



Appeal Decision

Site visit made on 19 March 2026

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

an Inspector appointed by the Secretary of State

Decision date: 20 MARCH 2026

Appeal Ref: APP/R1038/C/25/3365057

Springwood Farm, Cowley Lane, Holmesfield, Dronfield, S18 7SD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Nick Horsley against an enforcement notice issued by North East Derbyshire District Council.
- The notice was issued on 4 April 2025.
- The breach of planning control as alleged in the notice is 1) without planning permission, making a material change of use of the Land to a mixed-use comprising vehicle storage authorised by planning permission 24/00283/FL, agriculture and the outside storage of motorhomes and caravans ("the outside storage use"); 2) operational development carried out to facilitate the mixed-use described in para 3.1) above, namely: the erection of a building ("the Building"), shown for the purposes of identification annotated shaded black on the attached plan and the formation of the hardstanding, shown for the purposes of identification hatched blue on the attached plan.
- The requirements of the notice are to a) unless expressly authorised by planning permission 24/00283/FL, cease the use of the Land for outside storage of motorhomes and caravans; b) demolish the agricultural building annotated and shaded black on the attached plan and remove all resultant materials from the Land; c) remove the hardstanding hatched blue by taking up all materials deposited in its construction and remove all resultant materials from the Land; d) remedy the harm to the soil profile and reinstate the ancient semi-natural woodland within the area hatched blue by 1. Spread a minimum of 10cm compost, 2. Break up the compacted soil layers and incorporate the compost to a depth of at least 60cm using a backhoe bucket subsoiling technique, 3. Spread clean tilled topsoil over the surface to a depth of 10cm, 4. Re-plant the area shaded, in accordance with the following planting schedule (specification based on 0.24ha) – 1,333 No. plants to be planted in rows, 1.2m distance between plants in a row, 1.5m distance between rows, 1200 No. to be Pedunculate Oak (*Quercus robur*), 133 No. of the plants a mixture of Hornbeam, Sycamore, Small Leaved Lime, Silver Birch, Rowan and Hazel, each plant to be 2 years old at time of planting, and having been undercut in the seedbed after 1 year (1u1), each plant to be planted with a spiral guard and cane, and 5) any plant which, within a period of five years of their planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next available season, (defined as October but before New Year), with others of a size and species set out in step d) 4 above.
- The period for compliance with the corresponding requirements are a) – three months after the notice takes effect, b) three months after the notice takes effect, c) four months after the notice takes effect; d)1 within 1 month following compliance with step c), d)2 within 1 month following compliance with step d)1, d)3 within 1 month following compliance with step d)2, d)4 in the first available planting season, after October but before New Year, following compliance with step d)3, and 5) within 1 day following compliance with step d)4.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is varied by the deletion of the words "*Re-plant the area shaded, in accordance with the following planting schedule (specification based on 0.24ha)*" in paragraph 5(4), and their substitution with the words "*Re-plant the area hatched blue on the attached plan, in accordance with the following planting schedule (specification based on 0.24ha)*". Subject to the

variation, 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.

The Notice

2. The requirements of a notice should relate directly to the breach of planning control. Paragraph 3 2) 2.2 of the notice includes reference to operational development carried out to facilitate the mixed use described in paragraph 3.1 as the *'formation of the hardstanding, shown for the purposes of identification hatched blue on the attached plan'*. Paragraph 4 of the notice states *'Re-plant the area shaded, in accordance with the following planting schedule (specification based on 0.24ha)'*. In the interests of precision, and, without injustice being caused to the main parties, I shall delete this wording and replace it with *'Re-plant the area hatched blue on the attached plan, in accordance with the following planting schedule (specification based on 0.24ha)'*.

