
Appeal Decisions

Site visit made on 2 December 2025

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 12 January 2026

Appeal A Ref: APP/X0415/C/24/3356478

Land to the West of Field Cottage, Buslins Lane, Chartridge, Buckinghamshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Anne Button against an enforcement notice issued by Buckinghamshire Council.
 - The enforcement notice was issued on 25 October 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the creation of a hard surface area and a hard surface access way involving the importation of hardcore, scalpings and other hard surface materials.
 - The requirements of the notice are:
 1. Rip up and remove from the Land, the hardcore, scalpings and all other such hard surface materials used for the creation of the hard surface area.
 2. Rip up and remove from the Land, the hardcore, scalpings and all other such hard surface materials used for the creation of the hard surface access way.
 3. Remove all hardcore, scalpings and other hard surface materials imported onto the Land in connection with the identified breach of planning control, from the Land and restore the Land to the condition it was in prior to the commencement of the unauthorised development.
 4. Remove all materials, debris, plant and equipment associated with steps 1 to 3 above.
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2) (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/X0415/W/24/3356484

Land to the West of Field Cottage, Buslins Lane, Chartridge, Buckinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Ms Anne Button against the decision of Buckinghamshire Council.
- The application Ref is PL/23/4148/VRC.
- The application sought planning permission for the demolition of 3 outbuildings and construction of detached building comprising 6 stables, erection of fencing and laying out of manege without complying with a condition attached to planning permission PL/22/3758/FA, dated 23 November 2023.
- The application was refused by a decision dated 18 September 2024.
- The condition in dispute is No 11 which states that:

This permission relates to the details shown on the approved plans as listed below:
Drawing No.(s): 4512 PLA 3.00 A1 LOCATION & BLOCK PLANS & EXISTING BUILDINGS received on 31 October 2022, 4512 PLA 3.03 A1 PROPOSED received on 31 October

2022, 4512 PLA 3.01 A1 EXISTING received on 31 October 2022, 4512 PLA 3.04 A1 PROPOSED received on 31 October 2022, Sustainable Drainage Statement received on 10 November 2022.

Summary Decisions:

Appeal A is dismissed and the enforcement notice is upheld with a correction and variations as set out the Formal Decision below

Appeal B is invalid and is dismissed.

Procedural Matters

1. Several representations have been received in relation to both appeals, including from the Chilterns Conservation Board and Chartridge Parish Council. These representations object to the proposals on the grounds, amongst other things, of the impact of the development on the character and appearance of the Chilterns National Landscape.
2. In relation to Appeal A, these are matters that would properly fall to be considered under an appeal on ground (a) as set out in Section 174(2) of the Town and Country Planning Act 1990 (the 1990 Act): namely that planning permission ought to be granted for the matters stated in the notice. However, in this case no appeal has been made on ground (a). Consequently, I cannot take those representations into account other than insofar as they relate to the grounds on which the appeal has been made.
3. In relation to Appeal B, given that I found the appeal to be invalid, I cannot take those representations into account other than insofar as they relate to the procedural aspects of the appeal.
4. Where appeals are made against the issuing of an enforcement notice and the refusal of a planning application that relate to the same site, it is the convention to treat the appeal against the issuing of an enforcement notice as the lead appeal. However, in this case it is convenient to consider the refusal of a planning application (for the variation of a condition attached to planning permission) in the first instance.

Appeal B

5. Permission PL/22/3758/FA granted planning permission for the demolition of 3 outbuildings and construction of detached building comprising 6 stables, erection of fencing and laying out of manege. The permission was quite specific in that respect. Indeed, the permission was subject a condition (Condition 11) that precisely identified the application drawings and other documentation that constituted the development granted by the permission.
6. In the case of *John Leslie Finney v Welsh Ministers & Carmarthenshire County Council, Energiekontor (Uk) Limited* [2019] EWCA Civ 1868 (otherwise known as '*Finney*'), the Courts established that an application under Section 73 may not be used to obtain a permission that would require a variation to the terms of the 'operative' part of the planning permission, which would include the description of the development for which the original permission was granted. The main issue here is therefore whether the proposals fall outside the scope of the Section 73 process owing to ramifications from the judgment in *Finney*.

