
Appeal Decision

Inquiry held on 29, 30 & 31 July & 1, 5 August, 9 October 2025 and 6 January 2026

Site visit made on 29 July 2025

by D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2026

Appeal Ref: APP/L3815/C/24/3346062

Land at Oxoncroft, Ifold Bridge Lane, Ifold, West Sussex RH14 0UJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act).
- The appeal is made by Mr David Stephens of Premier Tree Care & Conservation Ltd against an enforcement notice (EN) issued by Chichester District Council.
- The EN was issued on 1 May 2024.
- The breach of planning control as alleged in the EN is: without planning permission the material change of use of the Land to a mixed use comprising the stationing of a mobile home for the purposes of human habitation, agriculture and the operation of a forestry contractors business.
- The requirements of the EN are:
 - (i) Cease using the Land for the stationing of a mobile home for the purposes of human habitation;
 - (ii) Remove the said mobile home from the Land;
 - (iii) Cease using the Land for the operation of a forestry contractors business;
 - (iv) Remove the 4no. Storage containers (shown in their approximate position on the attached Inset Plan) from the Land;
 - (v) Remove the 1no. Portacabin, used as biosecurity drying room (shown in the approximate position on the attached Inset Plan), and break up and remove the resultant debris from the Land;
 - (vi) Dismantle the building used as a laundry room (shown in the approximate position on the attached Inset Plan) and remove the resultant debris from the Land;
 - (vii) Dismantle the timber building used as a staff room/kitchen/toilet and shower room (shown in the approximate position on the attached Inset Plan) and remove the resultant debris from the Land;
 - (viii) Dismantle the brick and timber outbuilding (shown in the approximate position on the attached Inset Plan) and remove the resultant debris from the Land;
 - (ix) Dismantle the Dog Kennel used as a laundry room (shown in the approximate position on the attached Inset Plan) and remove the resultant debris from the Land;
 - (x) Break up the concrete bases, hardstanding, brick path, edging stones, patio, artificial lawn and paving (shown in the approximate positions in orange on the attached Inset Plan) and remove the resultant debris from the Land;
 - (xi) Break up the earth banks (shown in the approximate position on the attached Inset Plan) and remove the resultant debris from the Land;
 - (xii) Demolish the brick pillars (shown in the approximate position on the attached Inset Plan) and remove the resultant debris and timber gates from the Land; and
 - (xiii) Following compliance with steps (ii)-(xi) above, level the land with top soil and reseed with grass.
- The period for compliance with the requirements is: 12 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) and (g) of the 1990 Act. 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 1990 Act.

Decision

1. It is directed that the EN is corrected by:

- The deletion of the word ‘*Oxencroft*’ and its substitution with ‘*Oxoncroft*’ within section 2 of the EN; and
 - The addition of the words ‘*with associated portacabin (drying room), 4 storage containers, and laundry room and the construction of a timber building (staff facilities), brick and timber outbuilding, dog kennel, earth banks and brick pillars and timber gates to facilitate that change of use*’ at the end of the description of the alleged breach of planning control; and
 - The deletion of all the words of requirements (i) and (iii) and their substitution with ‘*Cease the unauthorised mixed use of the Land*’; and
 - The deletion of the word ‘*said*’ from requirement (ii); and
 - The deletion of requirement (x); and
 - The deletion of the words ‘*and break up and remove the resultant debris from the Land*’ from within requirement (v); and
 - The deletion of the words ‘*and remove the resultant debris from the Land*’ from within requirements (vi), (vii), (viii), (ix) and (xi); and
 - The deletion of the words ‘*resultant debris and*’ from within requirement (xii); and
 - The deletion of the words ‘*(ii) – (xi) above, level the land with top soil and reseed with grass*’ and their substitution with ‘*(i) – (x) above, remove the resultant debris from the Land and restore the Land to its condition before the development took place*’ within requirement (xiii); and
 - The renumbering of all remaining requirements (iv) through (xiii) to (iii) to (xi); and
 - The substitution of the Inset Plan annexed to this decision for the ‘*Oxencroft Notice Inset Plan*’ attached to the EN.
2. Subject to the corrections, the appeal is allowed insofar as it relates to the material change of use to a mixed use comprising the stationing of a mobile home for the purposes of human habitation, agriculture and the operation of a forestry contractors business with associated portacabin (drying room), 4 storage containers, and laundry room and the construction of a timber building (staff facilities), brick and timber outbuilding, dog kennel and earth banks to facilitate that change of use and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act for that development at Land at Oxoncroft, Ifold Bridge Lane, Ifold, West Sussex RH14 0UJ and subject to the conditions in the attached schedule.
3. The appeal is dismissed and the EN is upheld as corrected insofar as it relates to the brick pillars and timber gates in the approximate position shown on the Notice Plan attached to the EN.

Preliminary Matters

4. The Inquiry commenced on 29 July 2025 and was initially programmed to sit for 4 days with 2 reserve days. However, only one of the initial reserve days was utilised but additional sitting days were required to hear all the evidence, and these were held virtually on 5 August and 9 October 2025 and 6 January 2026. I undertook an unaccompanied site visit on 28 July and an accompanied site visit on 29 July 2025. All oral evidence at the Inquiry was given under affirmation.
5. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. Both main parties have had the chance to comment on the revised Framework. I have taken into account in my reasoning the revised Framework.
6. A signed and completed Statement of Common Ground (the SOCG) was submitted during the Inquiry on 5 August 2025. Within that document it was agreed that *“as of 1st April 2024 the Council have a deliverable 5-year Housing Land Supply equivalent to 2.01 years of housing supply”*. On the 19 August 2025 the Council adopted the Chichester Local Plan 2021-2039 (LP), and both parties have had the chance to comment on the relevant policies within the LP. Moreover, they have both had the opportunity to comment on the implications of the adoption of the LP regarding Housing Land Supply. I have considered the adoption of the LP, the policies within it and the responses made in relation to these matters.
7. An addendum to the SOCG was signed and completed by both parties on 5 January 2026 with regards to water neutrality and Natural England’s Withdrawal Statement (WS) dated 31 October 2025. The WS is in respect of development within the Sussex North Water Supply Zone (SNWSZ). There is now no dispute that water neutrality and the effect of the development on the Arun Valley SPA, SAC and RAMSAR is no longer in dispute between the parties.