Preliminary Matters

3. 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). I afford the Consultation Draft Framework limited weight as a material planning consideration. This is relative to the published National Planning Policy Framework 2024 (the Framework) to which I afford full weight as a material planning consideration. It is in this context that it has not been necessary for me to invite comments from the main parties about the Consultation Draft Framework. Any such comments would not have made a difference to the outcome of the ground (a) appeal and the deemed planning application.
4. In respect of the building shaded back on the plan attached to the notice, it was the subject of a dismissed planning appeal on 21 July 2025 for its retention and use as an agricultural building¹. Such appeal development differs from the breach of planning control in so far that it is alleged that the building shaded back on the attached plan attached to the notice was primarily in use for non-agricultural storage purposes when the notice was issued, as distinct from being in an agricultural use. The Council allege that the building has not ever been primarily used for an agricultural use. I have determined this enforcement notice appeal on the evidence that is before me and in respect of various grounds of appeal under section 174(2) of the Act.

Ground (c) appeal

5. The appeal made on ground (c) is that the matters alleged do not constitute a breach of planning control. The onus is on the appellant to make a case on the legal grounds of appeal.
6. The appellant's ground (c) claim relates solely to the hardstanding shown hatched blue on the plan attached to the notice. The appellant comments that it was formed to be used for agricultural purposes, i.e., *'the storage of straw and agricultural equipment'*. The evidence before me does not support the appellant's assertion that the hardstanding was formed primarily for an agricultural use. The Council's aerial photographs show that on 25 June 2018 this part of the land included

¹ Planning appeal reference APP/R1038/W/25/3365062

trees/vegetation and it was not until sometime between 26 March 2022 and 11 August 2022 that part of the new hardstanding was formed and used for the storage of motorhomes/caravans. While the evidence is that trees/vegetation had been removed from all the land hatched blue at this time, part of it still did not have a completed / uniform level hardstanding. This part of the land included mounds of building material. The appellant has not made any comment about this matter. In my judgement, it is more likely than not that such mounds of building material were deposited in connection with the construction of a wider area of hardstanding and to be completed as one single engineering operation.

7. The onus is on the appellant to provide sufficiently precise and unambiguous evidence to demonstrate that the hardstanding was formed to be used for an agricultural purpose. No such precise and unambiguous evidence is before me, and the Council's evidence indicates to me that the intention was always to form a hardstanding to be used for the primary purpose of storing motorhomes and caravans. The aerial photographs indicate a chronology of events. They do not show any evidence of any agricultural use of the land following engineered land level changes and the formation of a new hardstanding.
8. The evidence is that following the felling of trees and the removal of vegetation, the hardstanding was formed in stages to facilitate the unauthorised material change of use of the land to include the outside storage of motorhomes and caravans. The appellant's evidence is not sufficiently precise to depart from my judgement that the evidence indicates that it is more likely than not that it was always the appellant's intention to use the whole of the land hatched blue on the plan attached to the notice for the storage of motorhomes and caravans.
9. While some of the land does not include a uniform land level top, it does nonetheless contain rubble and stones in conjunction with the land level changes that have been carried out. I find that the whole of the land hatched blue is a hardstanding. The evidence is that there have been land level changes carried out in respect of the whole of the identified land. This is evident from the relationship with the position of the bottom of the telegraph pole. It is noteworthy that on the site visit, the appellant showed me the hatched blue land and the telegraph poll. In this context, he commented that land level changes had been carried out in respect of the hatched blue land.
10. The evidence is that the identified hardstanding was formed such that it was a subsidiary or ancillary element of the unauthorised material change of use of the land and specifically in association with the outside storage of motorhomes and caravans. The appellant does not dispute that the use of the land comprising the breach of planning control constitutes a material change of use of the land and hence is an act of development by virtue of section 55(1) of the Act.
11. I concur with the Council's evidence that an unauthorised sui generis mixed use of the land has occurred within one planning unit. I was able to see on my site visit the buildings in use for the authorised storage of vehicles, two agricultural buildings, the facilitating building which is the subject of the notice, and the unauthorised outside storage of caravans and motorhomes. It was evident that various activities were being carried out on the land involving shared access and outside space circulation arrangements, and without any material degree of physical separation between the juxtaposed uses.

