



Appeal Decision

Site visit made on 30 January 2026

by **Jean Russell MA FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 June 2026

Appeal Ref: APP/Q9495/C/25/3362991

Land east of Bell Intake, High Dam, Finsthwaite

- The appeal is made by Mr Stephen Watson o/b Chapman House Farm under section 174 of the Town and Country Planning Act 1990 (as amended) against an enforcement notice (ref: E/2021/0094) issued by Lake District National Park Authority on 12 February 2025.
- The breach of planning control as alleged in the notice is: without planning permission, the making of a material change of use of the land from use as agriculture to use as a public car park with onsite food and drink sales and associated operational development consisting of the laying of crushed stone to form a hard surface and the erection of a fence and gate.
- The requirements of the notice are to:
 - Discontinue the use of the Land as a public car park with onsite food and drink sales; and
 - Remove the crushed stone from the Land as identified on...Photographs A and B [attached to the notice]; and
 - Remove the food and drink trailer from the land as identified on attached Photograph A; and
 - Remove the fence and gate from the Land as identified on attached Photograph B.
- The period for compliance with the requirements is two [2] months.
- The appeal was made on the grounds set out in section 174(2)(a), (d) and (g) of the Town and Country Planning Act 1990. 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 Town and Country Planning Act 1990.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and a variation as set out in the Formal Decision below.

PRELIMINARY MATTERS

The Appeal Site

1. The appeal site is a “U” shaped plot of land which covers some 0.15h. It formed part of a field which otherwise remains in agricultural use. The appellant is the landowner, and he still runs the farm and lives locally.
2. The site lies close to the junction of what I shall refer to as “the road” or C5049 and “the lane”. It is accessed from the lane. The site is also just under 0.5km or 0.3 miles to the northeast of the centre of Finsthwaite, a village in the southwestern part of the Lake District National Park (LDNP). The road runs through Finsthwaite from land west of Lake Windermere to the north down to the A590 in the south.

The Enforcement Notice, the Grounds of Appeal and the Evidence

3. As set out above, the notice alleges that there has been a material change of use to two named uses, a public car park with onsite food and drink sales. Accordingly, the notice should be clear as to the relationship between the uses. In his final comments, the appellant suggested that the notice should be read as alleging that the land is in a mixed or hybrid use. Land is taken to be in a mixed use where it is put to two or more primary uses with none being ‘incidental’ to another.

4. However, from the word “with” and the evidence taken as a whole, I construe the notice as alleging that the onsite food and drink sales use is incidental to the parking use. The food and drink use is facilitated by the stationing of one wooden kiosk or snack van type trailer, the like of which is often seen at rural car parks. The food and drink use appears carried out to maximise the income-generating potential of the appeal car park without significantly reducing parking spaces.
5. The food and drink is probably functionally related to what is the sole primary parking use in a normal way so as to be an incidental use. I shall decide the appeal on this basis not only because that reflects the wording of the notice and appearance of the site; it also optimises the appellant’s prospects of success on ground (a) without making any difference to any other ground.
6. Although the appeal was made on grounds (a), (d) and (g), the appellant’s “statement of truth” and statement of case on ground (a) raised what I take to be hidden appeals on ground (c) and (f). His final comments also implied a hidden appeal on ground (f) while making express reference to grounds (b) and (c).
7. An appeal on ground (b) is that what is alleged by the notice has not occurred. The appellant does not dispute that the site is used as a public car park with onsite food and drink sales, crushed stone was laid to form a hard surface and a fence and gate were erected. There is no ground (b), but there are hidden grounds (c) and (f) as set out below. I can deal with them without causing prejudice to any party because the appellant’s claims were raised in time for the Authority to comment and the notice remains no more or less onerous to comply with.
8. Grounds (c) and (d) are ‘legal’ grounds of appeal where the onus is on the appellant to make his case on the balance of probabilities. He submitted a “statement of truth” and that was signed but not in front of a solicitor. It does not amount to a statutory declaration or sworn evidence. Even so, the appellant’s evidence should be accepted if there is nothing to contradict his version of events or make that less than probable, and it is sufficiently precise and unambiguous. It should not be rejected simply if it is not corroborated.