Background and planning history

8. In 2016 planning permission¹ (the 2016 permission) was granted for the *“construction of agricultural barn for the storage of hay and farming equipment”* on the appeal site. A building has been constructed that appears to be located in a similar place to where the agricultural barn was proposed. That building is not attacked by the EN.
9. In March 2020, a Council Officer, Mrs Payne, visited the appeal site in response to a complaint about a forestry contractor’s operating place at the site. That complaint was closed as no breach of planning control was witnessed. In June 2020 a planning application² (the 2020 application) for *“proposed change of use of land and buildings from agricultural storage to B8 use with an ancillary charcoal making facility, associated with the operation of a forestry and tree surgery business, the temporary siting of a mobile home for a period of 3 years, siting of septic tank, installation of replacement gates and retention of landscaping/earth bund”* was submitted. That application was withdrawn following advice from the case officer that the application would not be supported.
10. In July 2020 a prior notification application was submitted under Class R of the Town and Country Planning (General Permitted Development) (England) Order

¹ Ref: PS/16/02283/FUL

² Ref: 20/01225/FUL

2015 (the GPDO) in respect of the proposed change of use of the pole barn to Class B8 (Class B8) of the Town and Country Planning (Use Classes) Order 1987 (UCO).

11. In January 2021 a planning application³ was submitted for the brick pillars and timber gates that have been erected at the entrance to the appeal site. That application was subsequently refused and that refusal was appealed. The corresponding appeal⁴ was dismissed in 2022 (gate appeal).
12. A prior notification application⁵ for “*change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration*” for the brick barn was submitted in March 2021 and subsequently withdrawn. A further prior notification application⁶, under Class Q of the GPDO (the Class Q application), was submitted in June 2021 for that change of use and the Council determined that planning permission would be required. The subsequent appeal⁷ was dismissed in 2024 (the barn appeal).
13. There is dispute between the main parties as to whether the lawful use of the appeal site is agricultural or a mixed use of agricultural and agricultural/forestry contractor’s business. There is no dispute that the Inspector within the barn appeal stated that *‘the evidence points towards the appeal site having been used as an agricultural contractor’s yard on 20 March 2013.’*⁸ They go on to state⁹ that *‘it seems unlikely the appeal building was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. Furthermore, there is ambiguity as to how the building has been used since that time.’*
14. Mr and Mrs Atkinson purchased two parcels of land that now form Oxoncroft in 1982 and 1986 respectively and it was owned by them until the appellant bought it in November 2019. In a statutory declaration¹⁰ submitted in support of the Class Q application Mrs Atkinson states that *‘Throughout my ownership of the Property it has been used for agricultural and agricultural storage purposes and since around 2013 it has been used by Mark Gibbons who is an agricultural contractor as an agricultural contractors yard for all aspects of his agricultural contracting business including the storage of the materials and equipment and the parking of the vehicles used in connection with that business.’* There is no dispute that parts of the appeal have been used for hay making and that use constitutes an agricultural use.
15. A statutory declaration from Mr Gibbons was also submitted in support of that application which stated, *“during my tenancy/occupancy at the property between 1st January 2010 and 28th November 2019 I used the brick barn solely for the running of my agricultural business”*. That statutory declaration has been made solely in relation to the use of the brick barn and not the appeal site. Moreover, it does not describe what constituted ‘my agricultural business’. However, the supporting planning, design and access statement¹¹ submitted in respect of the 2016 permission states that a *‘large amount of valuable farm equipment is kept on site*

³ Ref: 21/00077/FUL

⁴ Ref: APP/L3815/W/21/3283094

⁵ Ref: 21/00691/PA3Q

⁶ Ref: 21/01697/PA3Q

⁷ Ref: APP/L3815/W/22/3295357

⁸ Paragraph 12

⁹ Paragraph 18

¹⁰ Dated 25 November 2019

¹¹ Council Statement of Case Appendices

*and needs to be kept out of the elements and secure. The existing small farm buildings are used as a workshop for the farm equipment*¹². Moreover, within that document there are photographs of numerous pieces of machinery and vehicles and other items that are clearly parked/stored within the appeal site.

16. Another statutory declaration submitted in support of the Class Q application from Edward Ansell states that *'I own, and have run my business E.A. Ansell from, Surrex which is located opposite the property, a little further along Ifold Bridge Lane, since 2008. In the course of my work, I have engaged Mark Gibbons agricultural contractors from his, then, yard which was at the property. We worked together for many years during his tenancy at the property, from 2008 to 2019 and I confirm that the brick barn was used solely for the running of his agricultural business in 2013.'*
17. Within these statutory declarations there is some ambiguity relating to when the agricultural contractor's business began operating from the site in that Mrs Atkinson cites 'since around 2013' and Edward Ansell 'from 2008'. Nonetheless, Mr Gibbons gives a specific date 1 January 2010. As he was the person operating the business he was best placed to indicate when he started operating it.
18. Edward Ansell has also submitted a written statement in respect of this appeal. Even though that statement is not a statutory declaration it provides additional details regarding the operation of Mr Gibbon's business. It states *'Mark's work involves providing a range of services to local farmers and landowners, such as machinery repairs, fieldwork, and seasonal support. There was always regular activity, with tractors, agricultural vehicles, and equipment coming and going, and work taking place around the barns and yard. Mark used the agricultural workshop barn for storing and maintaining the equipment and machinery needed for his business Mark would spend time out on local farms and land, doing seasonal or specialist work, using Oxoncroft as his base and to store and maintain the machinery, tools, and equipment needed for those jobs.'*
19. In my judgement, based on the evidence before me it is more likely than not that from 1 January 2010 until the 28 November 2019 the appeal site was in a mixed use of agriculture and agricultural contractor's business without significant interruption. That business appears to have constituted a primary use of the storage of vehicles, machinery and equipment used for agricultural contracting purposes with incidental vehicle/equipment repairs. However, that mixed use was only occurring for 9 years 10 months and 28 days and therefore the 10-year time limit within section 171B of the 1990 Act would not be met.
20. Yet, when the appellant purchased the site in November 2019 if there was no material change of use and no significant interruption in the operation of that use the 10-year period could be achieved. As stated below there is no dispute that when the caravan/mobile home was stationed on the site for human habitation a new mixed use began that constituted a material change of use. Nonetheless, that new mixed use did not begin until, at the earliest, November 2020.
21. The appellant's oral evidence at the Inquiry was that he began work at the site within a week of purchasing it. Some of the company's machinery and equipment was bought onto the site and at that time it was stored there and used offsite for contracting at sites including Hinckley Point Power Station. On the 18 February

¹² Page 4

2020 a complaint was received by the Council relating to the use of the site as a forestry contractor's operating place. As stated above, Mrs Payne visited the site in March 2020 and didn't witness any breach of planning control and closed the complaint. The photographs that Mrs Payne took at that visit indicate that at least one piece of machinery, a diesel tank and 'Ro-Ro' skips were on the site at that time.

