



---

## Appeal Decisions

Inquiry held on 14 & 15 April 2026

Accompanied site visit made on 13 April 2026

by **Nick Fagan BSc (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 April 2026

---

### Appeal A Ref: APP/Y9507/C/25/3371500

#### Land at Quin Hay Farm, Petersfield Road, Froxfield, Petersfield, Hampshire GU32 1BZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Aragon Classic Limited against an enforcement notice issued by South Downs National Park Authority (SDNPA, the Local Planning Authority or LPA).
  - The enforcement notice was issued on 22 July 2025.
  - The breach of planning control as alleged in the notice is failure to comply with a condition imposed on planning permission ref SDNP/17/003617/FUL granted on 15 September 2017.
  - The development to which the permission relates is: Within the last 10 years, the use of the land for tanker storage, sales and repair in breach of Condition 3 of SDNP/17/003617/FUL.
  - The condition in question states: *Notwithstanding the changes of use permitted within Part 3 of Schedule 2 Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting, or modifying that Order), the development hereby permitted shall be used for purposes as set out within the supporting information, as that of a vehicle repair yard, servicing, and online sales centre for classic cars only, and for no other purpose.*  
*Reason - In order to maintain control over future use of the premises in the interests of the general amenity of the area, neighbouring amenity and highway safety.*
  - The notice alleges that the condition has not been complied with in that the land is being used for tanker storage, sales and repair in addition to its use for the appellant's classic car business.
  - The requirements of the notice are to:
    1. Cease the use of the Land for the storage, sales and repair of any vehicles other than classic cars, as per Condition 3 of SDNP/17/003617/FUL;
    2. Remove all tanker vehicles, HGVs, and lorries from the Land;
    3. Remove from the Land all equipment, paraphernalia, any other associated item connected to tanker lorry storage, sales and repairs; and
    4. Remove from the Land all mobile offices, marquees, welfare rooms, and any other buildings or mobile structures connected to tanker lorry storage, sales and repairs.
  - The period for compliance with the requirements is: six (6) months.
  - The appeal is proceeding on the grounds set out in section 174(2)(c), (d), (f), & (g) of the Town and Country Planning Act 1990 (the Act, as amended).
- 

### Appeal B Ref: APP/Y9507/X/25/3376516

#### Land at Quin Hay Farm, Petersfield Road, Froxfield, Petersfield, Hampshire GU32 1BZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr Robert Bentley against the decision of South Downs National Park Authority.
  - The application ref SDNP/25/03205/LDE, dated 5 August 2025, was refused by notice dated 14 November 2025.
  - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
  - The use for which a certificate of lawful use or development is sought is a sui generis use for the sales, servicing & repair of agricultural vehicles and machinery.
-

## Decisions

1. Appeal A is dismissed and the enforcement notice is corrected as set out below and upheld. Appeal B is dismissed.
2. It is directed that the enforcement notice is corrected by the substitution of the plan annexed to the end of this decision for the plan attached to the enforcement notice. That is necessary simply because the land adjacent to the southern elevation of the southeasterly warehouse building on the site does not belong to the appellant, but to the neighbouring property and hence should be excluded from the EN plan, whereas the bell mouth access onto Petersfield Road should be included, since this belongs to him. This was agreed at the Inquiry. It was also agreed by the appellant that this plan substitution caused him no injustice.

## Preliminary Matters

3. Mr Bentley, the appellant in Appeal B, is the proprietor of Aragon Classic Ltd (his classic car/vehicle business), the appellant in Appeal A.
4. I conducted an accompanied site visit at 4pm on the day before the Inquiry, attended by Mr Bentley, his agent Mr Goodall, and Ms Archer from the Local Planning Authority (LPA). I made clear at the start of the Inquiry that, if necessary, I would conduct another visit at the request of any attending party, or if I considered that I needed to at the end of the Inquiry. Having seen all I needed to on the first visit, neither I nor any other party considered, at the end of proceedings on Day 1, that another visit to the site was necessary.
5. Pursuant to my query as to why no ground (a) appeal<sup>1</sup> had been made against the enforcement notice (EN) in Appeal A, the appellant pointed out that the recent changes introduced to S174 of the Act (by the Levelling Up and Regeneration Act 2023) have prevented such a ground (a) appeal.<sup>2</sup> Unfortunately for him, he had decided not to appeal the refusal of his previous application for the temporary change of use of part of his yard for the storage, preparation and sale of tankers including the retention of a detached ancillary office and welfare building (SDNP/23/03125/FUL, refused 28 February 2024). Given my above decisions, if the appellant now wants to challenge the planning merits of the LPA's case against the tanker use, he will have to submit a new (retrospective) application and appeal that if it was refused. Or, of course, he or any potentially interested occupier of part of the yard and buildings, could apply for some alternative (non-classic car) business use.