THE HIDDEN APPEAL ON GROUND (C)

9. Ground (c) is that the matters described by the notice do not constitute a breach of planning control. That would be the case if what is alleged does not require or already has planning permission. The appellant suggests that various aspects of what is alleged are “permitted development” (PD).
10. Under Article 3(1) and Part 4, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), planning permission is granted for the use of any land for not more than 28 days in total in any calendar year and the provision on land of any moveable structure for the purposes of the permitted use.
11. I agree with the appellant that the appeal parking and/or food and drink use could benefit from this PD right, but not that it would allow for the kiosk to “be moved around the site on every 28 days allowing all year round use”. The 28 day limit applies to the use of the land. Moving the kiosk would not change the number of days when the site is used for parking and/or onsite food and drink sales. Since there is no evidence that either use has only been carried out for 28 days in any

year, the stationing of the kiosk for the purposes of onsite food and drink sales I probably not permitted under Part 4, Class B of the GPDO.

12. The appellant has not shown that the engineering operations comprised in the formation of the chipped stone hard surface on the site were reasonably necessary for the purposes of agriculture within his holding, so as to be permitted via Part 6, Class A of Schedule 2. As discussed in relation to ground (d), the surface was laid for entirely non-agricultural purposes, and the same is true of the erection of the fence and gate.
13. The erection of the alleged fence and gate is likewise not “agricultural” PD, but the works were probably permitted, as the appellant also claims, under Part 2, Class A of the GPDO, which provides for the erection of a gate, fence, wall or other means of enclosure. The hidden appeal on ground (c) should succeed insofar as I shall correct the notice to delete the fence and gate from the allegation. However, as discussed below in relation to the hidden appeal on ground (f), the notice may still require that the fence and gate are removed from the land.

THE APPEAL ON GROUND (D)

14. An appeal on ground (d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control constituted by the “matters” or what is alleged by the notice.
15. Under s171B(1) of the Town and Country Planning Act 1990 (TCPA90), no enforcement action may be taken against the carrying out of building, engineering or other operations after the end of the period of four years beginning with the date on which they were substantially completed if that was before 25 April 2024. Under s171B(3), no enforcement action may be taken after the end of the period of ten years beginning with the date of a breach of planning control consisting of a material change of use of land.
16. Although the notice refers to operational development, the ‘ten year rule’ set out under s171B(3) applies to the alleged material change of use of the land from use as agriculture to use as a public car park with onsite food and drink sales. There is no dispute that the appeal car park opened in March 2021 and the kiosk was brought to the land, to facilitate the onsite sale of food and drink at the same time. The breach of planning control consisting of the making of the material change of use without planning permission thus took place less than ten years before the notice was issued on 12 February 2025. It was not too late for the Council to take enforcement action against the material change of use when they did.
17. The appellant has also pleaded ground (d) in respect of the laying of crushed stone to form a hard surface. The site was initially surfaced with chippings in 2019 when contractors working on behalf of Cumbria County Council required a storage compound in association with flood prevention or mitigation works that they were carrying out in the area. However, there is no evidence that the hard surface subject to the notice was substantially completed in 2019.
18. The November 2021 Google Street View photograph shows the entrance and the first few metres into the site as being hard surfaced but not, given the light, angle of the camera and trees in the foreground, the appearance of the land beyond. The April 2022 Street View photograph is clearer and suggests that the hard surface reached close to the appeal fence dividing the site from the field. However,

that was less than four years before the notice was issued, as indeed was the March 2021 date when the car park was opened.

19. The appellant admits to adding “small amounts” of additional stone chippings “from time to time as necessary to consolidate” the hard surface. He stated that “the site was completed and no further work has been necessary or undertaken since 25 April 2024”. He has not shown that the development comprised in the alleged “laying of crushed stone to form a hard surface” was probably immune from enforcement action under the four year rule.
20. The alleged operational development does not include the stationing of the kiosk or picnic furniture. That is not surprising because the Authority accepts that the kiosk is likely to be moveable, even if it has not actually been moved. I find that the kiosk and furniture are not buildings but rather a mobile structure and chattels stationed to facilitate the alleged material change of use. They are subject to and fall foul of the ten year rule although, again, they only appeared on the site in March 2021, less than four years before the notice was issued anyway.
21. I conclude that the appellant has failed to demonstrate that, on the date that the notice was issued and on the balance of probabilities, it was too late for the Authority to take enforcement action against the material change of use of the land to use as a public car park with onsite food and drink sales or the associated operational development consisting of the laying of crushed stone to form a hard surface. The appeal fails on ground (d).

THE APPEAL ON GROUND (A) AND THE DEEMED PLANNING APPLICATION

22. Ground (a) is that planning permission ought to be granted for what is alleged. In other words, the allegation as corrected forms the description of development for the deemed planning application: the making of a material change of use of the land from use as agriculture to use as a public car park with onsite food and drink sales and associated operational development consisting of the laying of crushed stone to form a hard surface.