22. Due to the nature of the contracting business that the appellant runs it is plausible that other machinery was not at the site on that day due to the appellant using it off-site in the course of his business. Moreover, the complaint received by the Council related to the operation of a forestry contractor's place. Therefore, on the balance of probability, it is more likely than not that the appellant began storing machines, vehicles and equipment, associated with his forestry contracting business, on the appeal site within a short period of time after he purchased the site. The storage of those items and their use off-site as part of a contracting business was therefore the same character of use as that of the agricultural contracting business. The biosecurity measures and the use of the drying and laundry rooms as outlined in the evidence before me appear to have commenced at a similar time to the residential use. There is no evidence to indicate that the agricultural use of part of the site was not occurring at that time.
23. In my judgement, at the time between the appellant purchasing the site and prior to the stationing of a caravan/mobile home for human habitation there was no material change of use of the appeal site and any interruption to the continuation of that use was not significant. As such the lawful use of the appeal site is a mixed use of agriculture and agricultural/forestry contractor's business as outlined above. This is because on the balance of probabilities it is more likely than not that the time for enforcement action had expired as a 10-year period beginning on 1 January 2010 can be demonstrated.

The Notice

24. On an appeal any defect, error, or misdescription in an EN may be corrected using the powers available in section 176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority.
25. The appellant highlighted that the allegation cites "*the stationing of a mobile home for the purposes of human habitation*". An appeal decision¹³ has also been submitted where the Inspector stated that "*I also find the reference to 'human habitation' unusual and not particularly clear*". In that case the Inspector corrected the allegation to refer to "*the stationing of two mobile homes for the purposes of a residential use*". The appellant considers that the term human habitation is not precise and could include use as a day room or for holiday use. There is no dispute that the mobile home has been and is used residentially by the appellant and his family.
26. The term human habitation is contained within the definition of a caravan that is at section 29 of the Caravan Sites and Control of Development Act 1960. There is no definition for the term human habitation within that legislation. However, in my judgement the dictionary definition¹⁴ of habitation of "*the fact of living somewhere or*

¹³ Ref: APP/L3815/C/23/3334645

¹⁴ Oxford English Dictionary

a house or home” ensures that the allegation is precise. Whilst the term is unusual I have to disagree with the Inspector, cited above, regarding its clarity. Moreover, from the proofs of evidence submitted it is clear that both parties understood that the allegation related to a residential use of the mobile home. Therefore, I consider in this respect the allegation does not need to be corrected.

27. The appellant also highlighted that there is a typographical error in the address of the land to which the EN relates. I therefore intend to delete the word ‘*Oxencroft*’ and replace it with ‘*Oxoncroft*’ within section 2 of the EN. I have used the corrected wording within the banner heading above.
28. The allegation and the requirements should correlate with each other. Moreover, to ensure clarity as to what constitutes the development under consideration in the ground (a) appeal I intend to add the wording ‘*with associated portacabin (drying room), 4 storage containers, and laundry room and the construction of a timber building (staff facilities), brick and timber outbuilding, dog kennel, earth banks and brick pillars and timber gates to facilitate that change of use*’ at the end of the description of the alleged breach of planning control. The appellant has stated that he does not seek planning permission for the existing gates and pillars as the gate appeal was dismissed. Yet he has submitted 2 alternative schemes relating to them and I will consider if those schemes can be treated as falling under section 177(1)(a) in the ground (a) appeal below. There is no dispute that this correction can be made with no injustice to either main party.
29. To ensure that the allegation and requirements correlate with each other I intend to delete the wording of requirements (i) and (iii) and substitute them with ‘*Cease the unauthorised mixed use of the Land*’. I also intend to delete the word ‘*said*’ from requirement (ii). Moreover, that would ensure that the requirements would not be excessive in relation to section 57(4) of the 1990 Act.
30. There is repetition within the requirements regarding removing debris from the land and restoring the land to its previous condition. It was agreed at the Inquiry that requirement (x) is not required as returning the land to its previous condition would remove the cited landscaping features. As such I intend to delete requirement (x). I also intend to delete the wording ‘*and break up and remove the resultant debris from the Land*’ from within requirement (v), the wording ‘*and remove the resultant debris from the Land*’ from within requirements (vi), (vii), (viii), (ix) and (xi) and the wording ‘*resultant debris and*’ from within requirement (xii).
31. To ensure that the requirements only return the land to its previous condition I intend to delete, within requirement (xiii) the wording ‘*(ii) – (xi) above, level the land with top soil and reseed with grass*’ and substitute it with ‘*(i) – (x) above, remove the resultant debris from the Land and restore the Land to its condition before the development took place*’. I also intend to renumber all remaining requirements (iv) through (xiii) to (iii) to (xi).
32. The above corrections relate to minor issues and as such no injustice would be caused to either main party.

The ground (b) appeal

33. To succeed on this ground, the onus is upon the appellant to show on the balance of probabilities that the allegation has not occurred as a matter of fact. The appeal site contains several buildings, a mobile home, a touring caravan, a number of

containers and areas of grassed undeveloped land. There is no dispute that the land owned and occupied by the appellant, which forms the appeal site, is the area to be considered as the planning unit for the purposes of this appeal. There is also no dispute that at the time the EN was issued that the planning unit was in a mixed use of agriculture, forestry contractor's business and residential.

34. The allegation does not set out what the pre-existing use of the land was prior to the breach of planning control, and it makes no reference to the stationing of a touring caravan or to storage within the pole barn. However, when alleging a material change of use it is not essential for that allegation to recite the pre-existing use. Moreover, as stated above there is no dispute that the elements of the mixed use have occurred as a matter of fact.
35. At the Inquiry, I heard that the touring caravan was in use as office accommodation for the forestry contractor's business prior to the EN being issued. As the stationing of a caravan is normally taken to constitute a use of land, it is more likely than not that in this case that the office use is incidental to the alleged mixed use of the land. Moreover, in my judgement any storage use within the pole barn appears to have been incidental to the primary uses that form the mixed use. Therefore, references within the allegation to the stationing of a touring caravan or storage in the pole barn is not required.
36. As such, the appeal on ground (b) fails.

