storage area and the area used for storing building materials, and the other internal fencing. There is no requirement to remove boundary fencing defining the area of ownership. The Council also specifically excluded the area of hardstanding at the front of the Land that appeared to be used in connection with the dwelling.
81. In conclusion, the requirements are not excessive. The appeal on ground (f) fails.
82. As to other matters, the Council requested the word 'Permanently' be removed from requirement (vii) because fencing could be erected in the future under permitted development rights. As a general principle, an enforcement notice cannot take away legally permitted rights and when the legally permitted rights are contained in statute it is not necessary to refer to them in an enforcement notice. 'Permanently' need not be included in any of the requirements because compliance on a matter would not discharge the requirement, which would remain within the notice.
83. Additionally, to allow for reversion to the lawful use(s), the mixed use should be required to cease, rather than individual components. To correct the notice accordingly would not cause injustice to either the appellant or the Council.

#### **Appeal B: ground (g) appeal**

84. There are two periods of compliance – four months to cease the use and remove all related vehicles, caravans, shipping container, materials and fencing and six months to break up the hardstanding and restore the land. The issue is whether the periods are reasonable and proportionate. The appellant is seeking a period of 12 months to allow the occupants of the mobile homes find alternative accommodation.
85. At the hearing the appellant was unable to remember the details of the tenancy arrangements for occupiers of the mobile homes but thought one month advance notice may be required. The current occupiers, including three children, were said to have lived on site from day 1.
86. Cessation of the mixed use and removal of the caravans would mean that residents would lose their homes. There would be interference with home and family life. The degree of seriousness would depend on whether they had alternative accommodation to go to. No information was presented on possible options but the residents probably would not be limited to a caravan or Traveller site. On the other side of the balance, effective enforcement is necessary in the

public interest. In this case the ongoing harm to the amenity of neighbouring residents is an additional important consideration.

87. I conclude the compliance periods are reasonable. The appeal on ground (g) fails.

## **APPEAL C**

### **Appeal on ground (a), the deemed planning application**

88. No corrections are required to the description of the breach and therefore the deemed planning application is for the erection of a building and the erection of lampposts. The notice identifies each act of operational development separately and I will follow that approach in the assessment. The appellant has not put forward a case to retain the lampposts and is seeking permission only for the building.

#### Main issues

89. The main issues relevant to the building and to the lampposts are the effects of the development on:

- the Green Belt and whether inappropriate development has taken place,
- the character and appearance of the site and surrounding area; and
- the amenity of neighbouring occupiers.

90. Should the development be inappropriate, the final issue becomes whether the harm by inappropriateness and any other harm is clearly outweighed by other considerations.

### **Erection of a building**

91. The development described in Enforcement Notice Three is the erection of a building, no use is stated. The appellant's plans show the building measures 9.0m x 5.1m and is 3.7m high. The building is clad in timber and has a flat roof. The building is sited within a fenced and gated area to the rear of the enclosed back garden to the dwelling. Inside is a golf simulator, seating and related facilities.

92. The Council established during enforcement investigations that the building was built to a specification for the appellant's use and it was not evident the tenant of the dwelling had access given the separation from the main dwellinghouse by fencing. This was not challenged by the appellant. On the understanding the leisure use of the building is unconnected to the occupation of the original dwelling at Lyndale Policy BAS BE12 of the Local Plan is not directly applicable. However, the supporting text refers to ensuring new development is of a satisfactory design and layout. The Framework requires good design as a key aspect of sustainable development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

#### Green Belt and effects of the development

93. The building is sited on land that was within the garden to the bungalow in a semi-rural area, not a built-up area. On that basis the land was lawfully developed. The building was erected on previously developed land, as defined in the Glossary to the Framework. By reason of its small scale and location within a pocket of

development on Hovefields Drive the harm to the openness of the Green Belt would be minor, not substantial. The exception in paragraph 154 (g) applies (limited infilling or the partial or complete redevelopment of previously developed land) and development is not inappropriate.

