



Appeal Decisions

Site visit made on 27 January 2026

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal A Ref: APP/C3620/W/25/3366860

Land opposite Great Oaks, Snowerhill Road, Betchworth RH3 7AQ

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 (the 1990 Act) as amended against a refusal to grant planning permission.
- The appeal is made by Mr Paul Courtney against the decision of Mole Valley District Council.
- The application Ref is MO/2024/0939/PLA.
- The development proposed is the creation of access track to barn.

Appeal B Ref: APP/C3620/C/25/3361867

Land opposite Great Oaks, Snowerhill Road, Betchworth RH3 7AQ

- Appeal B is made under section 174 of the 1990 Act (as amended).
- The appeal is made by Mr Paul Courtney against an enforcement notice issued by Mole Valley District Council.
- The notice was issued on 6 February 2025.
- The breach of planning control as alleged in the notice is *without planning permission*:
 - a) *The erection of a building in the approximate position shaded black on the attached plan; and*
 - b) *The creation of a hard surfaced access drive and area surrounding the building in the approximate position shaded blue on the attached plan*
 - c) *the erection of iron railings to the side of the access drive.*
- The requirements of the notice are: *Remove from the land*:
 - i) *The building on the Land in the approximate position shaded black on the attached Plan*
 - ii) *The hard surfaced access drive and the hard surfaced area surrounding the building in the approximate position shaded blue on the attached Plan*
 - iii) *The iron railings running along the side of the access drive*
 - iv) *Dig out and remove the base, foundations and sub-base for the building, hard surfaced area surrounding the building and the access drive.*
 - v) *Following compliance with steps 5(i) to (iv) above remove all resultant debris and unused materials from the Land, level the land and reseed the land to grass (native grass mix)*
- The period for compliance with the requirements is: *Six (6) months after the date this notice takes effect.*
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the 1990 Act (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 (as amended).

Formal Decisions

Appeal A

1. Appeal A is dismissed.

Appeal B

2. It is directed that the enforcement notice is corrected and varied by:
 - Delete the text “c) the erection of iron railings to the side of the access drive” from Section 3 of the notice.

- Delete the text “iii) *The iron railings running along the side of the access drive*” from Section 5 of the notice.
3. Subject to the corrections, Appeal B is allowed insofar as it relates to the building and the iron railings at the site. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for the building at Land opposite Great Oaks, Snowerhill Road, Betchworth RH3 7AQ subject to the following conditions:
- 1) The building hereby approved shall not be used for any purpose other than agricultural use as defined within Section 336 of the Town and Country Planning Act 1990.
 - 2) The building hereby permitted shall be removed and all materials resulting from the demolition shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - (i) Within 3 months of the date of this decision, a Site Development Scheme (SDS) shall have been submitted for the written approval of the local planning authority. Notwithstanding the details shown on the planning application site plan, the SDS shall include details of:
 - a) the means of foul and surface water drainage of the building;
 - b) external lighting;
 - c) a scheme for new planting, including details of species, plant sizes, proposed numbers and densities, including a timetable for implementation, maintenance and management.
 - (ii) If within 11 months of the date of this decision the local planning authority refuse to approve the SDS or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained/retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
 - 3) If, within a period of 10 years from the date of planting, any trees, hedges or plants (or any tree, hedge or plant planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree, hedge or plant of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree, hedge or plant unless the local planning authority gives its written consent to any variation.

4. Appeal B is dismissed and the notice is upheld as corrected insofar as it relates to the unauthorised access drive and apron at Land opposite Great Oaks, Snowerhill Road, Betchworth RH3 7AQ

The Enforcement Notice

5. It is incumbent upon me to correct any defects in the notice regardless of the outcome of the appeal. Given my findings in respect to Appeal B, the iron railings would be considered 'permitted development' (PD) under Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The iron railings would therefore benefit from deemed consent. In the interests of clarity and to avoid any misinterpretation I have corrected the notice as stated above. No injustice would arise to either party as a result of these corrections.