The ground (c) appeal

37. In an appeal on this ground the onus is on the appellant to show on the balance of probability that the matters alleged, to have occurred, in the EN do not constitute a breach of planning control.
38. The appellant's argument is that a forestry contractor's business has the same character of use as an agricultural contractor and that they both fall within Class B8. Moreover, he also states that if the ground (d) appeal is successful regarding the residential use then replacing the caravan on the appeal site would not require planning permission.
39. Within the ground (d) appeal I have found that as a matter of fact and degree it has not been demonstrated that the mobile home, that was stationed on the appeal site when the appellant purchased the site, was used for the purposes of human habitation. Therefore, even if, I agreed with the appellant that a forestry contractor's business and an agricultural contractor both fall within Class B8 the introduction of a residential use as part of the alleged mixed use means that that mixed use has a materially different character to the pre-existing use of the site. Furthermore, there is no dispute that if the ground (d) fails, with regard to the residential use, the mixed use as alleged amounts to a material change of use of the appeal site.
40. Planning permission has not been granted and therefore I conclude, based on the evidence before me, that on the balance of probability the material change of use as alleged in the EN constitutes a breach of planning control.
41. Considering all of the above the ground (c) appeal fails.

The ground (d) appeal

42. The appeal on ground (d) is made on the basis that, at the time the EN was issued, it was too late to take enforcement action against the matters stated in the notice. The time limits within which enforcement action must be taken in respect of breaches of planning control are set out in the 1990 Act. In this case, the relevant time period is set out in section 171B(3) of that Act and the burden of proof lies with the appellant.
43. I acknowledge that an EN was issued on 27 April 2022 and later withdrawn. The allegation within that EN was *‘without planning permission, the material change of use of the land and buildings to a mixed use comprising the stationing of a mobile home/caravan(s) for purpose of human habitation, B8 (Storage), forestry and agriculture’*. The Council may have intended to direct the first EN at the mixed use that was/is operating from the appeal site, but it fell materially short of doing so. Additionally, the EN before me relates to more extensive operational development. As such, in my judgement that EN was not issued in respect of the same breach as the previous withdrawn EN.
44. The current EN was issued on 1 May 2024, so in order to succeed on this ground the appellant needs to show, on the balance of probability, that the material change of use alleged in the notice (as corrected) began before 1 May 2014 and continued for at least 10 years thereafter without any significant interruption. The appellant has also stated that he considers that a caravan was stationed on the site for residential purposes prior to the end of 1963. However, there is little substantiated evidence to support that. A document from 1939 indicates that three people were living at Oxoncroft at that time and a death certificate from 1973 indicates a gentleman died at a caravan at Oxoncroft. Yet, there is no indication where that caravan was stationed or when it was moved onto the site.
45. Moreover, Mrs Stephen’s oral evidence at the Inquiry relating to her conversations with neighbouring occupiers is not specifically supported by the statements and statutory declarations of Mr Trevor Ansell and Mr David Haines. That hearsay evidence, therefore, even though it was given under affirmation, has little weight in support of this ground of appeal. Additionally, those neighbouring occupiers did not attend the Inquiry. Mr Haines has lived at a neighbouring property since 1952 and would more likely than not have firsthand knowledge of when any caravan/mobile home was moved onto the site and whether it was used for residential purposes. Yet there is no reference to a caravan or mobile home in his supporting evidence. As such, the evidence before me is insufficiently precise to demonstrate that a caravan was stationed on the site for residential purposes prior to the end of 1963.
46. In Mrs Atkinson’s statutory declaration, submitted in support of the Class Q application, she states that *“the Mobile Home has to my certain knowledge been in place upon the Property for more than thirty years and it has been used throughout that time for making tea and coffee and as a sitting/rest area and for file storage in connection with the uses of the Property which have been carried on at the Property during the time the Mobile Home has been sited there. Throughout my ownership of the Property it has been used for agricultural and agricultural purposes”*. A previous owner of the site has therefore provided evidence in relation to how the mobile home was used during the time she owned it and there is no reference to anyone living in it.

47. As stated previously Mr Gibbons's statutory declaration stated *"during my tenancy/occupancy at the property between 1st January 2010 and 28th November 2019 I used the brick barn solely for the running of my agricultural business"*. There is no mention of what use the mobile home had been put to in that statutory declaration. Yet that is not surprising as it was submitted in respect of the Class Q application.
48. Mr and Mrs Stephens have both stated that when they were in the process of purchasing the appeal site that they visited the site at around 07:00 and Mr Gibbons came out of the mobile home quite sleepy and dishevelled. They believed he had slept in the mobile home because of that. Photographs from the sales brochure and taken by Mrs Stephens in November 2019 show decking adjacent to the mobile home and items of furniture, a table and chairs, within the mobile home. The mobile home also had utilities connected to it and it was linked to a cesspit. Nonetheless, there was no toilet or bath/shower within it, with the only toilet on the site being within the brick barn at that time.
49. Overall, in my judgement, and as a matter of fact and degree it has not been demonstrated that the mobile home that was stationed on the appeal site had been used for the purposes of human habitation/residential purposes prior to the appellant purchasing that site. It is more likely than not and on the balance of probabilities that the mobile home had been in use incidental to the agricultural and agricultural storage use as described by Mrs Atkinson. Even if the mobile home had been used for occasional overnight stays the evidence is not sufficiently precise to show that a residential use of that mobile home began before 1 May 2014 and continued for at least 10 years thereafter without any significant interruption.
50. Therefore, the stationing of a caravan/mobile home for human habitation by the appellant as part of the alleged mixed use amounted to a material change of use of the appeal site. Based on the evidence before me and on the balance of probability the evidence is not sufficiently precise and unambiguous to show that the material change of use alleged in the notice (as corrected) began before 1 May 2014 and continued for at least 10 years thereafter without any significant interruption. As such, the ground (d) appeal fails.