94. The building has a significant physical presence on the Lyndale site by reason of its size, eaves height, mass and air of permanence. The building appears to be larger than outbuildings and other structures at Lyndale back in April 2021, before development took place. The building because of its dimensions and position across the width of the plot fails to relate well to the dwelling, the principal building at Lyndale. Nevertheless, the building is sited within the envelope of developed land and a degree of enclosure is afforded by structures on neighbouring plots. Consequently the harm to the character and appearance of the surrounding area is contained.
95. The building is set back from the eastern boundary and is sited away from the residential buildings on the neighbouring plot Hawthorns. The building is unlikely to have an overbearing presence sufficient to cause harm to the living conditions of the neighbouring occupiers. Also there is sufficient separation distance to the principal dwelling at Lyndale to avoid an overbearing effect on the enjoyment of the home.

#### Other considerations

96. The appellant accepted the building was erected without the necessary planning permission. Intentional unauthorised development occurred, a factor which weighs against the development.
97. The appellant described the development as being 'akin to' what could be achieved under permitted development rights. The main difference indicated by the appellant's plans is that under Class E a building incidental to the enjoyment of the dwelling house as such would have a lower eaves height and a pitched roof. Such changes would result in a less bulky building, one that would be more compatible with outbuildings nearby and the semi-rural character of the plotland area. The comparison highlights the unsuccessful design features of the existing building, which cause significantly more harm than 'the fallback'.
98. The main parties proposed that should the building be granted permission a planning condition should require the building to be used only for purposes incidental to the residential use of the Lyndale. The visual harm would not be addressed.

#### Conclusions on main issues

99. The erection of the building is not inappropriate development in the Green Belt. However, the building is not well designed for the plot and fails to comply with Framework policy. The harm is inherent in the building design and cannot be overcome by use of planning conditions. Accordingly planning permission should be refused.

#### Alternative

100. The appellant proposed through the appeal on ground (f) a reduction in the scale of the building equivalent to permitted development, as shown on a submitted



plan<sup>9</sup>. This proposal is more appropriately considered through the ground (a) appeal. The first issue is whether 'the modified building' may be considered as a matter of fact and degree to be part of the matters alleged. Case law has indicated too narrow a view should not be taken and that some of element of new work is likely to be involved.

101. The main modifications are to remove the flat roof, reduce the height of the walls and to construct a new pitched roof. The footprint would remain the same in terms of dimensions and position, along with the sliding doors for access to and from the building. Much of the external walling would remain. The alternative development would involve some additional new works but as a matter of fact and degree they would relate to part of the development as built.
102. As to the planning merits, the modified building would not be inappropriate development in the Green Belt and the design deficiencies of the existing building would be overcome. The harm resulting from the intentional unauthorised development may be satisfactorily mitigated. A planning condition would control the use. As suggested by the appellant at the hearing, a direct means of access could be provided between the building and the rear garden to the dwelling by the removal of fence panels and / or the insertion of a pedestrian gate in the existing fence. A condition will also be necessary to require development to be carried out in accordance with the revised plan.
103. A consideration of limited weight is the modified building could have been built under permitted development rights prior to the unauthorised mixed use development taking place.
104. To conclude, the modified building complies with policy in the Framework and is acceptable.

### **The lampposts**

105. No information has been submitted on the lampposts but four are indicated on the notice plan, two of the eastern boundary and two on the western boundary, all on the central part of the Land near the mobile homes and building.
106. The lampposts because of their height, unpainted metal columns and type of light fixture appear as pieces of street furniture typically found in urban areas. They are out of keeping within the semi-rural setting. When lit they would be an intrusive source of light that would not preserve openness and would cause unwarranted light pollution and disturbance to neighbouring residents. Alternative forms of unobtrusive means of external lighting could be installed to provide any necessary illumination of the site. The appellant has not sought to justify their installation and continued presence.
107. I conclude the erection of the lampposts amounts to inappropriate development. The harm to the Green Belt by reason of inappropriateness and harm to openness has substantial weight. The visual harm to the locality and the loss of amenity for neighbours have significant weight. There are no considerations to clearly outweigh the harm identified and very special circumstances do not exist to justify the development. In view of this conflict with policy in the Framework the lampposts are unacceptable.