Main Issues

23. The main issues are:
 - The effect of the use as a public car park with onsite food and drink sales on travel to and around the area by private motor vehicle.
 - The effect of the use and associated hard surface on the character and appearance of the area and the landscape and scenic beauty of the LDNP.
 - Their effects on the English Lake District World Heritage Site.
 - Their effects on the supply of grazing land.
 - Their effects on biodiversity, and
 - The public benefits of the use and associated hard surface.
24. I must consider these issues with regard to the LDNP Local Plan 2020-2035 (the Local Plan) and material considerations including the National Planning Policy Framework (the Framework). For policy purposes, I agree with the Authority that

the site lies in the open countryside. Finsthwaite may comprise or form part of a “cluster community” as defined in Local Plan Policy 2, but the site lies apart.

Reasons

Travel by Private Motor Vehicle

25. Local Plan Policy 22 states that the Authority will only support additional public parking provision that helps to reduce the need to travel by private motor vehicle and contributes to and improves sustainable transport and movement opportunities. Public parking development will only be permitted in specified locations, none of which are relevant in this case. To be “exceptionally” permitted under or compliant with Policy 22, the appeal development would need to:
- resolve an unacceptable highway safety issue or hazard [when] all other relevant regulatory measures and enforcement have been exhausted; and
 - form part of a traffic management plan that integrates with other sustainable transport opportunities to manage traffic...and not lead to net increases in traffic accessing the location where it is proposed; and
 - not introduce inappropriate levels of use to the location; and
 - incorporate specific measures to manage traffic to the site through ‘smart’ parking information where such measures are appropriate in terms of scale of parking and are viable.
26. Before I assess the development against those criteria, it is worth explaining the context as set out in the reasoned justification for Policy 22. It notes that the provision of car parking is a controversial and critical issue in the Lake District, with demand for such facilities being concentrated to times when visitor demand to come to the national park is at its highest. The Authority seeks to reduce the need to travel by private vehicle, to support climate change initiatives and address visitor pressures at peak times, while recognising that opportunities are limited by the availability of public transport services and people’s behavioural habits.
27. That background is relevant to the appeal. A visitor information board on the lane describes the area as “a great place to pause, relax and enjoy”. The lane leads onto two signposted public footpaths: FP511083, which leads northwest to a network of paths through woodland and around the High Dam tarn (the tarn), and FP511067, which leads northeast to connect to the West Windermere way. The information board states that the footpaths also lead to the hamlets of Rusland and Satterthwaite for those wanting “a longer hike”.
28. However, the only bus service runs along the road just once per day, six days per week. I agree with the appellant that few visitors to the area or even local residents would use public transport to access the local landscape; they will normally use private motor vehicle to reach the point where they wish to walk or cycle from. The Authority understands that parking spaces are required in this area, because it runs the pre-existing High Dam car park (HDGP) located further up the lane. The provision of that facility plus the information board and signposts points to the Authority not simply catering for but also encouraging travel to this location by car.