7. The description on the parent permission explicitly states 6 stables. The altered plans only show 5 stables with a tack room. This sets up a potential conflict between the alteration to the plans condition and the operative part of the development. Symptomatic of that, I note that the Council had attempted to qualify/alter the original description of development on the Decision Notice.
8. The appellant considers that there is no conflict between the alteration to the plans condition and the operative part of the development but offers no further explanation as to why that is considered to be the case. Instead, the appellant points out that the Council clearly took the view that the application did fall within the scope of Section 73 when validating the application.
9. The appellant lists a total of four separate occasions when this matter was raised during the discussion of the application at the meeting of the East Area Planning Committee. I also understand that the Team Leader presenting the application to the Committee sought advice from the Council's Legal Officer who in turn confirmed that the works proposed in the Section 73 application did not go beyond the operative part of the original permission. Later in the same meeting, the Council's Legal Officer clarified the point herself in further discussions with the Team Leader and Councillors.
10. The Council was perfectly entitled to take the view that it did in validating the application and when reporting that application to the Committee. Members of the East Area Planning Committee were equally entitled to accept the advice given to them by their officers. However, I take a different view.
11. In *Finney*, planning permission had been granted for "the installation of 2 wind turbines with a tip height of 100m". The applicant submitted a Section 73 application to vary the plans condition which would allow for the tip height to be increased to 125m. The application was refused by the local planning authority but allowed on appeal. In doing so, the Inspector amended the condition to refer to the new height and removed the wording in the operative part concerning the turbine height. This resulted in the grant of a new permission which did not accord with the original description of the development. The appeal decision was subsequently quashed as there are no powers under Section 73 to grant a new planning permission with a different operative part to that contained in the original permission. The Court of Appeal has subsequently reinforced the principle in other cases.
12. In my view, there are direct parallels between the development proposed in *Finney* and the development proposed in this case. In *Finney*, the height of the wind turbines was increased by some 25m. In this case, the number of stables is proposed to be reduced by one from a total of six, together with the addition of a tack room. The description of the development on the planning application form also includes the provision of a stone drainage path (also shown on Drawing No.4512 PLA 3.04) that does not form part of the development approved by planning permission PL/22/3758/FA.
13. In both cases, the degree of change is similar. Moreover, that degree of change is significant and therefore material. I conclude that, as a matter of fact and degree, the description of the development for which variation of the condition is sought in this case is materially different from the description of development for which the original permission was granted.

14. I am mindful that the built form of the two developments is very similar in terms of footprint, volume and overall design/appearance. Nevertheless, the proposed changes result in a change to the description of the development for which the original permission was granted and a therefore a variation to the terms of the 'operative' part of the planning permission. The judgement in *Finney* makes it clear that this is not permissible.
15. Consequently, there is conflict between the alteration to the plans condition and the operative part of the development. It follows that the appeal cannot proceed under Section 73 of the 1990 Act and that the appeal is invalid. The appeal is dismissed on this ground. Accordingly, the wider issues raised by the appeal do not fall to be considered.

The Enforcement Notice

16. I have considered (of my own accord) whether the breach of planning control alleged in the notice should more properly be considered as a breach of a condition imposed upon a planning permission, such that the enforcement ought to have been issued pursuant to Section 171A(1)(b) of the 1990 Act. Specifically, I have considered whether the creation of the hard surface area and/or the hard surface access constitute a breach of condition 10 imposed upon planning permission PL/22/3758/FA, which states that:
- Notwithstanding the provisions of Section 55 of the 1990 Act, no additional hardstanding within the site shall be permitted without first receiving approval in writing by the Local Planning Authority*
17. However, it is settled case law that, as a general principle, where a local planning authority intends to exclude the operation of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), they should say so by the imposition of a condition in unequivocal terms. In the absence of such a condition it must be assumed that those orders will have effect by operation of law.
18. On any plain and ordinary reading, condition 10 imposed upon planning permission PL/22/3758/FA clearly seeks to prevent the creation of any additional hard surfaced areas. Indeed, it is difficult to envisage what scenario this condition seeks to address other than the creation of hard surfaced areas otherwise permitted by the GPDO : for example, if the hardstanding was not otherwise permitted by the provisions of the GPDO it would either be (a) *de minimis* and therefore probably not of concern to the Council or (b) development that required planning permission but for which permission was not deemed to have been granted by the GPDO.
19. In the latter scenario, the hard surface created would require express planning permission and could not simply be approved in writing by the local planning authority: it would require the submission of a full planning application. Consequently, on my reading, condition 10 can only be aimed at disapplying the operation of the GPDO in relation to hard surfacing.
20. However, the condition does not expressly disapply the GPDO. My decision must be made in accordance with the relevant case law. Consequently, I consider that Condition 10 imposed upon planning permission PL/22/3758/FA is best understood as meaning that it prevents additional hardstanding unless

