
Appeal Decision

Hearing held on 20 January 2026

Site visit made on 20 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 17th April 2026

Appeal Ref: APP/R3650/C/25/3374518

Highfield Heights Farm, Guildford Road, Runfold, Farnham GU10 1PN

- 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 Ms Rachel Whitehorn against an enforcement notice (EN) issued by Waverley Borough Council.
- The EN was issued on 2 September 2025.
- The breach of planning control as alleged in the notice is:
 - Without planning permission:
 1. The erection of two dwellinghouses.
 2. The erection of a stable building.
 3. An engineering operation comprising of the laying of hardstanding.The two dwellings are located in the approximate position 'A' and 'B' on the attached plan. The stable building is located in the approximate position marked 'C' on the attached plan. The hardstanding is located in the crosshatched area on the attached plan.
- The requirements of the notice are:
 - 1) Remove both dwelling houses from the Land located in the approximate position 'A' and 'B' on the attached plan.
 - 2) Remove the stable building from the Land located in the approximate position 'C' on the attached plan.
 - 3) Remove from the Land the hardstanding in the crosshatched area on the attached plan.
 - 4) Remove from the Land all materials resulting from the removal of the dwelling houses and stable building detailed in steps 1 and 2 above.
 - 5) Restore the Land to its condition before the breach took place.
- The period for compliance with the requirements is: Twelve Months
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (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.

Summary Decision: The appeal succeeds in part, on ground (g), and the EN is upheld.

Procedural Matters

1. The appellant confirmed at the Hearing that she was withdrawing her costs application and written confirmation of that has been received.

The Notice

2. 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.
3. The appellant has highlighted what they consider are failings within the EN. It is stated that the EN appears to relate to operational development and a material change of use and that as result the EN does not tell the recipient what they have

done wrong and what they need to do to remedy the breach of planning control. This is because the appellant considers that the Council were aware of additional buildings/structures and a scaffolding storage yard use prior to the EN being issued and yet they are not attacked by the EN.

4. However, in my judgement, the allegation in the EN is clear and precise in that it relates to operational development consisting of the erection of 2 dwellinghouses, a stable building and an engineering operation comprising the laying of hardstanding. I acknowledge that the Council's Report relating to the authorisation to issue an EN included the sentence "*the requirements time for the steps taken including 12 months to cease using the Land for residential purposes and remove the unauthorised operational development of the land have been carefully considered*". Nevertheless, the suggested steps to be taken to remedy the breach, within that report, replicate the requirements within the EN.
5. If read in a straightforward way, and not forensically, the alleged breach is expressed in a manner and form that is understandable. The requirements relate directly back to the operational development and engineering operation and there is a period for compliance. The EN tells a recipient clearly and precisely what they have done wrong and how to remedy the breach of planning control. Compliance with this test does not rule out the ability to challenge the EN through the grounds available in an appeal and make corrections where they have shown to be justified.
6. The Council stated at the Hearing that it was aware of other potential breaches of planning control within the appeal site that are not cited within the EN before me. Considering the *Fidler*¹ Court of Appeal judgment I agree with the Council that section 173(11) of the 1990 Act only applies to works mentioned in the EN as constituting the breach. Therefore, there is no risk that the other potential breaches would inadvertently be granted planning permission through that section of the 1990 Act. Consequently, it is unnecessary to correct the plan attached to the EN in respect of removing the parts of the site where the other potential breaches are located. Moreover, as the alleged breach does not relate to a material change of use and/or the stationing of a mobile home for the purposes of human habitation it is materially different to the appeal decision² relating to Prestwood Corner.
7. For the reasons given above, I conclude that the EN is valid.

The ground (b) appeal

8. In an appeal on this ground the onus is on the appellant to show on the balance of probability that the breach of planning control alleged in the EN has not occurred as a matter of fact. The appellant's appeal on this ground only relates to the allegation of the erection of a stable building. This is because they consider that the stable is mounted on skids and is therefore mobile and is not a building.
9. Section 336 of the 1990 Act defines a building as including "*any structure or erection*." However, caselaw, including the judgment in *Skerritts*³, indicates that, whilst no single factor is decisive, in determining whether something is a building, regard should be had to 3 primary factors, namely size, permanence and the degree of physical attachment. Moreover, that caselaw has held that the issue of permanence must be construed in terms of significance in the planning context.