## Main Issues

6. The issue of the lawful use and of what it comprises links the two appeals together. Accordingly, it is best if I deal with Appeal B, the LDC appeal, first. As usual in LDC appeals, the main issue is whether the Council's decision to refuse a LDC was well-founded.
7. Having addressed the LDC appeal, I will then go on to consider the enforcement appeal, Appeal A.

---

<sup>1</sup> I.e. that planning permission should be granted.

<sup>2</sup> Where an EN is issued in respect of land in England on or after 25 April 2024, s174(2A)(b) and (2AA) provide that an appeal may not be brought under ground (a) if the EN was issued at a time after the making of a related application, unless that application has ceased to be under consideration and the EN was issued after the end of the period of two years beginning with the day on which the application ceased to be under consideration. Those circumstances apply here.

## **Background: Description of the Site & Planning History**

8. The appeal site lies within the National Park and is located outside any Settlement Policy Boundary in the open countryside. The appeal site in Appeal A is as shown on the plan attached to the EN and is essentially the same red line plan that was submitted for Mr Bentley's planning application for change of use from agricultural vehicle repair yard to classic car servicing and online sales centre in July 2017, granted permission on 15 September 2017 (LPA Ref: SDNP/17/03617/FUL). This is a site of 0.93Ha of hardstanding yards and buildings and is occupied by two main groups of linked buildings that frame a central area of hardstanding, bounded by security fencing with screening provided by mixed vegetation.
9. This site was previously used, between 1980 and 2017, by J. A. Seale Ltd as an agricultural contractor's depot, repair workshop and sale of machinery and spares under a personal permission granted on 9 December 1980 (LPA Ref: F.20887/2). It is agreed between the main parties that Mr Bentley began using the site for his classic car/vehicle business in September 2017, once Mr Seale had gradually moved his business activities elsewhere.
10. The land that Mr Bentley acquired from Mr Seale is a larger area than the above yard and buildings site. It includes a large paddock or grass field to the west of the drive and westerly main building (used by the classic car business as a showroom with workshops and storage areas at its rear), as well as a smaller field at the front of the site to the east of the drive. This land is more than double the size of the 0.93Ha in Appeal A. It comprises approximately 2Ha. This larger area of land comprises the appeal site for the LDC appeal, Appeal B.
11. The main parties agree that Just Tankers began their operations on the eastern part of the site in October 2022, and I saw during my site visit that these operations are ongoing. Mr Bentley made an application for temporary change of use of this part of the yard for the storage, preparation and sale of tankers including the retention of a detached ancillary office and welfare building in July 2023, which was refused permission on 28 February 2024 (LPA Ref: SDNP/23/03125/FUL).
12. The built-up part of the Land, the Appeal A site, has a drive with bell mouth access from Petersfield Road. Immediately to the southeast is Quin Hay Farmhouse, now an unrelated residence, with further houses to its southeast, also with accesses off Petersfield Road. To the west of the site is a small reservoir and adjacent to it a single plot caravan site. Beyond that, to the north, west and east, and to the south on the other side of the road is open countryside.

## **Reasons**

### Appeal B – The LDC Appeal

13. LDC applications and appeals are determined on the balance of probability, and the onus is firmly on the appellant to establish the lawfulness of the development. If the LPA has nothing to contradict the appellant's submissions or otherwise make his version of events less than probable, it should grant the LDC provided the appellant's evidence alone is sufficiently precise and unambiguous on the balance of probability. If the LPA does have relevant grounds to challenge the appellant's submissions, then it should refuse to grant the LDC.