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<sup>9</sup> Appellant's Hearing Statement Appendices Appendix 13

### **Conclusion on ground (a)**

108. The ground (a) appeal should succeed in part only in respect of the modified building. Planning permission will be refused for the lampposts.

### **Appeal on ground (f)**

109. The requirements are not excessive to achieve the purpose of the notice.

110. The matter raised by the appellant, to reduce the building to a scale that would be permitted development, has been dealt with in the ground (a) appeal.

111. The requirements in respect of the building will be retained to avoid the possibility of an unconditional planning permission being granted through section 173(11) of the Act.

### **Appeal on ground (g)**

112. The appellant has asked that the compliance period be increased from six months to nine months. No explanation has been provided as to why a longer period would be required.

113. The Framework states effective enforcement is important to maintain public confidence in the planning system. A compliance period has to be reasonable taking into account what the recipient of the notice would have to do in practice to achieve the required remedial steps and consequently how much time it is reasonable to permit for that purpose.

114. The lampposts, by reason of their number and form, are unlikely to require a prolonged period of time to be removed. The building was erected within a period of two months. The appellant is a builder and no special arrangements have been identified to secure its removal in the event the modified development is not carried out. The building has been fitted out and used for leisure purposes, a use which could cease without requiring replacement premises. The compliance period is reasonable and the appeal on ground (g) fails.

### **Final Conclusions on Appeal C**

115. For the reasons given above Appeal C should succeed in part only. I will grant planning permission for the modified building in the position shown on the notice plan, but otherwise I will uphold the notice and refuse to grant planning permission in respect of the lampposts in the approximate positions shown on the notice plan. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the Act.

## **DECISIONS**

### **Appeal A Ref: APP/V1505/C/25/3369058**

116. The enforcement notice is quashed.

### **Appeal B Ref: APP/V1505/C/25/3369059**

117. It is directed that the enforcement notice be corrected in section 5 by the deletion of requirements (i) to (xi) and the substitution of:

- i. Cease the use of any part of the Land for a mixed use comprising residential use, leisure use independent of the host dwelling, the stationing of caravans for residential occupation and the storage of motor vehicles, building materials and a shipping container.
- ii. Remove all caravans from the Land.
- iii. Remove all residential paraphernalia, utility/day rooms, outbuildings, trailers, fixtures and fittings associated with the stationing of caravans for residential occupation from the Land.
- iv. Remove all motor vehicles, building materials and shipping containers that are being stored on the Land from the Land.
- v. Remove the close-boarded fencing from the Land as shown approximately by the blue line on the attached notice plan.
- vi. Remove all other internal fencing from the Land.
- vii. Break up and remove the hardstanding from the Land as shown approximately edged and hatched pink on the attached notice plan.
- viii. Remove all resultant debris and materials from works completed in compliance with the above requirements from the Land.
- ix. Return the Land to its condition prior to the unauthorised breach by levelling and reseeding with grass.

118. Subject to the corrections, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

**Appeal C Ref: APP/V1505/C/25/3369060**

119. The appeal is allowed insofar as it relates to the modified building and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the erection of a building at Lyndale, Hovefields Drive, Wickford, Essex SS12 9JD and subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the current site plan ref.1841 02 A and outbuilding plans and elevations ref.1841 03 A.
2. The building hereby permitted shall not be used other than for purposes incidental to the residential use of the dwelling known as Lyndale.

120. The appeal is dismissed insofar as it relates to the lampposts and the enforcement notice is upheld. Planning permission is refused in respect of the erection of lampposts at Lyndale, Hovefields Drive, Wickford, Essex SS12 9JD on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Diane Lewis*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Brian Woods, WS Planning and Architecture  
Felix Smithson, WS Planning and Architecture  
Lee Small, the appellant

### **FOR THE LOCAL PLANNING AUTHORITY:**

Ryan Funnell, Planning Enforcement Officer  
Ian Cummings, Team Leader Planning Enforcement  
Joseph Aghomi, Environmental Health Officer

### **DOCUMENTS submitted at the hearing**

- 1 Draft statement of common ground
- 2 Suggested planning conditions
- 3 Judgement *Mole Valley District Council v Secretary of State for Housing, Communities and Local Government and Margaret Meloney* [2025] EWHC 2127 (Admin).