Applications for costs

6. An application for costs made by the appellant against the Council is the subject of a separate decision.

Preliminary Matters

7. The description of development contained in Appeal A cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. The latter more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter description for the purposes of the heading in Appeal A above.
8. It would be prudent to detail the planning history associated with the site at this stage. The site consists of an open field located within the Green Belt on the western side of Snowerhill Road in Betchworth. The field is approximately 5.9 ha and is bounded by trees, hedgerows and other vegetation, with a small brook located on the southern boundary. The surrounding area is relatively open, with a verdant and rural feel. From the information before me¹ the field is in agricultural use and has historically been farmed with a hay crop. The hay would be cut and stored off-site with sheep occasionally grazed at the site².
9. The appellant sought prior approval for the erection of an agricultural building ('the building') of 18.20 metres x 15.00 metres for the storage of hay and equipment/machinery. The Council issued notification that prior approval was not required under reference MO/2021/1761. A further prior approval application was submitted to the Council for the formation of a track for agricultural purposes ('the access drive'). The Council also issued notification that prior approval was not required under reference MO/2022/0433.
10. The building was constructed not in accordance with the details submitted under MO/2021/1761, which specifically showed the front was open sided with the walls sitting on top of blockwork clad in metal panels. The building as constructed does not contain an open sided front, instead it has been installed with a set of roller shutters and a pedestrian doorway, not shown on the submitted plans. Given that

¹ Agricultural Statement produced by White & Sons – Dated September 2021 (Appellants SoC – Appendix 2)

² Letter from Kevin Greenwood farming contractor (Appellants SoC – Appendix 4)

the development has been constructed and is now in situ, it does not benefit as PD under Schedule 2 Part 6 Class A of the GPDO.

11. Similarly, the access drive has not been constructed in accordance with the prior approval notification MO/2022/0433, specifically the materials used in the construction consist of a tarmac surface along the length of the access drive and the apron around the building, opposed to the 200mm type 2 aggregate topped with 25mm of road planings for the access drive and a concrete apron, as stated in the prior approval application. The appellant has also erected a fence consisting of iron railings to the side of the access drive, delineating the field from the building and the access drive itself. The appellant considered the iron railings would qualify as PD under Schedule 2 Part 2 Class A of the GPDO.
12. The appellant submitted two separate retrospective planning applications³ for the retention of the roller shutters to the building and to retain the access drive as constructed. Both of these applications were refused permission by the Council. The Council considered it expedient to serve an enforcement notice at the site, in respect to the three separate operational developments namely, a) the building, b) the access drive and apron and c) the iron railings. This notice is the subject of Appeal B.
13. Under Appeal B, the appellant has appealed the grounds (c), (a), (f) and (g). However, as the notice was issued after the determination of the planning application for the access drive (ref: MO/2024/0939) this part of the notice is barred from being appealed on ground (a)⁴. Nevertheless, the appellant has appealed the refusal of planning permission, and this is the subject of Appeal A. For clarification, the building subject to the ground (a) appeal consists of the building as it was at the time the enforcement notice was served. Therefore, consideration will be given to the installation of the roller shutter and pedestrian doors.
14. Consequently, Appeal B will proceed on ground (c) for the iron railings only; ground (a) in respect to the building and the iron railings; and grounds (f) and (g) for the building, the access drive and apron and the iron railings. I have determined the appeals on that basis.

Appeal A

Main Issues

15. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies and, if so, the effect on openness;
 - the effects of the proposed development on character and appearance; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

³ Mole Valley Planning Refs: MO/2024/0938 and MO/2024/0939

⁴ Under Section 174(2A) of the Town and Country Planning Act 1990.

Whether inappropriate development

16. Policy EN1 of the Mole Valley Local Plan 2020-2039, adopted October 2024 (MVLPL) states that land which is designated as Metropolitan Green Belt will be protected against inappropriate development, as defined by national policy, unless very special circumstances are demonstrated. The policy further sets out that some forms of development are exceptions to the definition of inappropriate development and will be permitted where they comply with other relevant policies. This is generally consistent with the Framework.
17. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework establishes that buildings and other forms of development would be inappropriate unless they meet a listed number of exceptions. Both parties agree that the most relevant section of the Framework in regard to the formation of the access drive and apron is paragraph 154.v) ii. engineering operations. Engineering operations are not inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of land within the Green Belt.
18. Given the location of the building (subject to Appeal B), it is logical to assume that an access route would be required for agricultural vehicles to gain access and egress in the course of farming activities. A previous route, across the field, was deemed unviable by the appellant, following the route becoming rutted and eroded during wet weather impacting on the accessibility to the building.
19. The appellant re-routed the access drive to run closer to the boundary along Snowerhill Road turning right towards the building, thus providing a more discrete location, whilst still providing adequate turning splays for vehicles and trailers. The appellant has indicated that the provision of the tarmac provided a more resilient surface and included the apron around the building. Overall, I would concur that the works are considered to be engineering operations in Green Belt terms.
20. The access drive and the apron are sited on land which is in use for agriculture and are for a purpose which is reasonably necessary for agricultural activities. The access drive and the apron make any manoeuvres for agricultural purposes easier. Be that as it may, the access drive and the apron provide a larger quantum of built development than previously existed on site, thus would result in an adverse impact on the openness of the Green Belt in spatial terms.
21. Furthermore, the materials and appearance of the access drive and apron appear of a higher standard and specification, than those usually associated with in a rural setting. As such, visually the access drive resembles a small residential road rather than a functional access route to an agricultural building. With regard to the visual aspect, there would be extremely limited public views of the proposal, given the private location of the site and the gated boundary treatment. Furthermore, the secluded location adjoining the existing building would have no significant effect on the visual aspect of openness of the Green Belt.
22. In terms of the purposes of including land within the Green Belt, access routes to agricultural buildings are very common in rural areas and are a fundamental part of farming operations, albeit of a lower specification and a more functional appearance. The scheme cannot be considered to represent encroachment into the Green Belt, nor does it conflict with any of the other Green Belt purposes.