14. The SDNPA refused this application for two reasons. First, because it stated that the land the subject of the application had not been in use as an agricultural machinery dealership involving the sale of new and used farm vehicles and machinery along with the servicing of such for a period in excess of 10 years prior to the submission of the application. Secondly, and notwithstanding the first reason, because the whole of the Land has not been granted permission for such a use and been used for this purpose for a continuous 10-year period prior to the submission of the application.
15. In respect of the first refusal reason, the LPA's justification is that the previous use by J. A. Seale Ltd as an agricultural contractor's depot, repair workshop and sale of machinery and spares ceased in September 2017 when Mr Bentley started using it for his classic car business pursuant to the above planning permission.
16. The LPA maintains that permission was consequently implemented, which introduced another material use and another chapter in the site's planning history. Since the agricultural vehicle repair use ceased in 2017 and was superseded by the classic car use, clearly the former use was not taking place when the LDC application was made on 5 August 2025. There is no dispute that Mr Seale's use was the lawful use between 1980 and 2017 before he vacated the site, because of the 1980 planning permission for this use. But it was superseded by the classic car use implemented by the appellant in September 2017. Under s191(4), the relevant date for ascertaining whether the existing use is lawful is the date of the LDC application. Hence, the LPA maintains, the alleged lawful use applied for did not exist on 5 August 2025, nor indeed for the years stretching back to September 2017.
17. However, the appellant argues that there has not been a material change of use of the Land, despite the applications for the classic car use (granted in 2017) and the tanker use on the eastern part of the Land (refused in 2024). In essence his case is that a vehicle is a vehicle, and that the use of the site for the sale and servicing or repair of classic cars or tankers is no different from agricultural vehicles such as John Deere tractors, combine harvesters or other agricultural vehicles/machinery.
18. I disagree for the following reasons. Mr Bentley submitted the 2017 application for his classic car use and the 2023 application for the tanker use. He was professionally advised by White Young Green for the 2017 application and by Mr Goodall for the 2023 application, so he must have believed at the time that both these uses constituted a material change of use requiring planning permission, as had been relayed to him by the LPA. I accept that now his argument is that these uses were not materially different to the original agricultural contractor dealership use run by Mr Seale, having been advised as such by Mr Cooper, his solicitor.
19. However, the character of the uses is completely different. The aerial photographs (particularly those in Appendix 15 of Ms Archer's Proof) show that although some John Deere tractors were stored outside in the yard area during Mr Seale's ownership of the site and there were a few cars outside of the warehouse buildings since the classic car use commenced in 2017, most of the vehicles pertaining to those uses were or are retained within the buildings themselves. That is very different to the situation with the tankers. As all the submitted aerial photos show, since the tanker use started in October 2022 most of the whole of the rear yard area has been entirely taken up with the storage of tankers. Furthermore, new structures (the single storey offices built on the former ramp and the tall white

‘marquee’), which look like buildings even if they lack foundations and are demountable, have been installed within this yard area which are used respectively for offices/welfare rooms and for servicing, making ready for sale or calibrating the tanker bodies.

20. It is clear from the Design & Access Statement (D&AS) submitted with the 2017 planning application (Appendix 8 of Ms Archer’s Proof) that the previous servicing of the tractors and other agricultural machinery was conducted within the buildings and that any works to classic cars would also take place there rather than outside in the yard. Mr Bentley also confirmed at the inquiry that about 80% of sales of his classic vehicles occur online without the purchasers visiting the site and the D&AS states that the vehicles are generally brought to the site and taken off it by Light Goods Vehicles.
21. In contrast Just Tankers stores all of the tankers outside in the yard and its main business is the sale of new tanker trailers as well as the sale or lease of second-hand tankers. It appears that any servicing and preparatory works in advance of vehicle sales including calibration works to these vehicles is mainly done within the buildings on the eastern part of the site including the ‘marquee’, but these buildings have open fronts and any smells, fumes or noise generated by such works are unlikely to be confined to the site itself, as the complaints of neighbouring residents attest. It is apposite that the D&AS noted the lack of noise or smell complaints from any neighbouring properties in relation to Mr Seale’s use. These tankers are large vehicles and their domination of the rear yard area, unlike the previous uses, as well as the impact on the amenity of nearby residents, indicates to me that the Just Tankers use of the majority of the rear yard has a different character to either the classic car use or Mr Seale’s previous use of the site.
22. The D&AS also made clear that no new external lighting would be required and that existing lighting on the site had been kept to a minimum. However, recent complaints/objections from residents and from Colemore and Priors Dean Parish Meeting, have pointed out that bright new external lighting to the Just Tankers yard has been installed since their arrival. Complaints/objections from the Parish Meeting also point out that tankers are washed out on the site and water runs off the site untreated such that walkers on the adjacent public footpath are often subjected to the smell from this chemical run-off.
23. There have also been objections from the Local Highway Authority in terms of the use of Petersfield Road, a C-Class Road, to deliver these tanker bodies on Heavy Goods Vehicles (HGVs) and the consequent likely quicker degradation of its road surface and inconvenience to other road users.<sup>3</sup> These off-site effects also indicate to me that the use of the site by Just Tankers is more akin to a Class B2 general industrial use, because of its effects on the amenity of nearby residents and the type of traffic it generates on local roads, including in terms of the size of the tankers themselves and larger vehicles used to deliver tanker bodies; they are HGVs up to 44 tonnes in weight. The characteristics of the Just Tankers use is markedly different to that of the two previous uses, as demonstrated by its evidenced harmful effects on local residents’ amenity and on the local road system. As such, I have no doubt that it has resulted in a material change of use of the site.