¹ *Fidler v FSS & Reigate and Banstead BC* [2004] EWCA Civ 1295

² Ref No: APP/Z3825/C/24/3353722

³ *Skerritts of Nottingham Ltd v SSETR (no. 2)* [2000] 2 PLR 102

10. In this case, the Council has indicated that the stable measures approximately 15metres(m) in length, 3.5m in depth and 2.5m in height. Whilst the stable is single storey with a shallow pitched roof it is relatively large in size. It is not physically attached to the land and it is on metal skids that have towing eyes to enable it to be moved. Nonetheless, there is no evidence before me to indicate that the stable has been moved at any time since it has been on the appeal site. The appellant has stated that the stable is located at the top of the site where the land is flat and to avoid surface water run off issues.
11. Moreover, when viewed travelling along Guildford Road the stable draws the eye due to its location near the ridge of a hill. Due to that location, I find the size of the stable to be significant in the planning context. It has therefore acquired a high degree of permanence. As a matter of fact and degree, and having regard to the above factors, I am satisfied that the stable constitutes a building as defined in section 336 of the 1990 Act. As such, the ground (b) appeal fails.

The ground (a) appeal and deemed planning application

Main Issues

12. The main issues are:

- Whether the appeal site is a suitable location for the development, with regard to relevant development plan policies;
- The effect of the development on highway safety;
- The effect of the development on the character and appearance of the surrounding area;
- The effect of the development on biodiversity and the Thames Basin Heath Special Protection Area (the SPA);
- Whether the personal circumstances of the dwellings' occupier/s overcome/s any identified harm.

Reasons

Suitable location

13. Policy SP2 of the Waverley Borough Local Plan Part 1 (LPP1) states, amongst other things, that to maintain Waverley's character whilst ensuring that development needs are met in a sustainable manner, the Spatial Strategy to 2032 is defined by a number of criteria which include focusing development at the four main settlements allowing moderate development in larger villages and allowing limited levels of development in and around a number of villages.
14. LPP1 Policy ST1 states, amongst other things, that the Council will work in partnership ... to ensure that development schemes are located where opportunities for sustainable transport modes can be maximised, reflecting the amount of movement generated, the nature and location of the site and recognising that solutions and measures will vary from urban to rural locations.
15. Policy DM15 of the Waverley Borough Local Plan Part 2 (LPP2) states, amongst other things, that development should not be isolated from everyday services and facilities, while maximising opportunities for walking and cycling, and avoiding

dependency on private vehicles, taking account of the nature and functional needs of development acceptable in rural areas.

16. Paragraph 110 of the National Planning Policy Framework (the Framework) states that the planning system should actively manage patterns of growth in support of the objectives of promoting sustainable transport. It goes on to state that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
17. There is no dispute that the appeal site lies outside of a settlement boundary. Access to the appeal site is from an unmade narrow track off Guildford Road that serves 5 dwellings. The erection of the dwellinghouses has created new homes in the countryside but in my judgement, taking into account caselaw, those homes are not isolated for the purposes of paragraph 84 of the Framework. This is because the appeal site is relatively close to nearby dwellings that form the dispersed rural community of Runfold. As such, the criteria associated with paragraph 84 do not need to be considered in this case.
18. The appeal site is approximately 1.5km from the edges of Badshot Lea and Tongham where there are some facilities including a post office, convenience store, public house, primary school and takeaway. There are more facilities and services in the larger settlements of Farnham and Aldershot but these are around 3 to 4km from the appeal site. Moreover, the access track is narrow, winding and unlit and Guildford Road near to the appeal site does not have a pavement nor streetlighting and has a 40mph speed limit. The appellant stated that she and her daughter have walked to the nearest convenience store. However, as a route to the nearby settlements I consider it would have little appeal to pedestrians, and limited appeal to cyclists.
19. The evidence before me indicates that the nearest bus stops on Guildford Road are no longer in service and the nearest bus services are from Badshot Lea. The nearest train station is in Farnham. I therefore consider that the development need not be totally car dependant. However, due to the nature of the routes and the distances, over the course of a typical year it is likely that most journeys to services and facilities would be by private vehicles. I acknowledge that the imposition of a planning condition would ensure that electric charging facilities for bicycles and cars would be available on the site. Yet there is little to indicate that the transition to low or zero emission vehicles can be guaranteed in the short to medium term. Overall, I consider that with the imposition of the planning condition the development would result in modest harm given its reliance on private vehicles.
20. While it might not be regarded as isolated from a settlement in the terms of paragraph 84 of the Framework, it is somewhat isolated from many services and facilities as such the development conflicts with LPP2 Policy DM15 and LPP1 Policy ST1. In that LPP1 Policy SP2 seeks to deliver development in a sustainable manner and direct development to such locations I consider that the development also conflicts with that policy. It also conflicts with paragraph 110 of the Framework.