23. Overall, whilst I find the access drive and the apron do not conflict with the purposes of including land within the Green Belt, and there would be no harm to the visual dimension of the openness of the Green Belt, there would be to the spatial dimension. Therefore, the proposal fails to preserve the openness of the Green Belt. As such, it is inappropriate development in the Green Belt, thus does not accord with policies EN1 and EC6 of the MVLP and the Framework. In not complying with the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 153 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and appearance

24. The appeal site is located in a rural and verdant area. The site is accessed via a gate along the tarmac access drive, with the boundary consisting of well-established trees, hedges and shrubs, providing an effective green screen of the appeal site from external views. Consequently, the appeal site is not readily visible from surrounding public vantage points, with specific reference to Snowerhill Road.
25. The current visual impact is low and given the agricultural use, the provision of an access drive would be associated within such a setting. Nevertheless, the provision of the tarmac surface provides a far more developed feel within the existing rural environment. The materials provide a noticeable increased quantum of built development more urban in appearance, increasing visual harm through the additional sprawl of development away from the building. This is a shift in the existing character and appearance of the area, and provides permanent development, to the detriment of the rural landscape and its local distinctiveness.
26. Whilst I acknowledge that such access routes and hardstandings are common in rural areas, generally these are not as uniform in appearance, providing a more functional grassed and/or self-seeded presence, which blends in with the rural environment, unlike the current tarmacked access drive. The current treatment, in my view, does not conform with the rural character of the area and has a more urbanising effect.
27. Consequently, the materials used in the access drive and the apron causes harm to the character of the area. This would be contrary to policy EN4 of the MVLP which seeks development to be of a high-quality of design that makes a positive contribution to its local character, including an understanding of the site, how it relates to the existing area and to improve the quality of the landscape, amongst other things.

Other considerations

28. Paragraph 153 of The Framework instructs that substantial weight should be given to any harm to the Green Belt, including harm to its openness, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
29. The appellant advances the case that the access drive and the apron are essential for the continued use of the site for agricultural purposes, assisting in the current operation for hay cropping and storage, and may also assist in future viticultural endeavours. To this I apportion significant weight. However, whilst these

developments are necessary for agricultural use, I find that the materials used and the appearance, are not conducive within the rural environment, and would be contrary to the openness of the Green Belt.

30. The appellant also highlights a proposed fallback position, in regard to the provision of reverting to the scheme granted prior approval under reference MO/2024/0939, in terms of materials and appearance. However, the development is in situ and is not in accordance with the approved details submitted with the prior approval notification. I have not been provided with a formal certificate of lawfulness for these works. Whilst this part of the appeal is in situ given the retrospective nature of the scheme, it would not be appropriate to speculate on its lawful status. I therefore give limited weight to this as a fallback option.

Conclusion on Appeal A

31. The access drive and the apron are inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances. In addition, I have found that the access drive and the apron would also have a reduction in the spatial aspect of Green Belt openness and would have a harmful effect on the character and appearance of the area through an overdeveloped and urbanising impact. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
32. The other considerations are not of sufficient weight to amount to the very special circumstances necessary to justify the proposal. There are no material considerations that indicate that the appeal should be determined other than in accordance with the Green Belt provisions of the Framework. Consequently, the very special circumstances necessary to justify the developments have not been demonstrated and the proposal would conflict with the Framework and the relevant policies of the development plan. For the reasons given above, and having regard to all other matters raised, I conclude that Appeal A should be dismissed.