approved by the Local Planning Authority (through the submission of a full planning application), but not hardstanding which is consequential development permitted by the GPDO (whether that is permanent or temporary).

21. The only other possible conclusion is that the condition is entirely otiose and therefore does not accord with tests set out in the Planning Practice Guidance. Either way, I am satisfied that the notice was correctly issued pursuant to Section 171A(1)(a) of the 1990 Act.
22. The breach of planning control as alleged in paragraph 3 of the notice is, without planning permission, the creation of a hard surface area and a hard surface access way involving the importation of hardcore, scalpings and other hard surface materials. The second part of that allegation is merely a description of the materials from which the hard surface area and a hard surface access way have been created. As such, they do not constitute a part of the breach of planning control itself. I shall therefore correct the notice to simply allege the creation of a hard surface area and a hard surface access way.
23. The requirement at paragraph 5(1) of the notice is to rip up and remove from the Land, the hardcore, scalpings and all other such hard surface materials used for the creation of the hard surface area. The first part of the requirement is wholly superfluous: the requirement only needs to require the removal of the hard surface area. I shall vary the requirement accordingly.
24. The same applies to the requirement at paragraph 5(2) of the notice. I shall vary the requirement to only require the removal of the hard surface access way.
25. Section 176(1) of the 1990 Act provides that an Inspector may correct and/or vary the terms of the enforcement notice, where the Inspector is satisfied that doing so will cause no injustice to the appellant or the local planning authority. I am satisfied that correcting and varying the notice as set out above will not cause injustice.

Appeal A: the appeal on ground (c)

26. The ground of appeal is that, in respect of any breach of planning control that may be constituted by the matters stated in the notice, those matters do not constitute a breach of planning control. An appeal on this ground is one of the 'legal' grounds of appeal, in which the burden of proof is on the appellant to show, on the balance of probability, that the matters alleged in the notice do not constitute a breach of planning control.
27. The appellant contends that the development is required temporarily in connection with the implementation of approved planning permission PL/22/3758/FA. Although not explicitly stated, on my reading of the appellant's Enforcement Appeal Statement reliance is placed upon the provisions within Class A, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO), titled "temporary buildings and structures". Class A provides that the following is Permitted Development:

The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of

operations being or to be carried out on, in, under or over that land or on land adjoining that land.

