



Appeal Decision

Site visit made on 7 May 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 4th June 2026

Appeal Ref: APP/Q5300/C/24/3336794

Land and buildings on the west side of Burnt Farm Ride, Enfield EN2 9DY

- The appeal is made by Ryan O'Donovan under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: ENF/23/0861) issued by The London Borough of Enfield on 22 December 2023.
- The breach of planning control alleged in the notice is as follows: -
"Without planning permission, the unauthorised change of use of the Premises (outlined in red on the attached plan for identification purposes only) to a haulage business with the associated parking and storage of HGVs, plant/machinery, staff parking, the storage and the processing of waste and building materials and the laying of hard standing to facilitate the change of use".
- The requirements of the notice are as follows: -
 - "5.1 Cease all vehicle movements at the Premises in connection with the haulage business.
 - 5.2 Cease the parking and storage of HGVs and staff vehicles at the Premises in connection with a haulage business.
 - 5.3 Cease all vehicle movements at the Premises connected to the bringing on of plant/machinery in connection with a haulage business.
 - 5.4 Cease the storage of all plant/machinery at the Premises in connection with the haulage business.
 - 5.5 Remove all vehicles stored at the Premises in connection with the haulage business.
 - 5.6 Remove all Plant/machinery stored at the Premises in connection with the haulage business.
 - 5.7 Remove all building materials [*sic*] stored at the Premises in connection with the haulage business.
 - 5.8 Remove all waste materials stored at the Premises in connection with the haulage business.
 - 5.9 Remove the hardstanding laid at the Premise [*sic*].
 - 5.10 Reinstate the ground to as it was before the hard standing was laid."
- The period for compliance with these requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) only, following the withdrawal of ground (d). An application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice as constituting the breach of planning control.

Decision

1. It is directed that the enforcement notice be corrected by replacing “materails” in subparagraph 5.7 with “materials” and by replacing “Premise” in subparagraph 5.9 with “Premises”.
2. It is directed that the enforcement notice be corrected by deleting the words “waste and” in paragraph 3 and by deleting the whole of subparagraph 5.8.
3. It is directed that the enforcement notice be varied by replacing paragraph 6 with the following paragraph: -

“6. TIME FOR COMPLIANCE

Two months as regards the requirements in subparagraphs 5.1 to 5.7 inclusive and nine months as regards the requirements in subparagraphs 5.9 and 5.10.”
4. Subject to these directions, the appeal is dismissed, the enforcement notice is upheld as corrected and varied and planning permission is refused on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990.

Reasons for the decision

Correction and variation of the notice

5. I have corrected the errors in subparagraphs 5.7 and 5.9. The other corrections and variations are explained under grounds (f) and (g) below.

Ground (a) – whether planning permission should be granted for the development

6. Before the development took place the site was in agricultural use for the rearing of poultry. The development has included the laying of an area of hard standing where there had previously been several poultry sheds, a farm track and grassed areas and the use of the site as a whole for the haulage business described in the notice. The Council and others have raised concerns about the effect of the development on the Green Belt and on residential amenities and traffic conditions.
7. The main issues in deciding whether planning permission should be granted for the development are:
 - (i) whether the development is inappropriate development in the Green Belt, taking into account its effect on the openness and purposes of the Green Belt, and
 - (ii) whether, if it is inappropriate development, other considerations exist that clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances justifying its approval.
8. The appellant draws attention to what is now paragraph 154 of the National Planning Policy Framework. He maintains that the development is not inappropriate in the Green Belt because it is covered by two of the exceptions listed in paragraph 154 h) for “Other forms of development provided they preserve its openness and do not conflict with the purposes of including land

within it", namely exceptions "ii. engineering operations" and "v. material changes in the use of land".

9. The removal of the poultry sheds resulted in the site being more open as a cleared site, but this was more than offset by the visual impact of the laying of a large area of hard standing where the sheds and grassed areas had existed before, and the introduction of the haulage business with its associated parking and storage of large vehicles, plant and machinery and the storage and processing of building materials. The degree of activity generated by the volume of traffic and the amount of noise occurring on the site far exceeded what would have occurred at the poultry business. For these reasons, the development in my opinion does not preserve the openness of the Green Belt.
10. One of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. The poultry business was an agricultural activity of a type ordinarily occurring in the countryside, including countryside within the Green Belt. Although there are other commercial uses nearby (some of which the Council maintain are unauthorised), the scale of the haulage business and its associated activities have had an adverse impact on what is the predominantly rural character of the countryside in this part of the Green Belt adjoining the south side of the M25.
11. I have therefore concluded that the development is inappropriate in the Green Belt. The adopted planning policy DMD 82 states that such development will not be permitted, but this should be read alongside paragraph 153 of the National Planning Policy Framework which states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It indicates that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
12. The appellant asserts that very special circumstances exist for the following reasons: -
 - The social and economic benefits of the development.
 - The Green Belt here has less significance because the draft local plan allocates this part of it for residential development.
 - The absence of any other suitable alternative sites of an appropriate size and accessibility for the development.
 - The development has made no material difference to the living conditions of residents in the area in terms of noise and disturbance.
 - The development has made no material change to traffic flows or the safe operation of the highway network in the area.