---

<sup>3</sup> Appendix 18 of Ms Archer’s Proof

24. Although there was clearly some storage of tractors in the yard areas during Mr Seale's occupation of the site, Condition 3 of the 1980 permission prevents such outside storage or sale of goods, plant or machinery. Condition 7 of the 2017 classic car permission prevents the use of power tools outside the building. Condition 8 prohibits external floodlights. Just Tankers relies on the storage of the tankers outside in the yard and it would seem that power tools (such as disc cutters and impact wrenches) are in fact used in this area routinely and after dark, as well as unauthorised floodlights, as raised in complaints/objections from the Parish Meeting and local residents. These conditions indicate the constraints on the two previous uses of the site, which the tanker use does not abide by because it is a fundamentally different use that requires these things.
25. Given the material change of use of the site resulting from the tanker use, which introduced yet another chapter into the planning history and use of the site, clearly the Land has not been in use as an agricultural machinery dealership involving the sale of new and used farm vehicles and machinery along with the servicing of such for 10 years prior to the submission of the LDC application on 5 August 2025, since that use ceased when Mr Seale vacated the site in September 2017. There is no evidence supplied by the appellant for the continuous use of the use applied for from 6 August 2015 to 5 August 2025. The first refusal reason is therefore correct.
26. Even if there had been no material change of use, refusal reason 2 is still relevant. The plan submitted as part of the LDC application shows all of Mr Bentley's land ownership. But that was not the site that was granted planning permission for the agricultural contractor's depot in 1980 or the site that was granted permission for the classic car use in 2017. That site confined itself to the buildings and yard area as attacked by the enforcement notice. It did not include the grassed field areas at the front or on the western part of Mr Bentley's ownership.
27. Although some tankers were apparently stored on the front grassed area for a few days or weeks earlier this year, no evidence has been advanced by the appellant to show that these areas were continuously used for storing vehicles for 10 years prior to the submission of the application. So, even if a material change had not occurred, refusal reason 2 would be a valid reason for refusing the LDC on its own.
28. For all these reasons, the LPA's decision to refuse the LDC application was well-founded.

#### Appeal A – The Enforcement Notice Appeal

##### *Ground (c)*

29. Ground (c) is that, in respect of any matters stated in the notice, those matters do not constitute a breach of planning control.
30. The EN alleges the use of the land for tanker storage, sales and repair in breach of Condition 3 of the 2017 permission, which states that the development '*permitted shall be used for purposes set out within the supporting information, as that of a vehicle repair yard, servicing and online sales centre for classic cars only, and for no other purpose.*'