28. The limitation at Class A1(b), Part 4, Schedule 2 of the GDPO states that permission is not granted by Class A if planning permission is required for those operations but is not granted or deemed to be granted. Two points arise.
29. Firstly, the hard surface area could potentially benefit from the provisions within Class A, Part 4, Schedule 2 of the GDPO provided that they were required temporarily in connection with the implementation of planning permission PL/22/3758/FA. The appellant's response to the Planning Contravention Notice (PCN) indicates that construction works in relation to planning permission PL/22/3758/FA had ceased at least six months before the enforcement notice was issued. Furthermore, the appellant indicates in her Enforcement Appeal Statement that "*the works have only been put on hold... and may continue to be put on hold.*"
30. Whilst I note that Class A, Part 4, Schedule 2 of the GDPO permits development for the duration of operations being or to be carried out on land, the admissions by the appellant raise a serious question mark as to whether there was active construction works taking place at the time the notice was issued and whether those works are continuing. Moreover, there is no clear timeframe for resumption of those works.
31. I noted at my site visit that the concrete base for the stables has been laid. It is therefore axiomatic that some construction works have taken place towards the implementation of planning permission PL/22/3758/FA. However, I have no evidence before me to show that either the hard surface area or the hard surface access way subject to the notice were used in connection those works. For example, I have not been provided with any photographs of the works in progress showing either of these areas being used for the siting and/or storage of plant, equipment or building materials. Indeed, given the stage that the construction works had reached before being put on hold, it seems to me that there would have been no need for the storage of building materials on the site: in the absence of evidence to the contrary, the base could have been laid using materials delivered directly to the site.
32. Nevertheless, I note that Class A, Part 4, Schedule 2 of the GDPO applies to development *to be carried out* on land. The appellant has submitted an application to vary a condition imposed upon planning PL/22/3758/FA to provide the hard surface access (Council Ref: PL/23/4148/VRC, subject to Appeal B) and which also seeks to discharge details on the landscaping of the site. To my mind, that is a clear indication that the appellant has every intention of completing that development in due course.
33. The courts have held that significant differences between the approved application plans and development as built may in some cases lead to a conclusion that the material operations which have taken place were not the material operations comprised in the development granted planning permission. The courts have also found that it was possible to commence a development for the purpose of Section 56 of the 1990 Act but then later to deviate from the permitted works in a manner that became an enforcement issue without retrospectively altering the fact that the commencement of the development had occurred for Section 56 purposes.

34. On the evidence before me, on the balance of probability this is what has happened in this case. There is no dispute that planning permission PL/22/3758/FA was lawfully implemented. The question before me is therefore whether the changes proposed in application PL/23/4148/VRC constitute a move away from the development approved by planning permission PL/22/3758/FA, to the extent that the appellant can no longer rely upon that permission for the purposes of Class A, Part 4, Schedule 2 of the GDPO.
35. This question may be answered only by looking at the appellant's intentions. To my mind, the very fact that the appellant sought a variation of planning permission PL/22/3758/FA indicates an intention to move away from the development that was initially permitted. There would have no need to do so had the appellant intended to fully implement planning permission PL/22/3758/FA.
36. There are also significant and material differences between the two schemes, one of which is the concrete apron in front of the stables and tack room (shown on Drawing No.4512 PLA 3.04 dated August 2022). This is not shown on the equivalent drawing approved as part of planning permission PL/22/3758/FA¹. I noted at the site visit that this concrete apron forms part of the base that has been laid, being distinguishable by the different colour of the concrete. I also note that a photograph embedded within one of the representations received shows this concrete apron being constructed as clearly being a later addition to the concrete base as originally constructed. This is further evidence that the appellant now intends to pursue the later scheme.
37. The scheme proposed as part of the variation to planning permission PL/22/3758/FA includes the provision of a stone drainage path (also shown on Drawing No.4512 PLA 3.04)². The appellant explains that the stone drainage path proposed in application PL/23/4148/VRC is not the same as the hard surface access way subject to the notice and would be constructed of a porous/permeable stone material. This is another material difference between the scheme granted planning permission and the development subject to application PL/23/4148/VRC.
38. I therefore conclude that, as a matter of fact and degree, the development subject to application PL/23/4148/VRC is not only of a different description to that approved by planning permission PL/22/3758/FA but is also materially different in several respects. In other words, it is a different scheme. On the evidence before me, the appellant is no longer intending to fully implement the development permitted by planning permission PL/22/3758/FA. The appellant is now seeking to build out the development subject to application PL/23/4148/VRC, for which there is no planning permission in place.
39. It is at this point that the limitation at Class A1(b), Part 4, Schedule 2 of the GDPO comes into play. The application to vary the condition imposed on planning permission PL/22/3758/FA (Council Ref: PL/23/4148/VRC) was refused and was the subject of an appeal (APP/X0415/W/24/3356484). However, for the reasons set out above, I have found that appeal to be invalid and have dismissed the appeal on that basis. The corollary is that

¹ Somewhat confusingly, this drawing has the same drawing number and date as that approved as part of planning permission PL/22/3758/FA.