12. There are no permitted development rights in respect of the formation of a hardstanding in association with the carrying out of a mixed material change of use of the land for vehicle storage, agriculture and the outside storage of motorhomes and caravans falling within a single planning unit. Moreover, and, for the avoidance of doubt, planning permission 24/00283/FL authorised the storage of vehicles and garden centre products only within the former agricultural buildings, and condition No. 04 states that '*there shall be strictly no outside storage of materials or vehicles associated with the change of use hereby approved*'. In other words, this planning permission does not authorise or permit the mixed-use material change of use of the land, or the provision of the associated and facilitating hardstanding.
13. For the above reasons, I conclude that the matters alleged (see also comments below as part of the ground (f) appeal) do constitute a breach of planning control. In particular, there is evidence that casts doubt over the appellant's assertion that the hardstanding was formed and used primarily for an agricultural purpose. Therefore, the ground (c) appeal fails.

Ground (d) appeal

14. The appeal made on ground (d) is that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. In an appeal against an enforcement notice on ground (d), the burden of proving relevant facts is on the appellant, and the relevant test of the evidence is on the balance of probability.
15. The appellant does not make the claim that the material change of use has taken place for a continuous period of ten years or more. There is no precise or unambiguous evidence before me to indicate that the material change of use has occurred for a continuous period of ten years or more and hence that it is immune from enforcement action and lawful by virtue of section 171(B) of the Act.
16. The appellant's ground (d) appeal relates to the hardstanding shown hatched blue on the plan attached the notice. The claim made by the appellant is that the formation of the hardstanding commenced in November 2019 and was completed in February 2020. The notice was issued on 4 April 2025. Hence, the appellant asserts that the hardstanding is immune from enforcement action in so far that it is claimed that it has been in situ for more than four years and hence is immune from enforcement action and lawful given section 171(B) of the Act.
17. The Council's evidence, in the form of dated aerial photographs, casts sufficient doubt about the appellant's claim above. The hardstanding which is the subject of the notice was not in place on 18 June 2018. There was tree cover/vegetation in place at this time. As per my ground (c) appeal reasoning above, I find that the dated aerial photographs provided by the Council demonstrate that part of the hardstanding was not completed until sometime in 2025. Indeed, the evidence is that the hardstanding comprised a single engineering operation (albeit formed in stages) and with the central and eastern part of it still ongoing in March 2025. The appellant's Planning Contravention Notice response states that the hardstanding was completed in November 2019, but that does not correspond with what is shown in the Council's aerial photographs.
18. I conclude, on the balance of probability, that the hardstanding shown hatched blue on the plan attached to the notice has been completed in part. The only precise and objective evidence about the completion of the western part of the

hardstanding is the aerial photograph dated 11 August 2022. The aerial photograph dated 26 March 2022 shows it in the process of being formed. Even if this part of the hardstanding was formed on 27 March 2022, a period of four years has not passed between then and the date of the issued notice, i.e., 4 April 2025. In this regard, it cannot be claimed that the hardstanding is immune from enforcement action owing to it being substantially completed for a period of four years.

19. The appellant's evidence is not sufficiently precise and unambiguous in respect of the formation of the western part of the hardstanding. The aerial photographs show mounds of building materials on his land for a few years, and the evidence indicates a change in land levels in relative terms. In my judgement, the evidence indicates that it is more likely than not that the appellant's intention was to make part of the western part of hardstanding have a more uniform level in time and in accordance with the eastern part of the hardstanding. In the absence of precise evidence to the contrary, I find that the hardstanding identified in the notice amounts a single engineering operation which has not been substantially completed. The latter is not a determinative matter in any event given the below.
20. I emphasise that even if it had been proven, on the balance of probability, that the hardstanding as a whole had been substantially completed for a period of four years, the evidence is that it was formed and used primarily for the purpose of storing caravans and motorhomes. The evidence from the appellant is not sufficiently precise or unambiguous to counter this conclusion. In this respect, I find that the hardstanding has facilitated the unauthorised material change of use of the land. It has not in itself been causative of the material change of use of the land. Indeed, the appellant could have simply removed trees and vegetation from the land and stored motorhomes and/or caravans on the resultant land without needing to create a different land level(s) and a new hardstanding.
21. The formed hardstanding is an ancillary or subsidiary element of the unauthorised material change of use of the land and, even if it had been in place for four years, legal judgement dictates that such facilitating development can be required to be removed as part of a material change of use notice (see also my reasoning as part of the ground (f) appeal considerations below).
22. For the above reasons, I conclude, on the balance of probability, that the evidence demonstrates that when the notice was issued it was not too late to take enforcement action in respect of any of the matters relating to the breach of planning control. Therefore, the ground (d) appeal fails.