Highway safety

21. Guildford Road has a 40mph speed limit and during my site visit it appeared reasonably well used. HGVs and other large vehicles were frequent components of

the traffic. I have no reason to believe that this was atypical. I acknowledge that planning consent⁴ was gained for the conversion of a brick-built building into a dwelling and that dwelling is accessed off the private drive.

22. Nonetheless, the County Highway Authority (CHA) has stated that *“the development in this location will have resulted in intensification of vehicle movements along the shared private driveway, and its access junction with Guildford Road. The shared driveway is a narrow track with limited opportunities for vehicles in opposing directions to pass one another. Additional vehicle movements increase the likelihood of vehicles being required to reverse back onto the public highway (Guildford Road) to pass one another. In addition, there is a substandard level of visibility at the existing access junction with Guildford Road.”*
23. The planning history indicates that at some stage the previous building on the site was in a storage or distribution use. Yet that building was relatively small in size and therefore it is more likely than not that the vehicle movements associated with the development have intensified as cited by the CHA. I acknowledge that the private drive is only used by a few properties that may well not generate a significant amount of vehicle movements and that there is no evidence before me with regard to recorded accidents at or near to its junction with Guildford Road. However, the absence of recorded traffic collisions does not, in itself, demonstrate a safe and suitable access.
24. No technical evidence is before me with regard to the recommended visibility splays for the junction. I was informed at the Hearing by the appellant’s agent that he believed that the visibility splay should be an ‘x’ distance of 2m or 2.4m and a ‘y’ distance of 120m. Whilst there is no evidence to indicate what visibility splays can be achieved at the junction I noted that, due to the topography, the private drive slopes up towards the junction and hedges on either side of that junction restrict visibility. Guildford Road adjacent to the junction has a relatively straight alignment but I noted that the visibility in the westerly direction from the private drive is severely restricted. In my judgement, that severely restricted visibility means that a vehicle attempting to turn onto Guildford Road will have to partially pull into that road to enable a driver to view along it. Furthermore, due to the hedges along Guildford Road drivers of vehicles and cyclists approaching the site along that road have little awareness of the access drive until they are in very close proximity to it. With limited space to react and brake if encountering a vehicle pulling out, a risk of collision arises.
25. It may be possible to reduce the gradient of the private drive adjoining the junction. Nonetheless, it appears that works to the hedges, which may necessitate their partial removal would entail the use of land beyond the appellant’s ownership. Furthermore, the development has been constructed, and the buildings are in use. Therefore, given these factors I do not consider that a planning condition could be reasonably imposed regarding improving the available visibility at the junction.
26. Additionally, the private drive is restricted in width even at the junction. As such, it does not appear that 2 vehicles could pass each other safely if one vehicle was waiting on the private drive at the junction and another vehicle was attempting to access that drive from Guildford Road. As stated by the CHA this could lead to vehicles reversing onto Guildford Road or more likely, a vehicle waiting on

⁴ Ref No:22/P/01264

Guildford Road for the private drive to be accessible. Nevertheless, as there are only a few dwellings accessed off the private drive the instances of that occurring are likely to be infrequent.

27. Overall, for the reasons set out, the private drive does not provide a safe and suitable access for all users and its use results in an unacceptable impact on highway safety. As such, the development is contrary to LPP2 Policy DM9 which seeks, amongst other things, to provide safe and convenient access for all highway users in a way which does not adversely increase the risk of accidents or endanger the safety of road users. It does not comply with Policy FNP30 of the Farnham Neighbourhood Plan (FNP) which states, amongst other things, that proposals will be permitted for safely located vehicular and pedestrian accesses where adequate visibility exists or could be created. It is also contrary to paragraphs 115 b) and 116 of the Framework.