31. The appellant argues that this wording is imprecise in that there is no universally established definition for the term 'classic car'. Indeed, he maintains that some of the vehicles he sells, such as boats, motorbikes, and the odd vintage truck, are not even cars.
32. I had a good look round Mr Bentley's showroom. Nearly all the vehicles in it were clearly classic cars, albeit there was also a 1970s fully restored Kawasaki motorbike. I acknowledge that he also restores and sells other vehicles, such as the Peterbilt truck, Harley Davidson (and other) motorbikes and a selection of vintage tractors (including Porsches and Lamborghinis), as shown in Appendix 2 of Mr Goodall's Proof.
33. The fact that the LPA has not suggested that such vehicles breach Condition 3 is not evidence of imprecision of the term 'classic cars'. Rather it is clear that this term simply conveys the nature of Mr Bentley's business: to restore and sell mainly vintage and sought-after models of vehicles for customers who prize and collect such vehicles, predominantly cars, but also motorbikes, trucks and even boats. That is his business: he fully understands what a 'classic' is, be it a car or some other vehicle, as does the LPA, which is why it has no problem with him selling other classic vehicles in addition to cars. Indeed, Mr Bentley conceded in cross-examination that the tankers on the Just tankers part of the site are not classic vehicles.
34. Such vehicles, none of which are brand new, are very different to the tankers and tanker bodies that are stored and sold by Just Tankers. These tankers are predominantly brand new or recent, and their purpose is entirely functional, mainly used in transporting oil, diesel or petrol and other liquid fuels. They are not collectors' items and are certainly not vintage or 'classic'.
35. As such I consider Condition 3 to be sufficiently precise and enforceable. It is also necessary, relevant to planning and relevant to the development permitted, as set out in its Reason: *In order to maintain control over future use of the premises in the interests of the general amenity of the area, neighbouring amenity and highway safety*. The use of the site by Just Tankers to sell their tankers and tanker trailers/bodies is a clear breach of this condition and the EN sets out the key relevant reasons for seeking to enforce it.
36. The appellant argues that since the EN only specifies the breach of Condition 3 of the 2017 permission, the implication is that the LPA has no concerns about possible breaches of any of the other conditions attached to it. That does not follow; the LPA, should it decide to do so, is entitled to enforce breaches of any of the other conditions should it so wish, or indeed to serve a material change of use EN if it so wishes.
37. He also argues that the 2017 planning permission was not implemented because there was no material change of use from the agricultural contractor's depot to his classic car use. However, for the reasons given above, I disagree. There was a material change of use. He commenced his classic car/vehicle business in September 2017, just after the permission was issued. Consequently, the permission was implemented. In October 2022, when Just Tankers moved into the eastern part of the site, Condition 3 began to be breached, and such a breach continues today.

38. His final point regarding Condition 3 is that it doesn't mean what the LPA says it means. The condition states: '*...the development hereby permitted shall be used for purposes as set out within the supporting information, as that of a vehicle repair yard, servicing, and online sales centre for classic cars only, and for no other purpose.*' He says that what this means, because of the commas, is that the permission allows for any vehicle to be repaired or serviced, whilst classic cars can only be sold online; in other words, Condition 3 allows for three separate distinct uses.
39. That is plainly not what the condition means. The commonsense and grammatically correct meaning is that only classic cars can be repaired, serviced and sold, as per the legal precedent established in *Trump*<sup>4</sup>. That is because that is the description of the development on the permission and because Informative 4 of that permission makes clear that the use is restricted to a classic car service and online sales centre. The supporting information submitted with the application and listed in the table below this Informative, including the D&AS, as well as the Officer Report make this crystal clear.
40. Even if there had been no material change of use between the agricultural contractor's depot and his classic car use, the 1980 permission was personal to J. A. Seale Ltd (Condition 5). Additionally, Condition 2 specified: '*The premises shall be used only for an agricultural contactor's depot and repair workshop and for the sale of agricultural machinery and spares and for no other purposes whatsoever.*' The use of the eastern part of the Land by Just Tankers would have clearly breached both these conditions, so it would in any case have been unlawful, even if the 2017 permission had not been implemented.
41. For all these reasons, the ground (c) appeal fails.

#### *Ground (d)*

42. Ground (d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
43. In the case of a breach of a planning condition, s171B(3) of the Act states: '*no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.*'
44. The breach here – by Just Tankers – commenced in October 2022. That is considerably less than 10 years from when the EN was issued on 22 July 2025. To succeed on this ground the breach would have to have commenced on or before 22 July 2015. In any case, Condition 3 is attached to the 15 September 2017 classic car permission and it follows that it could not possibly have been breached for 10 years, since that date is well within 10 years back from the issue of the EN.
45. For these reasons, the ground (d) appeal is unsuccessful.

#### *Ground (f)*

46. Ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is required to remedy any breach of planning control which may be constituted by those matters.

---

<sup>4</sup> *Trump International Golf Club v Scottish Ministers* [2015] UKSC 74, [2016] WLR 85

47. The requirements of the EN are quite clear. The office/welfare building or structure and the apparently demountable marquee structure have only been installed in the eastern yard of the site to meet the needs of the Just Tankers operation there. They would otherwise not be there. It is therefore reasonable to require their removal, not least because the site is in a tranquil, relatively remote, and generally quiet rural area with dark night skies. The unauthorised use and these buildings introduce increased activity, noise and lighting at night, contrary to the landscape character of the area. The 'marquee' structure can be readily seen from the public footpath that runs to the north and east of the site. It is higher and bright white and has an adverse visual impact on the character and appearance of the area. If the unauthorised use stops, these structures should also be removed, which according to the appellant will apparently be easy because they are not buildings.
48. For these reasons, the ground (f) appeal fails.

