



Appeal Decisions

Site visit made on 10 March 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 MARCH 2026

Appeal A Ref: APP/J1915/C/25/3375663

Appeal B Ref: APP/J1915/C/25/3375664

Land at Riversmeet, Station Road, Braughing, Hertfordshire, SG11 2PB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr N Brede and Appeal B is made by Ms T Beeby against an enforcement notice issued by East Hertfordshire District Council.
 - The notice was issued on 16 October 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land to a residential Gypsy and Traveller caravan site, comprising the siting of one prefabricated residential structure and the formation of a hardstanding.
 - The requirements of the notice are to 1) remove the prefabricated residential structure from the land and cease the use of the land for residential purposes, 2) break up and remove the hardstanding formed on the land, 3) restore the land to its condition before the breach occurred, including grading and levelling the ground, replacing and compacting topsoil; reseeding or replanting with grass, 4) remove from the land all the resultant materials following compliance with 1-3 above, 5) remove from the land all domestic paraphernalia associated with the use as a residential Gypsy and Traveller caravan site.
 - The period for compliance with the requirements is 9 months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Appeal B is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a) for Appeal A, an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decisions

Appeal A Ref: APP/J1915/C/25/3375663

1. It is directed that the enforcement notice is varied by (i) the deletion of the words *"Remove the prefabricated residential structure from the land and cease the use of the land for residential purposes"* in section 5(1) and their substitution with the words *"Remove the prefabricated residential structure from the land and cease the use of the land as a residential Gypsy and Traveller caravan site"*, and (ii) the deletion of the words *"The period for compliance is 9 months from the date on which this notice takes effect"* in section 6 and their substitution with the words *"The period for compliance is 12 months from the date on which this notice takes effect"*. Subject to the variations, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Ref: APP/J1915/C/25/3375664

2. It is directed that the enforcement notice is varied by (i) the deletion of the words *"Remove the prefabricated residential structure from the land and cease the use of the land for residential purposes"* in section 5(1), and their substitution with the

words *"Remove the prefabricated residential structure from the land and cease the use of the land as a residential Gypsy and Traveller caravan site"*, and (ii) the deletion of the words *"The period for compliance is 9 months from the date on which this notice takes effect"* in section 6, and their substitution with the words *"The period for compliance is 12 months from the date on which this notice takes effect"*. Subject to the variations, the enforcement notice is upheld.

The Notice

3. The requirement of an enforcement notice should match the breach of planning control. In this case, the breach of planning control is the *'material change of use of the land to a residential Gypsy and Traveller caravan site, comprising the siting of one prefabricated residential structure and the formation of a hardstanding'*. Requirement 5(1) of the enforcement notice is to *'remove the prefabricated residential structure from the land and cease the use of the land for residential purposes'*.
4. In the interests of precision, and, given that there is some uncertainty about the lawful use of the land prior to the unauthorised development being carried out, I shall vary requirement 5(1) of the enforcement notice so that it reads *'remove the prefabricated residential structure from the land and cease the use of the land as a residential Gypsy and Traveller caravan site'*. I am satisfied that such a variation would not cause injustice to the main parties.

Procedural and Preliminary Matters

5. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework). The Consultation Draft Framework has limited weight as a material planning consideration. In respect of the main issues which are pertinent to the consideration of the ground (a) deemed planning application, I have continued to afford full weight to the published National Planning Policy Framework 2024 (as amended) (the Framework) and the adopted development plan as a whole from the point of view of determining this appeal. In this case, the Consultation Draft Framework does not alter or outweigh my conclusion below on the ground (a) appeal deemed planning application.
6. The appellant's evidence includes personal circumstances outlined in an email dated 23 December 2023. Given the passage of time, I asked the appellant twice (27 January 2026 and 5 February 2026) to provide an update in terms of who was occupying the site and relevant personal circumstances. A response was not forthcoming, and no final comments were received from any of the main parties. I have therefore determined this appeal based on the evidence contained within the email dated 23 December 2023. Neither the appellant nor the Council has provided any evidence to suggest that personal circumstances have changed since this time.
7. The evidence is that the appeal site is occupied by two adults and four children. Two of the children have a disability. The Council does not dispute that the occupiers of the site meet the definition of Travellers as contained within annex 1 of the Government's Planning Policy for Traveller Sites 2024 (PPTS). I have no reason to disagree with the contention that the occupiers of the site are Travellers. The evidence is that the dwellinghouse known as Riversmeet (about 160 metres from the mobile home) is occupied by wider family. It is stated that *'the main reason we moved in with my family was to get more help and support with our 4 children'*.