Ground (a) appeal and the deemed planning application

23. 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. The land falls within land designated as Green Belt. In this context, the main issues are:
 - whether the breach of planning control constitutes inappropriate development in the Green Belt including its effect on Green Belt openness and purposes,
 - whether in terms of the use of the erected building shown shaded black on the plan attached to the notice it accords with the requirements of policy SDC1 f) of the adopted 2021 North East Derbyshire Local Plan 2014-2031 (LP),

- the effect of the development on the character and appearance of the area including landscape character,
- the effect of the loss of any ancient woodland on the land,
- whether the unauthorised development is sustainably located in terms of access to the use of sustainable modes of transport, and,
- if the breach of planning control is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

Whether inappropriate development in the Green Belt

24. I have considered the material change of use of the land along with the facilitating operational development against paragraphs 154 and 155 of the Framework.
25. The evidence is that designated ancient woodland was removed to facilitate the construction of the hardstanding shown as hatched blue on the plan attached to the notice. Moreover, the evidence is that the building which is the subject of the notice was in use for storage purposes when the notice was issued. A material change of use of the land has taken place and this includes the unauthorised outside storage of motor homes and caravans.
26. The definition of previously developed land (PDL) in annex 2 of the Framework would not include land which has been unlawfully developed. Moreover, it excludes land that is or was last occupied by agricultural or forestry buildings and it states that *'it should not be assumed that the whole of the curtilage should be developed'*. While the caravans and motorhomes are likely to be intermittently stored, the evidence is that the identified areas are likely to be used in this way for prolonged periods.
27. Based on my site visit observations, and, owing to the extent of the site areas and the height, colour and visual prominence of the motorhomes and caravans when viewed from surrounding land (including footpath No. NE/11/19/1), I find that even if I were to take the view that the material change of use of the land had fully occurred on PDL, and hence paragraph 154(g) of the Framework was relevant, the extent, appearance and bulk of the stored caravans and motorhomes, and the facilitating building as shown shaded black on the plan attached to the notice, are such that substantial harm has been caused to the openness of the Green Belt. Consequently, the exception in paragraph 154(g) of the Framework is not met.
28. In respect of the facilitating hardstanding hatched blue on the plan attached to the notice, it is necessary that I consider this development against paragraph 154(h) of the Framework. Paragraph 154(h) of the Framework states that 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 including land within it.
29. While land levels have been changed in respect of the identified hardstanding, I find that the openness of the Green Belt has been preserved in spatial or visual terms. However, given the large extent of the hardstanding, which falls within an area which was previously ancient woodland, I find that this development has

resulted in conflict being caused with one of the purposes of the Green Belt, namely safeguarding the countryside from encroachment. The effect of this unauthorised development has been that of unacceptably extending urbanised form into the countryside. I recognise that the storage of caravans and motorhomes has also taken place on an area of hardstanding elsewhere on the land and where the evidence indicates that it was previously used for '*propagation and growing laurel bushes*'. Given the height, bulk, colour and visual prominence of the caravans and motorhomes on this land, I find that substantial harm has been caused to the openness of the Green Belt in relative terms.

30. I have considered whether the material change of use of the land and the associated facilitating operational development meets the exception in paragraph 155 of the Framework. There is no dispute between the main parties that the development has utilised grey belt land and that it has not fundamentally undermined the purposes (taken together) of the remaining Green Belt across the area of the plan. I have no reason to disagree with this common ground position. Hence, the requirement of paragraph 155(a) is met.
31. Notwithstanding the above, it is necessary that both requirements of paragraph 155(b) and (c) are also met. While it is clearly convenient for the appellant to store caravans and motorhomes on the land, I have not been provided with any persuasive or objective evidence from the appellant to indicate that there is a demonstrable unmet need for the unauthorised storage of caravans and motorhomes on the land. As paragraph 155(b) of the Framework is not met, it is not necessary for me to consider paragraph 155(c) of the Framework. Put another way, the exception to inappropriate development in the Green Belt in paragraph 155 of the Framework is not met.
32. For the above reasons, I conclude that the breach of planning control (including the facilitating development) constitutes inappropriate development in the Green Belt. It therefore fails to accord with the Green Belt requirements of policy SS10 of the LP and chapter 13 of the Framework. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt, including harm to its openness. It also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Policy SDC1 f) of the LP