*Ground (g)*

49. Ground (g) is that any compliance period specified in the notice falls short of what should reasonably be allowed.
50. The appellant argues that 18 months would be a reasonable period for Just Tankers to relocate its operation. I understand that a large part of Just Tanker's business is importing tanker bodies from Europe through the docks at Portsmouth, hence its requirement for this site. But it is based in Belfast and also has sites at Sandbach and Stratford Upon Avon, so this is not its only site, albeit I don't know whether these other sites could accommodate the number of tankers generally occupying this site. Even if they could not, I am assuming that the business would be looking for an alternative yard somewhere reasonably close to Portsmouth's docks. I acknowledge that finding such an alternative site may take more than 6 months.
51. However, I must balance any such need by Just Tankers for another site in the south of the country against the harm that its operation here causes to the living conditions of nearby neighbouring residents, to the HGV traffic volumes on Petersfield Road, a minor local road subject to a 7.5T weight limit restriction because of previous damage to its surface by HGVs in the past, as well as its impact on a generally quiet and tranquil part of the National Park.
52. Taking these harms into consideration, I consider that the location of the appeal site is far from ideal for the Just Tankers use and that these combined harms indicate that the use should cease and relocate as soon as possible, preferably to somewhere much closer to the strategic road network. I consider that the 6-month compliance period would spur Just Tankers into finding an alternative site as soon as possible, and that this is necessary to relieve these harms to neighbours' living conditions, to the local roads including Petersfield Road, and to the tranquillity of this part of the National Park, bearing in mind that the first purpose of National Parks is to conserve and enhance natural beauty, wildlife and the cultural heritage of the area.
53. Consequently, the appeal on ground (g) also fails.

## **Other Matters**

54. In his opening statement the appellant suggests that the EN is otiose and of no consequence because the LPA had already issued a Breach of Condition Notice and threatened prosecution if the appellant failed to comply with it.
55. However, there is nothing in the Act that prevents the LPA from issuing the EN alleging the breach of the same condition. The EN is of course subject to appeal, Appeal A here, and so the appellant has not been prejudiced in any way. It does serve a practical purpose – to secure compliance with Condition 3 – and is not therefore otiose. It's wording, including the allegation in its Section 2 and its requirements in Section 5, are clear, satisfactory and comply with the requirements of Part VII of the Act. Consequently, it is a valid enforcement notice under s171A(1)(b) of the Act.
56. The LPA points out that the appellant has engaged in intentional unauthorised development, given that the 2017 permission for his classic car use, including Condition 3 and Informative Note 4, make it very clear that this use is all that the permission allows. However, he has made his arguments in these appeals that there has been no material change of use between Mr Seale's use of the site, his use, and the Just Tankers use, and so I understand why perhaps he didn't serve notice to quit on Just Tankers (or perhaps he couldn't because he had granted them a lease). As set out above, I find his argument totally unconvincing, but he was of course entitled to make it in these appeals. Consequently, I give little weight to this matter raised by the LPA in Closings.

## **Conclusion**

57. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice accordingly.

*Nick Fagan*

INSPECTOR

## **APPEARANCES**

FOR THE APPELLANT: *David Cooper*, Solicitor called:

-Robert Bentley, Appellant

-Richard Goodall of Advoco Planning, BA (Hons), DipMS, MRTPI

FOR THE LOCAL PLANNING AUTHORITY: *Joel Samakula* (of Landmark Chambers), called:

-Shona Archer, Interim Manager of the Planning Enforcement Service at East Hampshire District Council, representing SDNPA, MA, MRTPI

INTERESTED PARTIES:

-Carolyn Fair, Chairman of Colemore and Priors Dean Parish Meeting

-Sharon Thayer, local resident

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

1. The revised EN plan
2. PACE letter from SDNPA of 3/4/24 and reply by David Cooper 8/5/24
3. 1980 planning permission site plan
4. 2017 planning permission site plan
5. Comments to the Inquiry by Carolyn Fair, Chairman of Colemore and Priors Dean Parish Meeting
6. Comments (Lived experience) of Sharon Thayer to the Inquiry together with 3 aerial photographs
7. Letter from Chief Planner re Green Belt protection and intentional unauthorised development of 31/8/15
8. 2017 planning application Officer's Report
9. *Trump International Golf Club v Scottish Ministers* [2015] UKSC 74, [2016] WLR 85
10. Opening Statement on behalf of Appellants
11. Opening Statement on behalf of LPA
12. Closing Statement on behalf of Appellants
13. Closing Statement on behalf of LPA

Amended Enforcement Notice Plan