It is stated that the occupier of Riversmeet became unwell and hence the appeal family moved out and occupied the appeal site. This is because there was a risk that *'picking up coughs or colds'* could be fatal in terms of the health condition of the family member occupying Riversmeet.

8. The information before me indicates that it is necessary for one child to be driven to Hemel Hempstead each day and that *'this is the only school that can meet his needs'*. In addition, the evidence is that there is reciprocal day to day and health support amongst the wider family in so far that they currently live close to one another.

Ground (a) appeal and the deemed planning application

9. The appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice.

Main Issues

10. The main issues are the effect of the unauthorised development on the (i) character and appearance of the countryside, (ii) whether the site is in a sustainable location in terms of accessibility to existing local services, (iii) the effect of the breach of planning control on biodiversity, and (iv) whether the sequential test is passed in the context that the appeal site falls within flood zones 2 and 3.

Reasons

Character and appearance

11. The appeal site falls within an area of countryside. When travelling along Station Road, the passerby experiences sporadic and tight knit built form alongside the road and surrounded by predominantly open agricultural fields, some of which include boundary vegetation. The prevailing undeveloped and rural landscape character of the area adds positively and distinctively to the way that the area is experienced by those travelling within the area.
12. The caravan or mobile home is very large. The evidence is that prior to the associated hardstanding being formed, the land was grass. Owing to the size, position and stark colour of the mobile home, as well as the extent and appearance of the hardstanding, the parking of vehicles, and the provision of likely associated domestic paraphernalia, I find that the breach of planning control has significantly eroded the otherwise more open, undeveloped and rural character of this part of the countryside. The development has had the effect of expanding the built form associated with Riversmeet and into the countryside.
13. While the dwellinghouse known as Riversmeet is well screened from large parts of Station Road, because of the existing boundary coniferous hedge, it is nevertheless seen from some parts of the road. I find that the mobile home does not assimilate well with this property in terms of its material, scale and overall utilitarian appearance. I have limited information before me to determine whether the breach of planning control relates to land which could be said to form part of the curtilage of Riversmeet. In any event, my site visit revealed that the mobile home was not closely related or aligned to this property. Indeed, there is a noticeable separation from it to the extent that the unauthorised development is visually experienced as being remote and separate from the existing development known as Riversmeet

and hence as a sprawling form of development into the otherwise more open area of countryside.

14. Contrary to the view expressed by the appellant, the breach of planning control is seen from parts of Station Road including through parts of the deciduous hedge from the narrow pavement. Moreover, there is a public footpath (Braughing footpath 022) to the north of the appeal site and, as part of my site visit, I was able to see that the large, striking and out of character mobile home was very prominent in view when experienced from it. While it may be possible to try to screen the development from public views by way of additional planting, this would likely take some time to reach maturity, may not endure forever, and would not likely screen the harmful development from all viewpoints.
15. For the above reasons, I conclude that significant harm has been caused to the character and appearance of the countryside. Consequently, the development does not accord with the design, landscape character and appearance requirements of policies GBR2, DES2 and HOU9(g) of the East Herts District Plan 2018 (DP), and chapter 12 of the Framework.

Whether a sustainable location

16. The nearest bus stop is about 500 metres away from the site on Station Road and in the direction of Puckeridge. The appellant does not dispute the Council's evidence that the '*services are infrequent*' to Buntingford, Puckeridge, Royston via Ware and Hertford. There is also a Herts Lynx bus service which is on demand and has virtual bus stops in Braughing and Puckeridge. There is a very narrow footpath on one side of Station Road, and it is unlit. Consequently, even if the occupiers of the site were to use the infrequent bus services, I envisage that this would likely be confined to daylight hours given the unlit footpath.
17. Moreover, Station Road is a 60mph road. I noticed on my site visit that vehicles travelled at high speeds. Owing to this, coupled with the absence of streetlights, and the distances involved to the nearest settlements where there are a reasonable number of day-to-day local services amenities, I do not find that the occupiers of the site would likely cycle or walk on a regular basis.
18. In my judgement, and, for the above reasons, I conclude that the site is not accessible to a reasonable number of local services and amenities. I find that the occupiers of the site would likely be heavily reliant on the private motor vehicle from the point of view of travelling to settlements which have a reasonable range of day-to-day services and amenities. Consequently, I do not find that the site is in a sustainable location in terms of its accessibility to existing local services.
19. I acknowledge that paragraph 110 of the Framework states that '*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision making*'. In this case, however, the evidence indicates that a regular potential to access an acceptable level of amenities and services in surrounding settlements, on foot, by bicycle, and by public transport, is significantly inhibited for the reasons outlined above. Owing to the likely car dependency, I therefore find that the residential element of the breach of planning control conflicts with the environmental requirements of the Framework, even accounting for the more flexible approach to be applied to rural areas.