33. The appellant asserts that the building shown as shaded black on the plan attached to the notice is required to be used for agricultural purposes. However, the Council's evidence, which is not disputed by the appellant, is that when the officer visited the site, it was being used primarily for non-agricultural vehicle storage. As outlined above, there is no precise or unambiguous evidence before me to demonstrate that the building was ever primarily used for an agricultural purpose. It is noteworthy that the appellant states that '*the storage uses that have taken place in the interim are a very low-key use which has now largely ceased and have taken place as an alternative to storing vehicles/machinery in the open air*'.
34. The evidence before me is such that I do not find that Policy SDC1 of the LP is directly relevant in this case. That is because, on the balance of probability, the evidence is that the building was erected and then first used for an unauthorised

storage use. Moreover, the Council has not provided any reasonable evidence to refute the appellant's comment that the storage use was an alternative to storing vehicles in the open air. In my judgement, the evidence does not indicate that the use of the building amounts to a 'reuse' or a 'conversion' of a building, or that it has resulted in the loss of storage space associated with the former agricultural buildings which have consent to be used for vehicle storage purposes. This is therefore a matter of neutral consequence in the overall planning balance.

Character and appearance

35. The site and wider landscape display characteristics of wooded slopes and valleys of the Peak Fringe and Lower Derwent Landscape Character Area, the landscape being of moderately sloping pastoral character and appearance, with densely scattered patches of woodland and hedgerows served by a network of country lanes. The site is also within the primary Area of Multiple Environmental Sensitivity (AMES) which is based on three key indicators: ecology; historical landscape and visual unity. The AMES is a sensitive area of landscape character and is a valued landscape within the meaning of paragraph 187(a) of the Framework. While there is a scattering and mix of agricultural and residential buildings in the immediate area, they are surrounded by expanses of rolling open countryside with stone walls which add positively and distinctively to the landscape character as a whole.
36. The outside caravan and motorhome storage use, coupled with the erected building, and facilitating new hardstanding area, have eroded the otherwise more rural landscape character of the area. I accept that some of the stored caravans and motorhomes are relatively close to existing buildings which were historically used in association with a Turkey Farm. However, owing to the number, colour and overall bulk and scale of these stored vehicles, I find that significant harm has been caused to the rural landscape character and appearance of the countryside. This harm is particularly apparent when seen from public footpath NE/11/19/1.
37. While the appellant has sought to plant laurel hedging as a means of trying to screen the caravans and motorhomes from public view, this is not native hedging in landscape character terms, will not endure forever, and will take some time to reach maturity. The laurel hedging is not sufficient to mitigate the harm caused to the landscape character and appearance of the area. From higher land along the footpath (i.e., near to the steps leading down to the bridleway), the mainly white coloured caravans and motorhomes are experienced as being intrusive and out of place in the countryside setting. They have an unacceptably jarring visual impact when seen by passers-by.
38. In addition to the above, I consider that the significant loss of trees/vegetation on the land to enable the storage of motorhomes and caravans has had a very detrimental impact on the rural character of the area and on the softer/greener backdrop that was afforded to the original complex of agricultural buildings on the land.
39. For the above reasons, I conclude that when the breach of planning control is considered as a whole, including the facilitating operational development, significant planning harm has been caused to the landscape character and appearance of the area. Consequently, the breach of planning control does not accord with the landscape character, design and appearance requirements of policies SS9 and SD3 of the LP, and chapter 12 of the Framework.