Character and appearance

28. The appeal site lies in an area of relatively open, rolling countryside. Its northern boundary is close to the brow of a hill and there is an area of woodland between the dwellings and the eastern boundary. The stables are located close to the northern boundary and they are timber clad with a shallow pitch roof. The dwelling shown in position A on the plan attached to the EN (Dwelling A) is built of bricks with rendered walls above and has a pitched tiled roof. The dwelling shown in position B on the plan attached to the EN (Dwelling B) is a small timber clad building with a shallow pitch roof.
29. The site is an appreciable distance from Guildford Road, and the topography, mature hedges and woodland restrict long distance views of the development from the public realm especially when that vegetation is in full leaf. Yet, due to the rolling topography in medium distance views from Guildford Road the stables and the dwellings are visible. As such, the visual impact of the development is localised. I acknowledge that similar stables in respect of design and materials do not appear incongruous in rural areas. Nevertheless, the location of these stables near the brow of the hill draws the eye. Furthermore, the pitched roof of Dwelling A is apparent in those views.
30. Neither dwelling currently has a formal garden area and the grassed areas around the dwellings and stables are generally open with little delineation or boundary treatments. Nevertheless, Dwelling B has a small area adjacent to its front elevation fenced off and it appears that a patio area is being constructed to the rear of Dwelling A. Additionally, the hardstanding adjacent to the dwellings is utilised as a shared parking area. As a result, the dwellings result in the urbanisation of the appeal site that is apparent from neighbouring land and partially from the public realm.
31. The timber cladding of Dwelling B assists in assimilating the visual impact of that dwelling but its white UPVC fenestration highlights that the building is in residential use. Dwelling A replaced a pre-existing building, and it has a similar footprint to that building. However, the ridge line of its pitched roof is significantly taller than that of the pre-existing building. Yet Dwelling A is viewed against the backdrop of the woodland. Consequently, the development as a whole results in modest harm to the character and appearance of the area.

32. Whilst the imposition of planning conditions in relation to landscaping and materials utilised on the dwellings would partially assist in reducing the development's visual impact, they would not fully mitigate that harm. The resulting harm would remain as modest. Therefore, the development conflicts with and would conflict with LPP1 Policies RE1 and TD1, LPP2 Policies DM4 and DM15 and FNP Policies FNP1 and FNP10. These policies seek, amongst other things, that development should respond effectively to its surroundings, reinforcing local distinctiveness, recognise the natural beauty and undeveloped character which is intrinsic to the open countryside, outside of the Built Up Area Boundary, priority will be given to protecting the countryside from inappropriate development and enhancing the landscape value of the countryside.

Biodiversity and the SPA

33. The appeal site is located within the zone of influence for the SPA, a habitat recognised through legislation as being of international importance for rare and vulnerable species of birds. Caselaw requires the decision maker, when considering the effect that a proposal may have on such an international site, to consider mitigation within an appropriate assessment rather than at screening stage.
34. In the absence of mitigation measures and using a precautionary approach, given the proximity to the SPA it is reasonable to suppose that future residents of the development would potentially visit the SPA for recreational purposes and dog-walking. Intensification of such activities would be likely to cause disturbance to the birds and their habitat. There is a consensus that there is a risk of a significant effect on the internationally important interest features of the SPA arising from the development.
35. Several policies in the development plan seek to ensure that development will only be permitted where it would not lead to an adverse effect upon the integrity of the SPA. Furthermore, the Thames Basin Heaths Special Protection Area Avoidance Strategy contains the Council's approach to mitigating the adverse effects of new housing development through two main avoidance measures, namely the provision of Suitable Alternative Natural Green Space (SANG) at Farnham Park and Strategic Access Management and Monitoring (SAMM).
36. The signed and dated UU contains planning obligations that secure financial contributions towards these mitigation measures in line with the adopted avoidance strategy. The Council indicated that there was very limited capacity remaining at the SANG but I have no evidence to indicate that its capacity has been exhausted. As such, the development would accord with the established mitigation framework, and I am satisfied that the obligations meet the 3 tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).
37. In the absence of other significant concerns, it would have been necessary to consult Natural England under Regulation 63(3) of the Habitat Regulations and complete an appropriate assessment. However, I consider this would be unnecessary as it would not be determinative to the overall balance. Therefore, I have treated this matter as a neutral factor in the overall planning balance.
38. LLP1 Policy NE1 and FNP Policy FNP13 are consistent with section 15 of the Framework and seek to ensure protection, management and enhancement of the natural environment.