20. I find that the occupiers of the site would be heavily reliant on the private motor vehicle for most day-to-day journeys and to reach a range of amenities and services which are some distance away. This is not a sustainable mode of transport. In this case, the use of sustainable modes of transport to reach day-to-day services and amenities would be limited. Therefore, I conclude that the development does not accord with policy HOU9(a) of the DP which states that for Traveller proposals on non-allocated sites, it is necessary that the *'site is in a sustainable location in terms of accessibility to existing local services'*.

Biodiversity

21. Policy NE3 of the DP states that development should always seek to enhance biodiversity and to create opportunities for wildlife. While I acknowledge that deemed planning applications are not required to satisfy the statutory requirement to achieve 10% biodiversity net gain (BNG), policy NE3 of the DP nonetheless states that *'evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application'* and *'the biodiversity value of the site pre and post development will be determined by applying a locally approved Biodiversity Metric'* and *'where insufficient data is provided, permission will be refused'*. Policy NE3 of the DP is consistent with paragraph 187(d) of the Framework which states that planning decisions should contribute to and enhance the natural and local environment by *'minimising impacts on and providing net gains for biodiversity'*.
22. The evidence is that an extensive area of hardstanding was formed to facilitate the material change of use of the land. The appellant has not submitted an ecological survey as part of the ground (a) appeal and, moreover, there is an absence of pre and post development biodiversity data. Consequently, I am unable to conclude what effect the development has had on the biodiversity value of the site and hence the extent to which it would be possible to provide any necessary biodiversity enhancement. Consequently, I conclude that the development does not accord with the biodiversity requirements of policy NE3 of the DP, or paragraph 187(d) of the Framework.

Flooding and the Sequential Test

23. The evidence is that the appeal site falls within flood zones 2 and 3 as shown on the Environment Agency (EA) Flood Risk map. Despite the red edged site plan associated with the issued enforcement notice, the actual development which is the subject of the appeal falls within flood zone 2. The site is being used for the siting of an oversized residential caravan or what might be better described as a residential mobile home. There are no other oversized residential caravans or mobile homes on the site and so, irrespective of the description of the breach of planning control, it is clear what the notice is attacking. Either way the development amounts to a highly vulnerable residential use having regard to annex 3 (flood risk vulnerability classification) of the Framework. It is not exempt from the need to satisfy the sequential or exceptions tests by virtue of footnote 62 of the Framework.
24. Moreover, there is a need for a site-specific flood risk assessment (FRA) and, given the highly vulnerable classification, it is necessary for the appellant to satisfy the sequential and exception tests given the requirements of Table 2 (Flood risk vulnerability and flood zone 'incompatibility') of the flood risk and coastal change guidance in the Government's Planning Practise Guidance.

25. As part of the appeal, the appellant has submitted an FRA. I obtained comments from the EA as a statutory consultee. Such comments are in addition to those provided by the EA on 23 December 2025 and which pre-dated the receipt of the appellant's FRA.
26. The Environment Agency has provided comments as part this appeal and do not raise an objection to the development on flood risk safety grounds. Nonetheless, both policy WAT1 of the DP, and paragraphs 173-176 of the Framework, require development proposals that are in flood risk areas such as that relating to the appeal site to include a flood risk sequential assessment. The objective of the sequential assessment is to steer new development areas with the lowest risk of flooding from any source.
27. In the absence of a flood risk sequential assessment, I am unable to conclude that the sequential test is passed. The breach of planning control does not therefore accord with the flood risk requirements of policy WAT1 of the DP, and paragraphs 173-176 of the Framework.

Other Considerations

Gypsy and Traveller pitch need and provision

28. There is no dispute between the main parties that the local planning authority cannot demonstrate a five-year supply of deliverable Gypsy and Traveller sites. The evidence is that there is unmet need for Gypsy and Traveller pitches in the area based on the most up-to-date assessment of need which is the Gypsy and Traveller Accommodation Needs Assessment, May 2022 (GTANA). The GTANA indicates a need for 43 pitches that meet the planning definition of a Traveller and 9 pitches for those that do not meet the planning definition of a Traveller for the period 2022-2037 (NB. the definition of a Traveller is now broader in scope in the PPTS).
29. Paragraph 28 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable Traveller sites, the provisions in paragraph 11(d) of the Framework apply. This means that planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this 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 affordable homes, individually or in combination'*.
30. I deal with the above matter as part of the planning balance and conclusion below. I also emphasise that the Framework states, at paragraph 4, that *'the Framework should be read in conjunction with the Government's planning policy for traveller sites'*.