² As described on the application form and application plans.

there is no planning permission in place for the development proposed in planning application PL/23/4148/VRC at this time.

40. It logically follows that with no planning permission in place for the development subject to application PL/23/4148/VRC, the limitation at Class A1(b), Part 4, Schedule 2 of the GDPO means that the appellant cannot rely on Class A, Part 4, Schedule 2 of the GDPO to permit the provision of hardstanding to facilitate the construction of that development.
41. I fully recognise that the appellant could revert to implementing the development approved in planning permission PL/22/3758/FA. However, as evidenced by the changes that have already been made (for example, the concrete apron in front of the stables and tack room), the appellant has clearly moved away from that permission. Consequently, reverting to the development approved in planning permission PL/22/3758/FA would necessitate removing works already carried out to arrive at a position that the appellant no longer wants. There is no evidence before me that the appellant would take that course of action and I have therefore discounted that possibility.
42. The laying of a hard surface area and/or a hard surface access is generally accepted as constituting an engineering operation for the purposes of section 55(1) of the 1990 Act. That section defines the meaning of development for the purposes of the 1990 Act as:

...the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land.
43. Section 57 of the 1990 Act states planning permission is required for development. It is no part of the appellant's case that planning permission, deemed or otherwise, is not required for hard surface area and/or a hard surface access subject to the notice. The appellant is not entitled to rely on a deemed permission granted Class A1, Part 4, Schedule 2 of the GDPO or, for that matter, any other provision within the GPD. There is no express planning permission in place for that development.
44. I conclude that, on the balance of probability, the matters stated in the notice do constitute a breach of planning control. Accordingly, the appeal on ground (c) fails.

Appeal A: the appeal on ground (f)

45. The appeal on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach requirements of the notice exceed what is necessary. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. Section 173(4) of the Town and Country Planning Act 1990 sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part.
46. These purposes are, in summary, (a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its

condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. In this case, the requirements of notice (as I propose to vary them) are to rip up and remove from the Land the hard surface area and the hard surface access way. The purpose of the notice must therefore be to remedy the breach of planning control that has occurred.

47. The appellant's appeal on this ground is limited to claiming that steps required by the notice are unreasonable insofar as there is no reason to remove the temporary hard surfaces, as the works in implementing planning permission PL/22/3758/FA are not complete and can continue. However, I have concluded that appellant does not intend to pursue that permission in favour of the development proposed in application PL/23/4148/VRC. There is no planning permission in place for the development proposed in application PL/23/4148/VRC. It follows that the steps specified in the notice are not unreasonable and indeed are required to achieve the purpose of the notice.
48. I have considered whether there are any other suitable alternatives to the requirements stated in the notice which would achieve the purpose of the notice with less cost or disruption to the appellant, but none are obvious to me.
49. I conclude that the steps required by the notice are necessary to remedy the breach of planning control that has occurred and are therefore not excessive. Accordingly, the appeal on ground (f) fails.

Appeal A: the appeal on ground (g)

50. The ground of appeal is that the period for compliance specified in the notice falls short of what should reasonably be allowed. The period for compliance specified in the notice is four months.
51. My task in relation to this ground of appeal is to balance the public interest in securing expeditious compliance with enforcement notice against the private interest bound up in the development subject to the notice. In so doing, and in the absence of an appeal on ground (a), I must assume that the development subject to the enforcement notice does cause the harm alleged in the reasons for issuing the notice. Indeed, evidence of the harm caused by the breach of planning control is to be found in the letters of objection to submitted in relation to the appeal.
52. The appeal site is located within the Chilterns National Landscape. Paragraph 189 of the National Planning Policy Framework (Framework) indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues. This paragraph goes on to indicate that the scale and extent of development within National Landscapes should be limited.
53. The representations that have been received also identify other consequences arising from the breach of planning control that has occurred. In particular, there is some evidence (including photographic evidence) in these representations that the hard surfaces that have been laid may have exacerbated the propensity of the site to flood. Whilst flooding does not form a reason for issuing the enforcement notice, it is nevertheless a material consideration that I have taken into account.