Appeal B under ground (c)

33. An appeal under ground (c) is that those matters (if they occurred) do not constitute a breach of planning control. In a legal ground of appeal, the onus of proof is firmly on the appellant to make their case, on the balance of probabilities⁵.
34. Both parties highlight that the ground (c) appeal has been made against the erection of the iron railings to the side of the access drive only. The Council considers that the development of the building, access drive and apron and the iron railings were considered a single operation. Thus, given the unlawful nature of the building and the access drive, the iron railings would not benefit as PD by virtue of Article 3(5)(a) of the GPDO. Article 3(5)(a) states permission granted by Schedule 2 does not apply, if in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful.
35. I have been presented with no details on the phasing of the structures and thus whether the development comprised a single and cohesive act of development.

⁵ *Thrasivoulou v SSE & Hackney LBC (No 1)* [1984] JPL 732

However, under the alleged breach of planning control section, the Council's enforcement notice distinguishes three separate operational developments. The notice further states three separate remedial measures, one for each of the alleged breaches within its requirement section, highlighting that the breaches are independent and can be separated. Given the isolation of each breach, these developments are not interrelated, thus the iron railings are capable of being erected under PD as this does not facilitate the construction of either the building or the access drive. Indeed, it is not uncommon for areas of land to be subdivided in such a manner, albeit with less formal delineation and in a more natural appearance, such as through planting hedgerows etc.

36. Schedule 2 Part 2 Class A of the GDPO permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure subject to certain limitations. Paragraph A.1 states that such development is not permitted by Class A if the height of the enclosure adjacent to a highway used by vehicular traffic would, after carrying out the development, exceed one metre above ground level.
37. Accordingly, at the time the notice was issued, the railings would have been granted planning permission by virtue of Article 3 of the GPDO. Thus, they would not have constituted a breach of planning control. Therefore, Appeal B on ground (c) succeeds. As a result, grounds (a), (f) and (g) do not fall to be considered insofar as they relate to the iron railings.

Appeal B under ground (a), the deemed planning application

38. An appeal under ground (a) is that planning permission ought to be granted in respect to the alleged breach of planning control as stated in the notice, in whole or in part. Consequently, the deemed planning application is for the erection of a building at Land opposite Great Oaks, Snowerhill Road, Betchworth RH3 7AQ.

Main issues

39. The main issues are:
- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and, if so, the effect on openness;
 - the effects of the proposed development on character and appearance; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

40. Paragraph 154.a) of the Framework, relating to buildings for agriculture and forestry is the most relevant here. From the evidence before me, and in the absence of any to the contrary, the field has historically been farmed with a hay crop and continues to be so, albeit there are aspirations to diversify into viticulture. Therefore, the field would be considered in agricultural use. The building is described as an agricultural

building and would be used for the storage of hay and equipment/machinery associated with the agricultural use.

41. The building at approximately 18.20 metres in length, 15.00 metres in width and with an eave's height of approximately 5.50 metres, is a substantial agricultural building. From the evidence before me, the appellant has purchased additional land to the south of the site, which could increase agricultural production. This could further necessitate additional storage area, for which the building would be appropriate.
42. The size and the scale of the development is necessary for access and egress of larger agricultural vehicles and machinery, and for the storage of larger produce such as hay bales. Whilst it is acknowledged the building is no longer open sided, the provision of the roller shutters provide security and protection from inclement weather conditions, and are of sufficient size not to preclude large vehicles using the building for agricultural functions.
43. Due to its Green Belt location, the site and surrounding area consist of open fields, therefore the positioning of the building is key given the lack of development within the vicinity. The building has been positioned adjoining a wooded copse and has a distinctly utilitarian and rural feel in terms of its appearance consisting of green profiled sheeting. Given its position amongst a tree lined backdrop and its functional appearance, it would be representative of the agricultural feel of the area. Furthermore, the existing boundary screening provides only glimpse views of the building itself. Given its sensitive positioning, the scale of the building is not conspicuous in appearance or harmful.
44. It is acknowledged that the building has been finished internally to a high specification, more akin to an automotive garage or manufacturing use. However, this does not prevent the building from being occupied for agricultural storage purposes, be that by the produce itself (in this case hay) and/or the machinery and equipment associated with its production. Nevertheless, it would be prudent to attach a condition to any permission, to ensure that the agricultural use is retained.
45. Consequently, the building is an exception under paragraph 154.a) and is not inappropriate development in the Green Belt, thus according with policies EN1 and EC6 of the MVLP and the Framework. Furthermore, the building should not be regarded as harmful either to openness of the Green Belt or to the purposes of including land within it, and because of my findings, it is also not necessary to consider whether very special circumstances exist.