Ancient woodland

40. The evidence is that a significant amount of ancient woodland was removed to facilitate the outside storage of motorhomes and caravans on the land and in association with the breach of planning control. Paragraph 193(c) of the Framework states that *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'*.
41. There are no exceptional reasons identified to justify the loss of ancient woodland in this case. Moreover, if the caravans and motorhomes (including facilitating hardstanding) remained in place, there is no scheme before me which demonstrates that it would be possible to put in place a suitable compensation strategy. This is a critical matter that goes to the heart of the acceptability of the development as a whole: it is not a matter that can therefore be left to conditional control. This weighs against granting deemed planning permission and, in fact, paragraph 193(c) of the Framework indicates that the development should be refused.
42. I note that the appellant is of the view that the former trees on the land were not good specimens, and, on the site visit, he pointed out the other woodland close to the site. I do not have any objective evidence from the appellant to substantiate the claim made about the ancient woodland that has been lost. It has been necessary for me to have regard to the ancient woodland designation which relates to an irreplaceable habitat and an area which is vital for biodiversity conservation.
43. For the above reasons, I find that the breach of planning control does not accord with the tree protection, ancient woodland and biodiversity requirements of policies SDC2 and SDC4 of the LP, and paragraph 193(c) of the Framework.

Sustainable location

44. While it is the case that the storage of caravans and motorhomes is likely to inherently involve the use of motorised transport to and from the site, as distinct from the use of more sustainable modes of transport, it is the case that the site falls within an area of countryside and hence is away from a built-up area or settlement. In this regard, I find it more likely than not that journeys to and from the site would be longer than would be the case if the site was located within an urban area or settlement, and where there would be a possible customer base within closer distance.
45. Notwithstanding the above, it is reasonable that I consider the appellant's evidence that the site could be used solely for an agricultural use (it was historically used as a Turkey Farm and the appellant intends to intensify agricultural use), and that a planning permission is in place for storage within the former agricultural buildings on the land. In this regard, and, considering paragraph 110 of the Framework which states *'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'*, I do not find that there is any material conflict with the sustainable location requirements of paragraph 110 of the Framework.

46. Moreover, and noting that the site is reached from country lanes, the evidence does not support any claim that the breach of planning control has caused unacceptable harm to highway safety, or that the residual cumulative impacts on the road network are severe. In this regard, I do not find any material conflict with paragraphs 115 and 116 of the Framework.

Other considerations

47. I recognise that the breach of planning control has created some employment in this countryside location and that it does provide further choice in the marketplace in terms of providing a facility for those who want to store a caravan or motorhome away from where they live. These are economic and other planning considerations to which I afford some positive weight in the overall planning balance.

Planning Balance and Conclusion

48. The breach of planning control comprises inappropriate development in the Green Belt. Substantial harm has been caused to the openness of the Green Belt and there is conflict with one of the purposes of the Green Belt. The Green Belt harm is a matter to which I afford substantial adverse weight in the planning balance.
49. In addition, harm has been caused to the landscape character and appearance of the area and because of the loss of ancient woodland. These are matters to which I afford significant adverse weight in decision making terms. The loss of ancient woodland constitutes a reason for refusal of the deemed planning application in the absence of details relating to a suitable compensatory strategy.
50. In this case, I do not find that the breach of planning control should be refused based on locational sustainability. Moreover, I do not find that policy SDC1 of the LP is directly relevant to the breach of planning control. These are matters of neutral consequence in the overall planning balance.
51. Overall, and, on balance, I find that the harm caused by the breach of planning control by reason of inappropriateness in the Green Belt, and the other identified planning harms, are not clearly outweighed by the other identified considerations above so as to amount to the very special circumstances necessary to justify the development. In reaching this conclusion, I have considered the supportive comments made by other interested parties who have made representations as part of the appeal. Such comments made do not alter or outweigh my overall conclusion. Consequently, the ground (a) appeal fails.

Ground (f) appeal

52. The appeal on ground (f) is made on the basis 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 or to remedy any injury to amenity which has been caused by any such a breach.
53. The claim made by the appellant on ground (f) is that the planting density/mix is excessive as outlined in requirement 5(4) of the notice. He states that at the time when the trees were felled in this area there were '*a maximum of 20 trees on the site*' and that '*the planting mix also does not replicate that of the trees taken out which the appellant recalls as being mainly ash and sycamore*'.