29. Compared to the HDCP, the appeal site is closer to the road but further from the tarn. The site is located so that visitors do not have to drive but may need to walk up the “steep badly surfaced” part of the lane. Those differences will be important to some but are not in my view significant for the purposes of Policy 22. The development is locationally as well integrated as it could be with what sustainable transport options there are in this area. The HDCP may have been permitted long before the current Local Plan was drafted but nonetheless the site is no more remote from “existing building groups”.
30. However, it does not follow that the appeal car park resolves any highway safety problem or does not lead to an increase in traffic. If the HDCP can attract drivers to the area, so can the appeal car park. It has increased the number of parking spaces locally by about 20 or around two thirds, but the appellant has not provided any real estimate even of its usage to date, never mind of general visitor numbers or locally anticipated parking demand.
31. Two local residents and another interested party have written in support of the appeal. They described how, before the appeal car park was developed, particularly during the Covid pandemic, visitors parked their cars on both sides of the lane. This on-street parking caused not only bottlenecks for drivers and hazards for pedestrians, but also the bank of a beck to the south of the lane to collapse. The Authority does not dispute that evidence.
32. The appellant and his supporters have not told me whether the HDCP was open during lockdown periods, when people in any event had fewer alternatives to walking outdoors for leisure. That said, I accept that there has probably been a longer-term increase in visitor numbers. The opening of the West Windermere Way and footpaths improvements have attracted more walkers, while the tarn has been publicised as a place for wild swimming at a time when that activity has grown in popularity. However, it does not follow that the HDCP would **normally** be inadequate to meet local parking needs if the appeal car park did not exist.
33. It is possible that the HDCP is too small and/or too expensive, but the appellant has not in my view substantiated either claim. He has also not shown that the provision of additional parking spaces on the site serves to redress any such problems without increasing levels of traffic. I do not have the information to conclude that, absent the appeal car park, traffic levels would normally be around the same and/or dangerous on-street parking would take place on the lane. There is nothing which could be described as a traffic management plan before me.
34. I consider that the appeal car park does not demonstrably resolve an unacceptable ongoing highway safety issue and, indeed, there is no evidence that regulatory measures and enforcement options to tackle on-street visitor parking were exhausted before the development took place. Even if the lack of public transport means there is no prospect of reducing the need to travel to or around this area private motor vehicle, the appellant has failed to show that the development does cause a net increase in traffic or inappropriate level of use in this location.
35. There is also no evidence as to what effect, if any, the use of the site for onsite food and drink sales may have on visitor numbers or traffic levels. A grant of planning permission for what is alleged would not convey permission for the erection of any buildings, but it would also not prevent the expansion of the food and drink offer through the stationing of additional mobile kiosks on the land. The

risk of that occurring could be overcome by making a split decision and approving the parking use but not the sale of food and drink, but that would be unreasonable given the modest scale of the latter.

36. I could impose a condition on any permission granted to ensure that the food and drink use remains incidental to parking and involves the stationing of no more than one mobile structure plus X picnic tables. The Authority did not suggest any possible conditions, but I could and would have consulted both parties on the necessity and reasonableness of an “incidental” restriction had an increase in food and drink sales been my only concern. However, the greater problem remains the lack of evidence regarding the traffic impacts even just of the primary parking use.
37. The Authority has not explained why it would be necessary to require the provision of “smart” parking information at this relatively small car park. Even so, I conclude that the appeal use does not reduce the need to but encourages travel by private motor vehicle. It does not demonstrably resolve an unacceptable highway safety issue or hazard arising from on-street parking. It does not form part of a traffic management plan, and it has not been shown to not lead to a net increase in traffic or introduce an inappropriate level of use to the location.
38. A grant of planning permission for the use would conflict with Local Plan Policy 22 and with the Framework. It accepts that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, but it nonetheless expects the planning system to manage patterns of growth so as to avoid and mitigate any adverse environmental impacts of traffic.

Character and Appearance

39. As indicated above, the site was previously part of a relatively flat field, the remainder of which is still laid to pasture. There is similar farmland nearby, particularly closer to Finsthwaite. Otherwise, the area is dominated by densely wooded slopes. The road is lined with trees on the site side, and it adjoins forest on the other. The appeal field also adjoins forest to the north through which the aforementioned footpaths run.
40. The site lies within the Dale Park Area of Distinctive Character (ADC) for the purposes of the LDNP Landscape Character Assessment (LCA). That document describes the ADC as having “a strong sense of enclosure...as a result of the dense cover of both broadleaved and coniferous woodland [which] cloaks an underlying rolling and hummocky topography with many rocky outcrops.”
41. That description absolutely fits the setting of the site. Given its small size, and since it was previously grassed rather than treed, it did not make a significant contribution to the landscape. However, it was of a piece with the rural character of the area and, together with the adjoining field, it afforded views from the road and lane to the forest to the north. I consider that the parking of up to 20 cars and the associated human activity including the sale and consumption of food and drink all on land where grass has been replaced by a stone chipped surface collectively harm the character and the landscape of the site and its surroundings.
42. I also note that the parking use and associated hard surface are visible from the lane and, to a lesser extent, the road. Although the boundary walls are low and formed of local stone, the development does not appear sensitive or unobtrusive,

but harmfully incongruous. It can be seen even through the perimeter trees, especially in winter. It detracts from the appearance of and views across the site.