Character and appearance

46. As stated, the building is located in a rural and verdant area. Its positioning adjoining a line of large trees provide a good screen and background setting for the building. Despite its overall size, the height of the agricultural building is comparable to the height of the adjacent trees, which is not uncommon or unusual in such a location. Nevertheless, the siting is discrete, secluded and thus commensurate within an agricultural setting. The external materials are utilitarian in appearance, which is reflective of its functionality and the area in general, given its agricultural use.
47. On this basis I am satisfied that the appeal scheme will not harm the character and appearance of the area, having a neutral effect. As such, I am satisfied that the

building represents a development that responds to the local character of the area in which it is set and is not contrary to MVLP policy EN4, which amongst other matters seeks good design.

Conditions

48. The Council has provided a list of suggested conditions that it considers would be appropriate. I have assessed those with reference to the advice in the Framework and PPG and have amended the wording of some without altering their fundamental aims.
49. A condition requiring submission of details of the foul and surface water drainage as part of a Site Development Scheme is necessary, given the small scale of the proposal. Also, in the interests of maintaining the rural character of the area, the condition requires the submission of details of any external lighting and landscaping to be installed. There is a condition for the maintenance of the planting and landscaping for a similar purpose.
50. In order to retain the agricultural use of the site, I have also attached a condition to ensure that the building is retained for such a purpose for the lifetime of the development.

Conclusion

51. For the reasons given above, I conclude that Appeal B succeeds on ground (a). I shall grant planning permission for the development as described in the corrected notice, and the enforcement notice will be quashed insofar as it relates to the building. Therefore, with regard to the building only, the appeals on grounds (f) and (g) do not therefore fall to be considered.

Appeal B under ground (f)

52. An appeal on ground (f) is made on the basis that the requirements of the notice exceed what is necessary. Section 173(4) of the 1990 Act (as amended) sets out the purposes which an enforcement notice may seek to achieve. They are either (a) remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach. From the requirements of the corrected notice, it is clear that the purpose of the notice is to remedy the breach of planning control.
53. Given my findings above, the ground (f) appeal therefore lies solely with the provision of the access drive and the apron. As the development has been constructed not in accordance with the details submitted in the prior approval notification, the scheme is no longer implementable, and therefore a fallback option does not exist.
54. Case law⁶ has established that it is open to me to decide whether there is any solution, short of a complete remedy of the breach, which is acceptable in planning and amenity terms, and whether there are clear and obvious alternatives that would overcome the planning harm at less cost and disruption to the appellant than its total demolition and removal. No details of an alternative scheme have been provided, thus I have no basis on which to consider whether another option is viable as this could prejudice the parties.

⁶ *Tapecrow Ltd v FSS & Vale of White Horse DC* [2006] EWCA Civ 1744

55. However, this does not preclude the appellant from exploring an alternative scheme with the Council via an appropriate planning application. Given the period of compliance this should be sufficient to gauge whether any agreement on such an alternative scheme is likely. Therefore, the steps required by the notice to be taken, do not exceed what is necessary to remedy the breach of planning control.

56. Thus, the ground (f) appeal fails.

Appeal B under ground (g)

57. For an appeal on ground (g) to succeed, it is to be demonstrated that the period specified in the notice for compliance in accordance with section 173(9) of the 1990 Act (as amended) falls short of what should reasonably be allowed.

58. The appellant argues that a period of 12 months is the minimum necessary to undertake the requirements of the enforcement notice, given that alternative storage would be required for hay and machinery at the site. As a result of my findings above, only the access drive and apron would be required to be removed from the site. Whilst I appreciate that the works to dismantle and remove the existing access drive would be disruptive, I have been presented with little evidence that would lead me to otherwise conclude that the period of 6 months is reasonable and proportionate to remedy the breach of planning control.

59. Furthermore, the 6 month timeframe would strike an appropriate balance between the remedial rather than punitive requirements of the enforcement notice whilst also maintaining public confidence in the planning system.

60. I therefore conclude that the ground (g) appeal fails.

Overall conclusion

61. The Appeal A scheme does not accord with the development plan, when read as a whole and the Framework. Having considered all material considerations and other relevant matters raised, I therefore conclude that Appeal A is dismissed.

62. For the reasons given above, I conclude that Appeal B should fail insofar as it relates to the corrected notice, and as a result I shall uphold the corrected notice. However, section 180(1) of the 1990 Act (as amended) states that where after the service 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 it is inconsistent with that permission. Consequently, the notice will cease to have effect with regard to the building at the site as it will benefit from planning permission granted under Appeal B and will therefore be lawful for planning purposes.

63. By means of clarification, the enforcement notice therefore ceases to have effect so long as the planning permission is extant and the conditions are complied with. However, it would be incumbent on the Council as Local Planning Authority, to consider the expediency of any future enforcement action, in the form of a breach of condition notice, should the building be used for any other purpose other than for agricultural use.

Robert Naylor

INSPECTOR