Previously Developed Land

31. The appellant makes the claim that the land falls within the curtilage of Riversmeet and hence is previously developed land (PDL). On the evidence that is before me, I cannot conclude on the balance of probability that the land is lawfully a garden falling within the curtilage of Riversmeet. Hence, I cannot reach a certain view that the mobile home and hardstanding are positioned on PDL with reference to the

definition of PDL contained within annex 2 of the Framework. It is noteworthy that according to the Council's enforcement authorisation report *'the Parish Council have stated that the land was previously part of Watercress Farm and that aerial photos 24 years ago show some structures on the land closer to Station Road but not on the site occupied by the prefabricated residential structure. This would appear to point to an historic agricultural use rather than within the residential curtilage of Riversmeet'*.

32. Whether the appeal land comprises part of the curtilage of Riversmeet is a matter of fact and degree. Caselaw indicates that matters such as (i) physical layout, (ii) ownership (past and present), and (iii) use or function (past and present) are relevant considerations. The appellant's evidence is not sufficiently precise or unambiguous for me to determine whether the appeal land falls within land which was lawfully part of the residential curtilage of Riversmeet. The route to confirming the lawful status of the land would be for the appellant to separately apply for a certificate of lawful development.
33. For the above reasons, I am unable to find that the mobile home falls within PDL. Consequently, I am unable to attach positive weight to the use of PDL in the context of paragraph 27(a) of the PPTS.

Personal circumstances including the best interests of the child

34. Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998 (HRA), states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.
35. Furthermore, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race. As the PSED is engaged, I will have due regard to eliminating discrimination, advancing equality of opportunity, and fostering good relations. My decision must be proportionate to achieving legitimate planning aims.
36. It is also necessary that I consider Article 3 of the United Nations Convention on the Rights of the Child, which requires a child's best interests to be a primary consideration in all actions by public authorities concerning children. In this case, I am mindful that two of the children have a disability and, moreover, at least one child attends a school some distance away Monday to Thursday. In this regard, I am mindful that the site provides a settled base for the children which is beneficial from a social, emotional and educational point of view.
37. While the evidence before me is relatively limited, as detailed above, I nonetheless find that the occupiers of the site are Travellers as per the definition in annex 1 of the PPTS. They do appear to have ceased Travelling, but I have no reason to doubt that they were born into the Travelling community and have attended horse fairs. The Council do not provide any contrary evidence in this regard.

38. I note the comments made about two of the children living on the site. I have treated their conditions as having an adverse impact on the ability to undertake day to day activities. Hence, I find that they have disabilities. In this regard, I have had due regard to the PSED contained in section 149 of the Equality Act 2010. I do not doubt that the stability of a residential base, the support of the nearby family, and the interdependency and support provided between the appellant and her mother, and the advantages of a permanent address in terms of access to health and other services, is advantageous for the wellbeing of the occupiers of the site. Moreover, I do not doubt that a settled base helps to alleviate and control some of the symptoms associated with the identified disabilities.
39. In addition, I do not doubt that a refusal of planning permission, and upholding the notice, would have the effect of causing some anxiety and distress to all those that occupy the site and who would be required to vacate the mobile home. Such distress and anxiety could arise from a possible roadside existence. Indeed, such anxiety and distress may have the potential to result in further adverse health consequences. This is a matter which weighs in favour of allowing the appeal and it is necessary that it is balanced against the identified planning harm.
40. In reaching my findings above, I am cognisant that the occupiers of the mobile home have previously lived in Riversmeet. This potentially indicates that the occupiers of the site do not have a particular aversion to living in bricks and mortar accommodation. I do not know if the occupier of Riversmeet is still unwell and whether it would be possible for the family to now live in this dwellinghouse, at least for a short time. Despite my requests, the appellant has not provided me with an update in terms of personal circumstances. However, for the purposes of determining this appeal, I have assumed that the personal circumstances have not changed since December 2023.