54. The appellant does not provide precise and unambiguous evidence to indicate that there were up to 20 trees on the site prior to them being felled. Moreover, there is no precise or unambiguous evidence from the appellant to support the contention that such trees were mainly ash and sycamore. In this case, the appellant has removed ancient woodland. I do not therefore find that the Council's approach to reinstating the lost ancient woodland from the point of view of applying the stocking density from Forest Development guidance Type 5.3.1 to be unreasonable. It provides precision relative to restoring the land (i.e., the ancient woodland) to its condition prior to the hardstanding being formed. I do not find that requirement 5(4) of the notice is excessive. It provides precision in terms of ensuring the restoration of the biodiversity, habitat and soil quality of the ancient woodland that existed on the land prior to the facilitating hardstanding being formed.
55. The appellant makes the claim that as the area to be planted is crossed by an overhead power line, it would limit the resultant height of the trees. The evidence is that trees forming part of an identified ancient woodland were removed as part of the formation of the hardstanding. The requirement to plant trees where trees existed before is not an excessive requirement as it would restore the land to its previous condition. Even if it were the case that the planted trees had to be managed so that they did not interfere with the height of the overhead lines, that does not mean that replacement trees could not be planted and thereafter managed involving, if necessary, the relevant infrastructure provider in terms of possible isolation as part of tree management activity. There is no evidence of there being any specific easement requirements in terms of replacing trees that previously existed on the land.
56. The appellant maintains that the building that is required to be removed has a '*valid use for agricultural purposes*'. The appellant's evidence is not sufficiently precise and unambiguous in terms of demonstrating that the building shaded black on the plan attached to the notice was built and then used primarily for an agricultural purpose. This is essentially a ground (c) appeal claim, but even if it had been built and used for an agricultural purpose, there is no evidence that prior approval was first sought in accordance with Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In this regard, such development would not benefit from being permitted development and even if a case could have been made at the time that such a building was '*reasonably necessary*' for the purpose of agriculture within the agricultural unit. On my site visit, I did notice that the building was being used to store agricultural machinery and hay bales on the back of a trailer. However, it is necessary that I consider the evidence that is before me from the point of view of what was occurring on the land when the notice was issued.
57. The onus is on the appellant to make a case on the legal grounds of appeal. There is an absence of precise and unambiguous evidence from the appellant in terms of the assertion that the building was used for an agricultural purpose, or indeed that it has a '*valid use for agricultural purposes*'. The appellant has not lodged an appeal on ground (b) of section 174(2) of the Act. Hence, there is no dispute between the main parties that when the notice was issued, the identified building was being used for storage purposes and to facilitate the unauthorised mixed-use material change of use of the land falling within a single planning unit. For these

reasons, I find that it is not an excessive requirement to require the removal of the identified building.

58. The evidence is that the building and hardstanding were formed/constructed to facilitate the material change of use of the land for storage uses requiring planning permission. They are not in themselves causative of the material change of use of the land. They are ancillary or incidental to the unauthorised material change of use of the land. In this regard, and having regard to case law², it is not excessive to require the removal of the facilitating operational development as part of this material change of use notice.
59. For the above reasons, I conclude that the ground (f) appeal fails.

Ground (g) appeal

60. The appeal on ground (g) is 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.
61. The claim made by the appellant is that in terms of the removal of the stored caravans and motorhomes, a period of six to twelve months as distinct from three months would be reasonable as customers *'will have paid rental up to one year in advance to the company operating the use'*.
62. The appellant has not provided any objective information relating to payments made by customers. Moreover, and, in any event, it is necessary that I balance the harm caused in respect of my conclusion reached on the ground (a) appeal and the deemed planning application with the convenience associated with customers being able to leave the motorhomes and caravans on the land for longer. In this case, I find that a period of three months strikes a reasonable and proportionate balance between bringing the harmful development to an end in the public interest, and affording a reasonable amount of time for the outside caravans and motorhomes to be moved to a site elsewhere. As part of this process, and, if necessary, the company could offer refunds to customers.
63. For the above reasons, I conclude that the ground (g) appeal fails.

Overall Conclusion

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

D Hartley

INSPECTOR

² Caldwell v SSLUHC (2023) EWHC 2053 (Admin)