39. The appeal site comprises grassland bounded by hedgerows with an area of woodland. Because an Ecological Assessment was not undertaken before the development commenced, the prior condition of the grassland, hedgerows and woodland is unknown.
40. The unauthorised development, including the hardstanding has resulted in the loss of some of the original grassland and it is unknown if any trees have been removed. Consequently, it is highly likely that the development has resulted in a loss of biodiversity. Nevertheless, the Council accepted at the Hearing that there was little likelihood of any protected species having been affected by those works. It was acknowledged that a soft landscaping and biodiversity mitigation scheme/management plan could be secured by suitably worded planning conditions.
41. I conclude, subject to the imposition of those conditions the development would not have a harmful effect on biodiversity. There would be no conflict with LLP1 Policy NE1 and FNP Policy FNP13, the aims of which are set out above. There is also no conflict with the Framework in that regard.

Personal Circumstances

42. If I were to dismiss the ground (a) appeal and uphold the EN the appellant would have to comply with its requirements. As such, the development would be removed from the appeal site. The appellant, her daughter and granddaughter would lose their homes on this site, and they would have to find alternative accommodation. Therefore, rights under the Human Rights Act 1998 (HR Act) are engaged.
43. Article 1 of the HR Act concerns enjoyment of possessions. Article 8 of that Act states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic wellbeing of the country, which has been held to include the protection of the environment and upholding planning policies. I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.
44. The appellant and her husband gained prior approval in 2019 for the change of use of the pre-existing building to a dwellinghouse. During the construction process they lived in a caravan on the site. However, as stated previously the pre-existing building was replaced with a new dwellinghouse. Her daughter and granddaughter were living in Aldershot but due to numerous circumstances the accommodation and location were unacceptable. Dwelling B was erected to house her daughter and granddaughter. The appellant's husband no longer lives on the site. A number of medical documents and letters relating to the appellant's and her granddaughter's health issues have been submitted as part of the evidence before me. I do not need to detail the issues highlighted in those documents and letters.
45. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Whilst it's not clear whether the

appellant's and/or her granddaughter's personal circumstances would be categorised as a protected characteristic referred to under the PSED I have nevertheless had regard to it. Such a duty does not necessarily override other considerations, but it is a factor to be weighed in the planning balance.

46. I was told at the hearing and the evidence before me indicates that the medical and care needs of the granddaughter are assisted by the security and tranquillity of this rural location. She attends a specialist school in Dunsfold Park and transport to and from the school is by taxi which I was told is about a 35 to 40-minute drive. Moreover, it is apparent that living together as a family group also enables the family to care and support each other.
47. For the reasons set out above, I attach substantial weight to all the personal circumstances, including the best interests of the child.

Other Matters

48. Several appeal decisions⁵ have been cited within the evidence before me. One of the issues in one of those appeal decisions relates to the medical needs of the appellant's family member and in that case the Inspector concluded that *"the benefits of the proposed development attract such great weight that they would clearly outweigh the identified harm"*. I do not dispute that personal circumstances are capable of being a material planning consideration. Nevertheless, the planning balance in each case is dependent on its specific details and the evidence considered by the Inspector.
49. The issue cited, in respect of the other appeal decisions, is when paragraph 11 d) of the Framework is relevant to the planning balance and the weight to be given to the benefit of housing supply. In this case, there is consensus that owing to the Council's shortfall in 5-year housing land supply, paragraph 11d) is applicable in this case. The Council's Planning Officer Report States that *"the Council's current annual housing requirement is 1,481 dwellings based on the standard method. Applying the 5% buffer to the housing requirement for the five year period of 1 April 2024 – 31 March 2029 increases the annual housing requirement to 1,555 dwellings. At 1 April 2024 there were 1,998 dwellings that the Council considered to be deliverable in the five year period, equating to a 1.28 year housing land supply. This amounts to a persisting and serious housing shortfall."* That is a material consideration that will be taken into account in the planning balance below. As stated above, the planning balance in each case is dependent on its specific details and the evidence considered by the Inspector.
50. 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.