43. The LCA further describes this area as predominantly tranquil; again, I consider that to be true. The woodland to the northwest of the site is largely unspoiled except to the extent there are footpaths, and of those there are enough that visitors will be liable to dissipate. The lane will be less tranquil already not so much because of walkers but from the vehicular traffic generated by the HDGP. However, since the appeal development is liable to have increased such traffic, it is also likely to have increased noise and light pollution in the vicinity.
44. For the avoidance of doubt, I consider that standard conditions to, say, restrict food and drink sales, control the opening hours of the car park, control external lighting and/or require landscaping would not overcome the identified harm. I note submissions that more intrusive developments have taken place in similar places. Nonetheless, I conclude that the appeal use and hard surface harm the distinctive and tranquil character and appearance of the surrounding area and fail to protect or conserve the landscape or scenic beauty of the LDNP.
45. The use and hard surface conflict with Local Plan Policies 1, 5 and 6, which seek to conserve and enhance the extraordinary harmony and beauty of the Lake District landscape and expect development to give the highest level of protection to the landscape; maintain local distinctiveness, sense of space and, where appropriate, tranquillity; and reinforce the importance of local character.

The English Lake District World Heritage Site

46. The Framework defines “designated heritage assets” as including world heritage sites as well as listed buildings and conservation areas. The appeal site falls within the area of the English Lake District World Heritage Site (the WHS) and so it falls to be considered against planning policies for heritage assets. Local Plan Policy 7 seeks to conserve and enhance the significance of heritage assets in the LDNP, including the WHS.
47. Paragraph 3.07.05 of the reasoned justification for Policy 7 refers to the WHS Nomination document, which essentially shows that the significance of the WHS is aligned with the exceptional beauty and other attributes of the LDNP landscape. Accordingly, my assessment of this issue mirrors that on the previous main issue. Since the appeal use and hard surface harm the character and appearance of the surrounding area and fail to protect or conserve the landscape or scenic beauty of the LDNP, it follows that there is also a failure to conserve the special qualities of the WHS or its significance as a heritage asset.
48. I am satisfied that, given the small size of the site relative to the entire LDNP, the harm to the significance of the WHS is “less than substantial”. In accordance with the Framework, therefore, I shall in due course weigh this and indeed the other harms identified against the public benefits of the development.

Grazing Land

49. The Authority is correct that the appeal change of use caused a loss of grazing land. However, the Authority has not explained what the quality of that grazing land was or why the loss was unacceptable. On their own estimates, this 0.15ha

site only represented around 12% of the field it was part of and is now fenced off from. There seems to be no impediment to grazing on the remaining 88%.

50. I address below whether the appeal development complies with Local Plan Policy 19, which concerns agricultural diversification. Either way, however, that is a different question to whether planning permission should be refused on the basis of loss of grazing land. In my view, it should not. The Framework recognises the benefits of the best and most versatile agricultural land, but the development has not demonstrably caused a significant, if any loss of that.

Biodiversity

51. The Authority also objects that the appellant has not undertaken to secure appropriate biodiversity net gain. Under s90A and Schedule 7A of the TCPA90, a grant of planning permission must be subject to a condition to meet an objective that the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least 10%. However, s90A is not commenced, and biodiversity net gain cannot be required in respect of planning permissions granted through the route of an enforcement appeal.
52. The ground (a) appeal cannot fail due to the lack of any undertaking to ensure biodiversity net gain. Since I agree with the Authority that the grass removed from the site would only have had modest biodiversity value, I would also not refuse permission on the basis of harm to any habitats or species. A grant of permission would not conflict with Local Plan Policy 4, which supports development that conserves biodiversity.

Public Benefits

53. I accept the appellant's evidence that the parking use and associated food and drink sales, by generating a modest income, helps him with the upkeep of the farm and therefore helps to sustain the agricultural business. Visitors paying to use the appeal car park and/or buy food on the site are by definition also contributing to the wider local economy, while I have noted that the development may help alleviate on-street parking problems arising if spaces are not available or too expensive at the HDCP. There are tangible economic and social benefits of the appeal use and thus the associated hard surface.
54. Local Plan Policy 19 supports development to diversify agricultural and land-based rural businesses to help sustain not only the rural economy and communities, but also the character of the landscape and environment, shaped by farming as they are. I accept that the site forms such a small part of the wider field that the use is unlikely to compromise the long-term operation or current working of the farm business, as Policy 19 requires. Since the use does not involve any buildings, it does not need to be located within or well-related to existing building groups.
55. However, just as the appellant has not given any detailed consideration of the likely traffic impacts of the development, so he has not shown that its social or wider economic advantages are significant. His evidence of the value of the car parking use even just to his own farm is slight. I cannot find that the development helps to sustain the character of the landscape as Policy 19 requires. I also cannot attach more than moderate weight to the combined economic and social benefits as considerations in favour of the appeal.