The ground (a) appeal and deemed planning application

51. Taking into account the description of the alleged breach of planning control as corrected the deemed planning application relates to the material change of use to a mixed use comprising the stationing of a mobile home for the purposes of human habitation, agriculture and the operation of a forestry contractors business with associated portacabin (drying room), 4 storage containers, and laundry room and the construction of a timber building (staff facilities), brick and timber outbuilding, dog kennel, earth banks and brick pillars and timber gates to facilitate that change of use. However, as stated above, the appellant has stated that he does not wish to apply for planning permission for the brick pillars and timber gates as they currently exist and has submitted 2 alternative schemes¹⁵.
52. Section 177(1)(a) of the 1990 Act states that the Secretary of State may *'grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any*

¹⁵ Appendices 7 and 8 of Mr Woods Statement of Case.

part of those matters or in relation to the whole or any part of the land to which the notice relates’. To build the alternative shown in Appendix 7, the brick pillars already at the site would need to be demolished and rebuilt in the proposed location 15 metres into the site and the gates rehung on those pillars. As the brick pillars would be demolished and rebuilt in a totally different location within the site, in my judgement, it would be an entirely new development. Furthermore, part of that alternative scheme is the erection of a 2m close boarded fence. As no fence is cited within the allegation that alternative cannot be construed as part of the matters stated in the EN as constituting a breach of planning control.

53. The alternative scheme shown in Appendix 8 involves reducing the width of the brick pillars by 0.93m and their height by 4 courses. The height of the gates is shown to be reduced by 0.74m and the gates topped by anti-climb spikes. It is not clear whether the brick pillars would be demolished and rebuilt and/or the existing gates would be altered to reduce their height. In any case, that alternative also involves the erection of post and rail fencing with stockproof mesh. For the reasons given above this alternative also cannot be construed as part of the matters stated in the EN as constituting a breach of planning control.
54. Therefore, I am unable to consider either of the amended schemes through this appeal. Yet I can remove the brick pillars and timber gates from my consideration of the deemed planning application as that would be part of the matters that constitute the breach of planning control. Even if planning permission is granted for the remainder of the development, the EN (as corrected) and its requirements would still be in place in respect of the brick pillars and timber gates. I have dealt with the deemed planning application on this basis.

Main Issues

55. The main issues are:
 - Whether the appeal site is a suitable location for the development having regard to relevant development plan policies and the National Planning Policy Framework;
 - Whether any material considerations, including personal circumstances, outweigh any identified harm.

Reasons

Suitable Location

56. LP Policies S1 and S2 relate to the spatial strategy. Those policies state, amongst other things, that Plaistow/Ifold is a service village. LP Policy S1 also states that to help achieve sustainable growth the Council will ensure that new residential and employment development is distributed in line with the settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements.
57. There is no dispute that the appeal site is not within the settlement boundary for Plaistow/Ifold. LP Policy S2 states that *‘development in the rest of the Plan area outside the settlements listed above is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with Policy NE11’*.
58. LP Policy NE11 states, amongst other things, that *‘outside settlement boundaries as defined on the policies map, planning permission will be granted for sustainable*

development in the countryside where it can be demonstrated that all the following criteria have been met:

- a) The sustainability of the site is enhanced by improving or creating any opportunities to access the site by walking, cycling and public transport;*
- b) The scale, form, bulk, siting, design and materials proposed are appropriate to their countryside location and will not cause unacceptable harm to their rural setting;*
- c) Proposals conserve and enhance the key features and qualities of the rural and landscape character of the countryside setting including biodiversity whilst avoiding any adverse impact upon Nature Recovery Networks;*
- d) The proposal is well related to an existing farmstead or group of buildings or located close to an established settlement;*
- e) The proposal is complementary to or compatible with its countryside location and does not prejudice any viable agricultural operations or other existing viable uses.....*

Development/conversions that would create new isolated homes in the countryside will be avoided unless there are special circumstances as outlined in Government policy.'

59. LP Policy NE2 states, amongst other things that *'the impact of all development proposals will be carefully assessed to ensure the protection, conservation and enhancement of the plan area's natural landscape.'* It goes on to state that planning permission will be granted where it can be demonstrated that all the indicated criteria have been addressed. LP Policy H9 relates to accommodation for agricultural, horticultural and other rural workers and LP Policies P1 and P2 relate to design principles and local character and distinctiveness respectively.
60. The forestry contractor's business part of the mixed use is not a use that requires a countryside location. This is demonstrated by the fact that this business also utilises a site in Laleham, Staines which does not appear to be a countryside location, according to the evidence before me. Moreover, there is little substantiated evidence to indicate that the development as a whole meets an essential local rural need. Therefore, to be compliant with LP Policy S2 the development has to be in accordance with LP Policy NE11 and the criteria within that policy.
61. The stationing of the mobile home for human habitation has created a new home in the countryside but in my judgement, taking into account caselaw, that home is not isolated for the purposes of paragraph 84 of the Framework or LP Policy NE11. This is because the appeal site is relatively close to nearby dwellings that form the dispersed rural community of Ifold. Furthermore, the built-up edge/settlement boundary of Ifold is less than a 10-minute walk from the appeal site. As such, the criteria associated with paragraph 84 do not need to be considered in this case. Moreover, I do not consider that LP Policy H9 is relevant for the above reasons.
62. To improve or create an opportunity to access the site by cycling, secure bike storage facilities could be provided on the site for the employees and/or family to use. The imposition of a planning condition would ensure that those facilities are installed. The staff facilities building is a timber structure with a profile metal sheet

roof, the laundry room is a small plastic composite shed and the drying room is a portacabin. All of those structures are relatively small in size when compared to the pre-existing buildings that are on the site. They are grouped around the pre-existing buildings and within the area that appears to have been used previously as part of the agricultural contractor's yard. Whilst the materials to the laundry room are not entirely appropriate in its countryside location it is a very small structure that is located between two buildings. Moreover, I observed that within the immediate surrounding area of the appeal site there are a number of rural enterprises/farms that have similar timber buildings, to the staff facilities building, within them. Overall, I consider that due to their size and location these structures do not cause unacceptable harm to their rural setting.