Planning balance and conclusion

51. I have found that the development conflicts with LPP1 Policies SP2, ST1, RE1 and TD1, LPP2 Policies DM9, DM4 and DM15 and FNP Policies FNP1, FNP10 and FNP30. The conflict with LPP1 Policy SP2 has limited weight as the Council's spatial strategy has resulted in a persisting and serious housing shortfall. The remaining policies are broadly consistent with the Framework and the conflict with

⁵ APP/Z3825/W/25/3361339; APP/R3650/W/24/3353124; APP/R3650/W/25/3359169; APP/R3650/W/25/3362383; APP/J1915/W/21/3273500

them has full weight. The development with the imposition of planning conditions would result in modest harm given its reliance on private vehicles and it would also result in modest harm to the character and appearance of the area. However, the harm I identified to highway safety carries considerable weight. I have found that with regard to the effect on the SPA and biodiversity the development would have a neutral impact which has no weight in support of or against the development.

52. As stated above, there is no dispute that paragraph 11d) of the Framework applies in this case. Paragraph 11 d) i. is not applicable as I have not found that there is a strong reason for refusing the development in respect of the application of policies in the Framework that protect areas or assets of particular importance. Therefore, paragraph 11 d) ii. applies and this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Given the age of the FNP, paragraph 14 of the Framework is not applicable in this case.
53. With the imposition of planning conditions, the harm to the character and appearance of the area would be modest. As such, the conflict with paragraph 135 of the Framework would have moderate weight. I have found that the development is somewhat isolated from many services and facilities and whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas the development would conflict with paragraph 110. That conflict would have moderate weight. The private drive does not provide a safe and suitable access for all users, and it means that the occupants of the dwellings including the child are at risk of being involved in a collision when exiting onto Guildford Road in a vehicle. It conflicts with paragraph 115 b) of the Framework and that conflict has considerable weight.
54. Considerations that weigh in support of the development include the site occupier's personal circumstances to which I attach substantial weight. There are also the economic and social benefits that arise from the occupation of the dwellings supporting services and facilities in Runfold and other nearby settlements. The benefits arising from the occupation of the 2 dwellings are likely to be small therefore they are given modest weight. The erection of the dwellings supports the Government's objective of significantly boosting the supply of homes. Given the Council's housing land supply position, the provision of 2 homes carries moderate weight.
55. I find that the adverse impacts of the development as outlined above would significantly and demonstrably outweigh the benefits individually or in combination when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, does not apply in this case.
56. The development conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be determined other than in accordance with the development plan.

57. For the reasons set out above, I conclude that the appeal on ground (a) should not succeed. I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

The ground (g) appeal

58. The appeal is that the compliance period falls short of what should reasonably be allowed. The appellant has requested that the time for compliance be extended from 12 to 18 or 24 months to enable another site to be found and permission to be sought.
59. I need to balance the public interest in the EN being complied with expeditiously against the private interests bound up in the development. The unacceptable harm to highway safety would normally emphasise the need to ensure the compliance period is not extended. However, given the personal circumstances of the occupants of the dwellings I am keen to ensure that the appellant is given the most reasonable opportunity to find an alternative solution, in the context of the harm identified. I consider that extending the compliance period to 18 months would ensure that the appellant has time to try and overcome the highway safety issues highlighted above. The ground (g) appeal therefore succeeds to this limited extent.

Formal Decision

60. It is directed that the enforcement notice is varied by the deletion of 12 months and its substitution with 18 months as the period for compliance. Subject to the variation the appeal is dismissed, the EN is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

D Boffin

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Phil Rowe	PROwe Planning Solutions
Rachel Whitehorn	Appellant
Scarlet Saunders	Appellant's Daughter

FOR THE LOCAL PLANNING AUTHORITY:

John Bennett	Senior Enforcement Officer
Victoria Choularton	Planning Enforcement Team Leader

DOCUMENTS

Letter from granddaughter's school

Signed and completed unilateral undertaking

Plans related to prior approval – PRA/2019/0002

Plans related to 2024 planning application – WA/2023/00793

Appeal Decision Ref No: APP/J1915/W/21/3273500