I have considered these matters in turn in the paragraphs that follow.

13. The development has provided jobs, generated economic activity and provided a service to customers. The successful establishment of most new commercial enterprises would however have this effect wherever they were located.

14. The residential allocation in the draft local plan reflects a need to review the Green Belt boundaries generally in order to meet the demand for additional homes. This is the established procedure for considering potential changes to Green Belt boundaries and does not diminish the current status of the Green Belt in the meantime.
15. The appellant's search for an alternative site has not identified anything suitable that is available. The Council understand that the appellant's business has other haulage sites serving North London. Without more detailed information it is not clear that the development needs to be located in the Green Belt or that it would not be feasible to carry on the business from elsewhere.
16. Vehicles being driven to and from the site have to use Burnt Farm Ride from its junction with the highway network at Cattlegate Road and Theobalds Park Road. Towards its southern end the Ride serves residential properties. Several residents of these properties have submitted representations during the appeal process, drawing attention to the effect of traffic movements associated with the haulage business on their amenities. They refer to the noise of heavy vehicles, fumes, vibration and damage to property.
17. The same residents have drawn attention to safety concerns relating to the use of the Ride, and the road linking the Ride to the site, by traffic associated with the haulage business. These roads are narrow and are used by walkers and cyclists; they do not have footways. The roads are clearly unsuitable for the large vehicles associated with the haulage business.
18. The appellant has stated under ground (a), and also under ground (f), that planning conditions could be imposed if planning permission were granted, which would alleviate the concerns raised by the Council and others. The conditions suggested by the appellant would (i) require the approval of travel and noise management plans routing traffic away from residential properties on Burnt Farm Ride and dealing with operational hours, lighting, noise mitigation and monitoring and (ii) allow the haulage business to continue on the site until the proposed residential development was carried out.
19. The noise management plan would not relieve the impact of traffic associated with the haulage business on residents in the Ride, except to the extent of possibly limiting traffic movements at unsociable hours. There is insufficient information available to make an appraisal about the possibility of accessing the site by way of the suggested alternative route from Cattlegate Road past Crews Hill station using the track leading to the farmhouse. Putting off enforcement action until the residential development is carried out, if in fact it proceeds at all, would prolong the impact of the business on the Green Belt and on traffic conditions and residential amenities.
20. I have concluded on balance that the potential harm to the Green Belt by reason of inappropriateness, and the other harm resulting from the development that has been identified, are not clearly outweighed by any other considerations. The very special circumstances needed to justify inappropriate development in the Green Belt have not been demonstrated and the appeal on ground (a) has therefore been dismissed.

Ground (f)

21. I have dealt above with the possibility of planning conditions being imposed. The remaining matter raised by the appellant under ground (f) is his assertion that the requirements of the notice are excessive because the storage and processing of waste has not taken place as part of the haulage business activity on the site.
22. The Council in their appeal statement maintain that some skips/vehicles loaded with waste are on occasion stored on the site before they are emptied elsewhere. The Council's final comments in the appeal do not refute the appellant's assertion that waste storage and processing has not taken place.
23. In the absence of any further evidence I take the view, as a matter of fact and degree, that waste storage and processing as such have not occurred on the site as part of the haulage business. The appeal has succeeded on ground (f) to this extent and I have made consequential corrections to the notice.

Ground (g)

24. The appellant maintains that the two-month compliance period allowed in the notice to complete the remediation works is unreasonably short. He states that considerable engineering operations with requisite machinery would be required. The works would have to be programmed and contractors appointed at a time when there is a general backlog of scheduled works. He asks for the compliance period to be extended to 12 months for the works.
25. In their appeal statement, the Council state in general terms that the compliance period is reasonable. The Council do not address the specific points made by the appellant about the remediation works in their final comments.
26. I agree with the appellant that these works will take considerably longer to carry out than the other steps required by the notice. A reasonable compliance period in this respect is 9 months in my opinion. The appeal has therefore succeeded on ground (g) to this extent and the notice has been varied accordingly.

D.A.Hainsworth

INSPECTOR