63. The mobile home's materials and size are typical to that of a caravan/mobile home. As such, those materials are not entirely appropriate in its countryside location. Yet there was a mobile home stationed on the appeal site for many years and caravans/mobile homes are regularly seen within the countryside. The brick and timber outbuilding's materials are appropriate to its countryside location. Both the current mobile home and the outbuilding are sited close to what was a boundary with a paddock/field. That boundary treatment has been removed, and residential paraphernalia was sited within the field at the time of my site visit. Nevertheless, both the mobile home and the outbuilding are single storey and they are not overtly large in respect of their footprints. In my judgement the scale, siting, design and materials of the mobile home and the outbuilding do not cause unacceptable harm to their rural setting.
64. The Landscape Capacity Study (LCS) states that the site lies within sub-area 157 Ifold Northern Low Weald of the West Sussex County Council Landscape Character Assessment and that the key characteristics and qualities of this area include: gently undulating pastoral landscape; ancient semi-natural woodland and old woodland pasture; small and medium sized fields of predominantly pasture with some larger arable fields and a Site of Nature Conservation Importance along the Wey & Arun canal towpath. It also states that the potential effects on key visual characteristics and key landscape characteristics include impact on rural views from public rights of way (PROW); impacts on the rural, sylvian landscape setting of Ifold and loss of pastoral fields, hedgerows with mature trees, woodland, copses and riparian vegetation.
65. The impact of the forestry contractor's business on the key characteristics and qualities of the surrounding area relate to the traffic generated by that use, the impact of the bio-security measures and the structures associated with that use. Nonetheless, given my findings above, relating to the lawful use of the site, if I dismissed the appeal and upheld the EN the appellant would be able to revert to a mixed use of agricultural and agricultural/forestry contractor's business.
66. I acknowledge that the Parish Council and Ifold Estates Ltd, the resident's association of the village, have stated that there have been large vehicle movements relating to forestry cranes, excavators, low loaders and timber processing machinery. Photographs of machinery being moved near to Ifold have been submitted. However, there is little substantiated evidence to indicate where that machinery was travelling to or from. Moreover, there is no substantiated evidence to indicate the frequency of any large vehicle movements to and from the appeal site and/or that the frequency of vehicle movements is materially different to that of the agricultural contractors that operated previously on this site. As such,

the impact of the traffic generated by the forestry contracting business as it operates as part of the alleged mixed use appears to be no greater than that of the lawful use on the key characteristics and qualities of the surrounding area.

67. The vehicles/equipment are washed down and disinfected as part of the bio-security measures associated with the business. I acknowledge that the agricultural contractor's business may have employed some bio-security measures yet there is little evidence before me to indicate that they were similar in scale and frequency to that employed by the appellant's business. Potentially there could be a risk that currently those bio-security measures do not conserve biodiversity. The deposits from the bio-security measures now utilised are collected on mats that the appellant describes as '*plant nappies*'. The wastewater is kept in 25 litre drums. It therefore appears that the chemicals and deposits from the bio-security measures are physically contained in the mats and drums. The disposal of those mats and drums as part of the biodiversity mitigation matters and the detail of the foul drainage system associated with the development as a whole could be required to be submitted and approved by the imposition of a planning condition if I was minded to allow the appeal.
68. The structures associated with the forestry contractor's business are all adjacent to the pre-existing buildings within an area that appears to have been utilised as the agricultural contractor's yard. As such, those structures have not extended into a field/paddock and they have not resulted in the loss of a copse/woodland or hedgerow. Views of those structures from the PROW appear to be limited to those from Ifold Bridge Lane as views from other parts of the PROW including the Wey & Arun canal towpath are screened by mature landscaping including trees, woodland and hedgerows. Given the relatively small scale of those structures, their distance from the PROW and that they are viewed in the context of the pre-existing buildings and the agricultural barn they have negligible impact on the key features and qualities of the surrounding area.
69. The residential use of the site is likely to have increased the vehicular traffic coming and going to the appeal site. This is due to the comings and goings related to school, shopping, visitors and other domestic trips. However, in my experience, the daily traffic trips generated by one dwelling would be limited in number and it is likely that that increase would not be discernible by the users of the PROW. Yet, the mobile home, the outbuilding, residential paraphernalia, garden and parking areas have extended the amount of built form and hard landscaping on the appeal site and they have introduced suburban features into a rural landscape. A hedgerow has been removed and residential paraphernalia is within a field/paddock. Moreover, storage containers which currently appear to be largely used for domestic storage are stationed on the appeal site
70. Nonetheless, the removal of residential paraphernalia that is currently located within the field/paddock and its relocation elsewhere i.e. in the garden/hard landscaped areas could form part of the site development scheme and imposed by a planning condition. Additionally, the hedgerow that formed the boundary to the field/paddock could be reinstated through the imposition of a planning condition. Furthermore, as stated above the mobile home and outbuilding are single storey and they are not overtly large in footprint and they are viewed in the context of the pre-existing buildings and the forestry contractor's business use of the site. With the paraphernalia removed from the field/paddock the residential use would not result in the loss of a pastoral field. This is because the area where it is located

does not appear to have been in agricultural use when the agricultural contractor's business was in operation. Moreover, the residential use also has negligible impact on rural views from the PROW given its location, distance from the PROW and intervening landscaping cited previously.

71. I acknowledge that the appellant states that there was an earth bank on the site when he purchased it. However, in my judgement, the aerial photographs are inconclusive on this matter, and the base of the earth bank is not visible on the photographs taken in March 2020 as daylight appears to be visible through the hedgerow. The earth bank has introduced an incongruous feature into the gently undulating landscape due to its steep sides and manmade form. Whilst I acknowledge that it may have been introduced to aid waterlogging and drainage issues on the site there is little evidence to indicate why it needs to be so tall and broad in those respects. I acknowledge that it would be possible to add landscape planting onto the earth bank. However, I do not consider that additional planting would mitigate the harm derived from its height and design. It may be possible to achieve the same or similar waterlogging and drainage solutions with a significantly smaller earth bank in respect of its height and design. Moreover, alterations to the earth bank to ensure that it was reduced significantly in height and design can be required through the imposition of a planning condition.
72. With regard to biodiversity the increase in hardstanding and hard landscaping on the site would have reduced the amount of woodland ground flora as cited within the Ecological Assessment¹⁶ that was submitted in support of the 2020 application. Moreover, the removal of the hedgerow cited above and some trees appear to have been removed from the area adjacent to the mobile home. Yet the imposition of a planning condition would ensure that the hedgerow to the field/paddock is replaced, and replacement trees and native ground flora would be planted within the site, including on and adjoining the remodelled earth bank. Furthermore, the Ecological Assessment indicated that there are opportunities for habitat enhancement to benefit insects, birds and bats. It also made recommendations in respect of removing the significant amounts of giant hogweed that are within the site. There is no evidence before me to indicate that the development has an adverse impact upon Nature Recovery Networks.
73. Overall, in my judgement, with the imposition of planning conditions the development would conserve and enhance the key features and qualities of the rural and landscape character of the countryside setting including biodiversity.
74. The development is grouped close to the pre-existing buildings and the agricultural barn; it is less than a 10-minute walk to the settlement edge of Ifold and as such I consider that it can be treated as being located close to an established settlement.
75. As stated previously even if I dismiss the appeal the appellant would be able to revert to a mixed use of agricultural and agricultural/forestry contractor's business. The residential use of the site enables the family to reduce its overall commuting to and from work. Moreover, the appellant has stated that the majority of his forestry contracting work is now in the surrounding area of the appeal site due to the award of forestry commission contracts and there is little substantiated evidence to dispute that. The residential use of the site appears to make the forestry contracting business more efficient and it enhances rather than prejudices its

¹⁶ Dated 5 May 2020

viability. Taking into account all of the above I consider that the residential occupation of the mobile home can be tied to the forestry contractor's business through a planning condition and with the imposition of the planning conditions cited above the development as a whole would be compatible with its countryside location.