Availability of alternative Traveller pitches/sites

41. There is no requirement for the appellant to demonstrate that there are no alternative available Traveller sites in the area. However, it is noteworthy that the Council has not indicated that any alternative Traveller sites are available to accommodate the needs of the occupiers of the site. In this regard, I have determined this appeal on the basis that there are currently no suitable and alternative available Traveller pitches in the area for those that occupy the appeal site. Moreover, I note the comment made by the appellant that a public site in Hertfordshire was the subject of a fire and that the need arising from this site is about forty pitches when it had fifteen.
42. The absence of alternative Traveller sites is a matter which weighs in favour of allowing the deemed planning application. However, I emphasise that this needs to be considered in the context that policy HOU9 of the LP which does not prohibit the provision of new windfall Traveller sites in the district subject to meeting the requirements of criteria a) to (i). In other words, there is no evidence before me to suggest that it would not be possible for the appellant to explore the potential for securing a site elsewhere (perhaps relatively close by so as to be near to family) and obtaining planning permission for a Traveller pitch in accordance with all the requirements of policy HOU9 of the LP. Moreover, and, given that the evidence is that the family did live in Riversmeet before an occupant became unwell, it may be possible for the appellant to explore the potential to live in bricks and mortar

accommodation elsewhere, at least for the short term. I return to this matter again as part of the consideration of the ground (g) appeal.

Ground (a) Appeal Planning Balance and Conclusion

43. For the reasons outlined above, I conclude that the unauthorised development has caused significant harm to the otherwise open rural landscape character and appearance of the countryside. The conflict with policy HOU9(g) of the DP weighs very significantly against allowing the development. Furthermore, in the absence of baseline pre and post development biodiversity information, I cannot conclude that the development would be capable of delivering BNG in accordance with the requirements of policy NE3 of the DP and paragraph 187(d) of the Framework.
44. In addition, I have found that the site is not sustainably located in terms of accessibility to existing local services and amenities. I do not find that the occupiers of the site would be likely to regularly use sustainable modes of transport when accessing existing day to day amenities and services. Instead, the occupiers of the site would be heavily dependent on use of the private motor vehicle for most journeys. In this regard, the development does not accord with policy HOU9(a) of the DP.
45. Moreover, the flood risk sequential test is not passed in this case. This is not in itself sufficient to justify not granting planning permission, but nonetheless it is a material planning consideration to which I afford some limited adverse weight in the overall planning balance. I note that the evidence indicates that the development is safe from the risk of flooding. The Environment Agency has raised an objection in this regard. However, this does not obviate the need for the sequential test to be passed.
46. Weighed against the above harms, are the other considerations outlined above. These weigh in favour of allowing the appeal. However, the positive weight that I collectively afford these matters is not sufficient to justify granting permanent planning permission for the breach of planning control.
47. I have considered whether a temporary planning permission may be justified. While a temporary planning permission would mean that the identified planning harm did not endure forever, this must be weighed against the fact that the varied compliance period in the notice (see ground (g) appeal below) is now twelve months. This would afford the occupiers of the site reasonable time, if necessary, to secure planning permission for a residential use elsewhere and in accordance with the requirements of policy HOU9 of the DP. I recognise the personal circumstances of the occupiers of the site. However, neither the personal circumstances, nor the other considerations outlined above, are sufficiently weighty to justify granting temporary planning permission based on the harm that would arise from the continuation of the breach of planning control.
48. For the above reasons, I find that neither temporary nor permanent planning permission is justified. I emphasise that even if the sequential test had been passed, and/or the breach of planning control was on PDL, I would still have concluded, on balance, that neither temporary nor planning permission was justified. Therefore, I conclude that the ground (a) appeal fails. In reaching this decision and upholding the enforcement notice it would ultimately result in the family losing their home. Nonetheless, I find that the interference with their Article 8 HRA rights is proportionate and necessary in the public interest.

Ground (g) appeals

49. The ground (g) appeals are made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
50. The compliance period is nine months. The appellant considers that this is not a reasonable compliance period and instead requests a compliance period of twelve months. The Council does not in fact object to an increased compliance period to twelve months.
51. To minimise disruption for the family occupying the site, I find that an extended compliance period from nine months to twelve months would be reasonable and proportionate in this case. It would afford more time to the family to find or secure residential accommodation (if Riversmeet is not an option) and including a possible alternative site for a new Traveller pitch elsewhere in accordance with policy HOU9 of the DP. Such an extended compliance period would have the potential to minimise the possibility of needing to live a roadside existence having regard to the welfare of the family and including the best interests of the children. In other words, the extended compliance period would have the potential to ensure some relative stability for the family on the site and until alternative residential accommodation has been sourced.
52. I find that varying the compliance period from nine months to twelve months would strike a reasonable and proportionate balance between bringing the harmful development to an end in the public interest and balancing the interference with the Article 8 HRA rights of the family and the best interests of the children. Moreover, there is no evidence to indicate that the appellant would not be able to comply with the specific requirements of the enforcement notice within twelve months.
53. For the above reasons, I conclude that the ground (g) appeals succeed.

Conclusions

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54. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Appeal B Ref: APP/J1915/C/25/3375664

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

D Hartley

INSPECTOR