54. The appellant's case on this ground of appeal is stated on the appeal form as being that the timeframe to comply with the notice did not take into account the fact that the development under planning permission PL/22/3578/FA is extant and can continue to be worked on. The appellant also points out that an appeal against planning application PL/23/4148/VRC has been submitted. The situation has moved on somewhat since the appeal was initially submitted but the principles relied by the appellant remain relevant.
55. I have approached this ground of appeal on the basis that the appellant now intends to pursue the development proposed in application PL/23/4148/VRC. Indeed, notwithstanding that there is no planning permission in place for that development at this time, the appellant has in effect made a material start on the development with the laying of concrete foundations (including the concrete apron in front of the stables and tack room). It is reasonable to conclude that the appellant intends to fully build out that development.
56. I have found that the appeal against the refusal planning application PL/23/4148/VRC to be invalid. There is already a planning permission in place for a greater number of stables in the same location and encompassed within a building having a similar footprint/design. It is therefore entirely logical that the appellant may wish to submit a full planning application for the same development as proposed in application PL/23/4148/VRC.
57. In the event that planning permission was granted for that development, the provisions within Class A, Part 4, Schedule 2 of the GDPO would then apply to that development. In that scenario, there would be no merit requiring the removal of the hard surface area and a hard surface access subject to the notice in the interim. The condition at Class A(2), Part 4, Schedule 2 of the GDPO requires that any building, structure, works, plant or machinery permitted by Class A is removed, as soon as reasonably practicable and the land reinstated to its condition before that development was carried out. In the scenario whereby full planning permission was granted for the same development as proposed in application PL/23/4148/VRC, any temporary works associated with the construction of that development would need to be removed in accordance with the requirements at Condition A.2.
58. The submission and determination of any such application would clearly take some time. In that context, I am mindful that application PL/23/4148/VRC was called in for determination by the East Area Planning Committee. I cannot discount the possibility that a full application for the same development would similarly be called in for determination by that committee. It therefore seems to me that a period of six months should be allowed for the submission and determination of that application, should the appellant choose to do so. Added to the four months specified for the carrying out of the works necessary to achieve the purpose of the notice, that would leave a total period of compliance of 10 months.
59. For the avoidance of any doubt, extending the period of compliance should not be taken as an indication that full planning permission ought to be granted for a development similar to that proposed in application PL/23/4148/VRC. That would be a matter entirely for the Council in the first instance. However, in my view it is only fair and reasonable that the appellant should be afforded the opportunity to submit such an application if they so choose. That necessitates an extension to the period of compliance.

60. In the event that planning permission is granted for a development similar to that proposed in application PL/23/4148/VRC, then the appellant could then rely on provisions within provisions within Class A, Part 4, Schedule 2 of the GDPO and the hard surface area/hard surface access way could be retained for as long as required in connection with that development. In the event that planning permission is not granted, full compliance with the enforcement notice would be required by the end of the 10-month compliance period as I propose to vary it.
61. In weighing the balance between public and private interests, for the reasons set out above I consider that the private interest of the appellant outweighs the public interest in expeditious compliance with the requirements of the enforcement notice. I am persuaded that there is need to extend the period for compliance with the notice and am satisfied that in the circumstances a period of compliance of ten months would be a proportionate response to the breach of planning control that has occurred. The appeal on ground (g) succeeds to that extent and I shall vary the notice accordingly.

Appeal A: Conclusion

62. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variations.

Formal Decisions

Appeal A

63. It is directed that the enforcement notice is corrected by:
- in paragraph 3 of the notice, deleting the words "involving the importation of hardcore, scalplings and other hard surface materials"
64. It is directed that the enforcement notice is varied by:
- deleting paragraph 5(1) of the notice in its entirety, and substituting there the words "Rip up and remove from the Land the hard surface area"
 - deleting paragraph 5(2) of the notice in its entirety, and substituting there the words "Rip up and remove from the Land the hard surface access way"
 - in paragraph 6 of the notice, delete the words "four months" and substitute there the words "10 months"
65. Subject to that correction and variations, the appeal is dismissed and the enforcement notice is upheld.

Appeal B

66. The appeal is dismissed.

Paul Freer
INSPECTOR