Conclusion on Ground (a) and the Deemed Planning Application

56. The appellant has referred to other car parks in the LDNP, but I do not know the circumstances in which they were developed or permitted. I have considered the appeal use on its merits as discussed in the evidence before me and with regard to current planning policy.
57. I consider that the appeal use does not reduce the need to but encourages travel by private motor vehicle. The use and associated hard surface harm the character and appearance of the area, fail to protect or conserve the landscape or scenic beauty of the LDNP and cause less than substantial harm to the significance of the WHS. The development conflicts with Local Plan Policies, 1, 5, 6, 7, 19 and 22.
58. Drawing those points together, the development conflicts with Policy 2, which only supports development in the open countryside where it has an essential need for a rural location, the location is necessary for the provision of public utilities and infrastructure, it helps to sustain a local business, or it is necessary and designed to support agriculture and forestry. Despite its small size, the car park is not of a scale or nature appropriate to the character of the location.
59. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. Local Plan Policy 1 similarly states that, where there is a conflict between National Park purposes, greater weight should be attached to conserving natural beauty than to the other purposes, which are to promote opportunities for public enjoyment of the National Park and foster the economic and social wellbeing of local communities.
60. The development does not cause unacceptable harm in respect of grazing land, biodiversity or any other planning matter raised. It gives rise to economic and social benefits through agricultural diversification and visitor services. However, those neutral and positive considerations do not, individually or together, outweigh the harm caused by the appeal car park. They would not justify a grant of planning permission contrary to the development plan taken as a whole and contrary to the overriding purpose of conserving the landscape and scenic beauty of the LDNP.
61. I conclude that the appeal should fail on ground (a) and the deemed planning application should be refused.

THE HIDDEN APPEAL ON GROUND (F)

62. Ground (f) is that the requirements of the notice are excessive to remedy the breach of planning control constituted or, as the case may be, the injury to amenity caused by what is alleged by the notice.
63. In this case, the notice requires that the alleged use is ceased and alleged hard surface is removed. It can be deduced that the purpose of the notice, or the outcome that the Authority seeks to achieve, is to remedy the breach of planning control. I could only vary the requirements of the notice if they are excessive to the same end. I cannot rerun questions of amenity which, in any event, have already been addressed via ground (a).
64. The appellant suggests that the notice would achieve its purpose if it simply required cessation of the parking use, on the basis that the kiosk, hard surface and fence and gate are all PD. However, I have found that it is only the fence and gate

which benefit from planning permission granted by the GPDO, and that even they may still need to be removed. An enforcement notice concerned with a material change of use can require the removal of any work that are associated with or ancillary to the use, even if they would otherwise be lawful, so that the land is restored to its condition before the breach of planning control took place.

65. The appellant's evidence, as noted in relation to ground (d), is that he installed the fence and gate when beginning the parking use. The coincidence is not surprising; the appellant would have needed to separate and keep safe his adjoining field and any livestock thereon. But that means the installation of the means of enclosure was associated with or ancillary to the change of use. It is not excessive for the notice to require the removal of the fence and gate, although they are PD, so that the breach of planning control is remedied. The hidden appeal on ground (f) fails.

THE APPEAL ON GROUND (G)

66. An appeal on ground (g) is that the period set out in the notice for compliance with the requirements falls short of what is reasonable. The appellant pleaded ground (g) on the basis that the notice was due to take effect on 26 March 2025 and so the two month period for compliance would have coincided with lambing season. That argument is not relevant because the appeal process stopped the clock. This period for compliance will begin to run from the date of this decision letter which is after lambing season.
67. Even so, with regard to the evidence submitted in support of ground (a), I find that the period for compliance falls short of what is reasonable. It is proportionate to extend the period to six months so that the use may be carried out for the duration of the summer season and there is time after that for the appellant to remove the crushed stone, trailer and fence and gate. The extension will not prevent use of the site for grazing next year but will allow the appellant to adjust his business plans before then. The appeal succeeds on ground (g).

OVERALL CONCLUSION

68. For the reasons given above, I conclude that the appeal as a whole should not succeed. I shall uphold the enforcement notice with a correction and variation.

FORMAL DECISION

69. It is directed that the enforcement notice is corrected and varied by:
- Deleting "and the erection of a fence and gate" from the allegation set out in paragraph 3, and
 - Deleting two months and substituting six (6) months as the time for compliance set out in paragraph 6.
70. Subject to the correction and variation, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under s177(5) of the Town and Country Planning Act 1990.

Jean Russell

INSPECTOR