76. Additionally, the evidence before me indicates that the business employs a few people including a local accountant, that it has provided trees at Christmas for the local school and that the family has integrated into and volunteers in the local community life. Therefore, in my judgement the development would support rural diversification in accordance with LP Policy NE11, and it would comply with LP Policies S2, NE2, P1 and P2. LP Policies P1 and P2 state, amongst other things, that all development shall achieve a high design quality and will be expected to enhance and reflect the positive characteristics and distinctiveness of the local area and contribute towards local identity.

Other Matters

77. As I have not identified any harm arising from the development there is no need to consider material considerations including personal circumstances.
78. The appeal site is within a 12km buffer zone around the Ebernoe Common and The Mens Special Areas of Conservation (SACs). These sites host internationally important populations of Barbastelle and Bechstein's bats within woodland habitats. Consequently, development affecting foraging and commuting bats could have a likely significant effect on qualifying features of these Habitats Sites. The Ecological Assessment did not find any evidence of bats roosting within the pre-existing buildings, but it did identify trees containing potential roost features within the woodland at the southern edge of the site.
79. A hedgerow and a few trees have been removed from the site but there is no evidence before me to indicate that any trees were removed from the southern woodland. Furthermore, there are significantly more substantial and inter-connected hedgerows and tree belts along the appeal site boundaries which also appear to have been unaffected. As such, it does not appear that the removal of these particular trees and/or the hedgerow would result in unacceptable severance of a foraging or commuting route.
80. Adopting the precautionary principle, on the basis of the evidence before me, there is nothing to indicate that the development has resulted in likely significant effects on the Ebernoe Common and The Mens SACs, either alone or in combination with other development. On that basis, an appropriate assessment is not required in relation to it.
81. Moreover, the imposition of a planning condition would control all external lighting on the site and biodiversity enhancement measures in this respect. For the above reasons, based on the evidence before me I conclude that the development would not have a harmful effect on biodiversity.
82. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.

83. The fact that the development has been carried out without permission is not a reason in itself to dismiss the appeal. The development should be judged against material planning considerations.

Conditions

84. At the Inquiry the wording of suggested conditions that could be imposed if I were minded to grant planning permission for the development was discussed and both main parties had the chance to comment on that wording. I have considered the conditions in the light of the advice within the Framework and the Planning Practice Guidance (PPG), and I have also taken the views of the parties into account.
85. The suggested condition in respect of a site development scheme is required to ensure that an internal site layout showing the residential curtilage associated with the mobile home and the area/s used for the storage of vehicles, machinery, equipment and other materials associated with the forestry contractors business is required in respect of the character and appearance of the area. Details of the foul water drainage, landscaping, external lighting, waste and recycling facilities, electric vehicle charging points, biodiversity mitigation and enhancement measures and cycle storage are required to ensure that the development does not have an adverse effect on drainage, biodiversity, the character and appearance of the area and to ensure it complies with LP Policies NE2 and NE11. The maintenance of the landscaping for 5 years relates to the replacement of trees, hedges or shrubs within that period. However, the condition also specifies that upon implementation of the approved Site Development Scheme specified in this condition, that scheme shall thereafter be retained. As a result, the maintenance of the landscaping for 5 years is acceptable.
86. The above condition is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the required details before the development takes place. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.
87. A condition restricting the provision of external lighting within the site is required in the interests of biodiversity. The suggested condition restricting the number of static caravans on the site is required in the interests of certainty, to safeguard the character and appearance of the area and preclude increased intensity of use. The withdrawal of permitted development rights in relation to means of enclosure within the residential curtilage approved through the site development scheme is necessary in the interests of the character and appearance of the area.
88. The suggested condition relating to the residential occupancy of the mobile home is required to ensure the development complies with LP Policies NE11 and S2. Suggested conditions 6 and 7 are required in the interests of certainty, to safeguard the character and appearance of the area and preclude increased intensity of use. Nonetheless, the references to the *'Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted*

Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order' within those conditions is not required as the mixed use that forms the development is a single sui generis use.

89. Condition 8 is not required as the site development scheme requires details of the area/s used for the storage of vehicles, machinery, equipment and other materials associated with the forestry contractor's business. Condition 9 restricting the planning permission to a time limit of 5 years is not required as I have found that the development would comply with the development plan. An additional suggested condition was submitted as part of the SOCG addendum. The water efficiency measures are required to comply with LP Policy NE18.

Conclusion – the ground (a) appeal

90. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the development would comply with LP Policies NE11, S2, NE2, P1 and P2 with the imposition of planning conditions. As such, I find the material change of use to a mixed use comprising the stationing of a mobile home for the purposes of human habitation, agriculture and the operation of a forestry contractors business with associated portacabin (drying room), 4 storage containers, and laundry room and the construction of a timber building (staff facilities), brick and timber outbuilding, dog kennel and earth banks to facilitate that change of use would comply with the development plan as a whole and there are no material considerations which indicate that the decision should be taken other than in accordance with the development plan. I conclude that the appeal on ground (a) and the application for deemed planning permission should succeed.

The ground (f) appeal

91. A ground (f) appeal is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The purposes of an EN are set out in sections 173(4) (a) and (b) of the 1990 Act. The EN (as corrected) does not specify which purpose it seeks to achieve. Yet, as the requirements relate to the cessation of the unauthorised mixed use and the removal of the mobile home and other items and the dismantling of buildings and the breaking up of hardstanding and earth banks it is clear that the purpose of the EN is to remedy the breach of planning control.
92. As the ground (a) appeal and deemed planning application has succeeded the ground (f) appeal relating to the material change of use to a mixed use comprising the stationing of a mobile home for the purposes of human habitation, agriculture and the operation of a forestry contractors business with associated portacabin (drying room), 4 storage containers, and laundry room and the construction of a timber building (staff facilities), brick and timber outbuilding, dog kennel and earth banks to facilitate that change of use does not fall to be determined. This is because section 180 of the 1990 Act states that where, after the service of a copy of an EN planning permission is granted for any development carried out before the grant of that permission, the EN shall cease to have effect so far as inconsistent with that permission.

93. Moreover, I have considered within the ground (a) appeal whether the alternative schemes submitted in relation to the brick pillars and timber gates can be construed as part of the matters stated in the EN as constituting a breach of planning control. The requirement relating to the brick pillars and timber gates does no more than required to meet the purpose of the EN. The requirements in this respect are therefore not excessive, and the ground (f) appeal fails.

The ground (g) appeal

94. A ground (g) appeal is that any period specified in the EN in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed. The appellant has indicated that 18 months is sought to comply with the requirements. However, given that the ground (a) appeal has succeeded the period specified would now only relate to the demolition of the brick pillars and timber gates. As such, the time limit attached to the requirements of the EN are reasonable. It follows that the appeal on ground (g) fails.

Conclusion

95. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission as it relates to the material change of use to a mixed use comprising the stationing of a mobile home for the purposes of human habitation, agriculture and the operation of a forestry contractors business with associated portacabin (drying room), 4 storage containers, and laundry room and the construction of a timber building (staff facilities), brick and timber outbuilding, dog kennel and earth banks to facilitate that change of use, but otherwise I will uphold the EN with corrections. The requirements of the EN will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act.

D Boffin

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Masters	Counsel instructed by WS Planning & Architecture
Brian Woods	WS Planning & Architecture
David Stephens	Appellant
Katherine Stephens	Appellant's wife

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Dale- Harris	Counsel instructed by Legal Services, Chichester District Council
Sue Payne	Planning Officer (Enforcement)

INTERESTED PARTIES:

Jon Pearce	Ifold Estates Ltd
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DOCUMENTS SUBMITTED DURING THE INQUIRY

Full extracts relating to Katherine Stephens Appendix 3

Photographs taken November 2019 and stills from a video dated 19 August 2021

Ecology Report submitted with the 2020 application

Consultee comments from Environmental Strategy Unit – the 2020 application

Arun Valley SAC

Arun Valley SPA

Arun Valley Ramsar

Ebernoe Common SAC

The Mens SAC

Bundle of documents relating to water neutrality including Natural England's Withdrawal Statement and a draft Section 106 Legal Agreement.

Statement of Common Ground

Addendum to Statement of Common Ground

Various appeal decisions and correspondence from the Planning Inspectorate Customer Team

Chichester Local Plan 2021-2039 Adopted August 2025

Report on the Examination of the Chichester Local Plan 2021-2039

SCHEDULE OF CONDITIONS

1. The mixed use of the site shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within **90 days** of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within **4 months** of the date of this decision a site development scheme shall be submitted for the written approval of the LPA which shall include
 - (a) an internal site layout showing the residential curtilage associated with the mobile home and the area/s used for the storage of vehicles, machinery, equipment and other materials associated with the forestry contractor's business;
 - (b) scaled plans showing the means of foul water disposal including all necessary on-site works;
 - (c) hard and soft landscaping of the site, including details of existing and proposed boundary treatments, species, numbers, and plant sizes as well as provisions for maintenance of the landscaping for 5 years. These details shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within five years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted;
 - (d) details of all existing and proposed external lighting on the boundary of and within the site;
 - (e) details of all waste and recycling facilities;
 - (f) details of two electrical vehicle charging points;
 - (g) details of biodiversity mitigation and enhancement measures;
 - (h) details of cycle storage;shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within **11 months** of the date of this decision the local planning authority refuse to approve the scheme 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 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 Site Development Scheme specified in this condition, that scheme shall thereafter be 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.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with the site development scheme approved within condition 1 above.
3. No more than 1 static caravan shall be stationed for residential use on the site at any time. The stationed caravan shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968.
4. Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no walls, fences or other means of enclosure (including bunding) shall be erected within or on the boundary of the residential curtilage of the mobile home, approved as part of the site development scheme within condition 1 above, unless details of their height, materials and location shall have previously been submitted to and approved in writing by the local planning authority.
5. The mobile home hereby permitted to be stationed on the site for the purposes of human habitation shall not be occupied otherwise than as a single residence and such occupation shall be limited to a person solely or mainly working or last working in the onsite forestry contractor's business or a widow or widower of such a person, and to any resident dependants.
 - i. "Last Working" covers the case both of a person who is temporarily unemployed or of a person who from old age, or illness, is no longer able to work. Nor need the words necessarily exclude a person who is engaged in other part-time or temporary employment, if that person could still be regarded as a worker employed in the onsite forestry contractor's business.
 - ii. "Dependants" means persons linking in family with the person defined and dependant on him (or her) in whole or in part for their subsistence and support.
6. The timber building (staff facilities) hereby permitted shall not be used for purposes other than for a use incidental to or ancillary to the forestry contractor's business carried out on the site.
7. The brick and timber outbuilding hereby permitted shall not be used for purposes other than for a use incidental to or ancillary to the residential use of the mobile home.
8. The mixed use hereby permitted shall cease within 3 months of the failure to provide to the Local Planning Authority within 28 days of the date of this decision details of the proposed on-site water-efficiency mitigation measures to be approved in writing by the Local Planning Authority. This shall include details and specification for the mobile home and domestic and commercial buildings on-site. The approved measures, including fixtures, fittings and appliances, shall be implemented within 28 days of the date of the written approval. The measures shall be designed to ensure the consumption of wholesome water by persons occupying the mobile must not exceed 110 litres per person per day, as

set out in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition, with 2016 and 2024 amendments). The measures for the commercial building(s) shall be designed to meet the minimum standards for BREEAM 'Excellent' within the Water category. These water efficiency measures shall be maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

Inset Plan

This is the plan referred to in this decision dated: 23rd March 2026

by D Boffin

Appeal Ref: APP/L3815/C/24/3346062

Land at Oxoncroft, Ifold Bridge Lane, Ifold, West Sussex RH14 0UJ

Scale: Not to Scale

