



Appeal Decisions

Site visit made on 19 May 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 September 2026

Appeal A Ref: APP/B1930/C/22/3311314

Land at Former Butterfly World, Miriam Lane, St Albans, Hertfordshire AL2 3NY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Eddy Cowen of Bud Rescue and Recovery Ltd against an enforcement notice issued by St Albans City Council.
- The notice was issued on 21 October 2022.
The breach of planning control as alleged in the notice (Notice A) is "Without planning permission change of use from visitor attraction to use for stationing of caravans/shipping containers, vehicle sales and maintenance, storage of construction plant, materials and waste, scaffolding equipment, storage of vehicles, vehicle parts, motorcycles, household chattels and business use. Change of use of entrance building (Building B as shown on the attached plan) to business reception and offices. The uses are not in association with the approved visitor attraction. The following operational development is part and parcel of the unauthorized change of use being structures, racking, temporary buildings, hard surfaces, compounds and associated fencing together with means of enclosure that exceed 2 metres in height."
- The requirements of the notice are to "Cease the use of the land for the stationing of caravans/shipping containers, vehicles sales and maintenance, storage of construction plant, materials and waste, scaffolding equipment, storage of vehicles, vehicle parts, motorcycles, household chattels and business use. Cease the use of the entrance building for business reception and offices. Remove all associated operational development being structures, racking, temporary buildings, hard surfaces, compounds and associated fencing together with means of enclosure that exceed 2 metres in height."
- The period for compliance with the requirements is six months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (e) and (g) of the Town and Country Planning Act 1990 (as amended). 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 Act.
- **This decision supersedes that issued on 7 July 2025. That decision on the appeal was quashed by the High Court.**

Appeal B Ref: APP/B1930/C/22/3311308

Land at Former Butterfly World, Miriam Lane, St Albans, Hertfordshire AL2 3NY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mt Eddy Cowen of Bud Rescue and Recovery against an enforcement notice issued by St Albans City Council.
- The notice was issued on 21 October 2022.
- The breach of planning control as alleged in the notice (Notice B) is "Breach of condition 1 of planning permission 5/2014/3465 dated 10 April 2015 for the erection of toilet block, display space and services buildings ancillary to Butterfly World Biome to allow retention of buildings until 16 June 2019. Condition 1 stated as follows:
"This permission shall be for a limited period only expiring 2 years after the date of this notice. On or before that date the use hereby permitted shall be discontinued and the land restored to its former condition in accordance with a scheme of work submitted to and approved by the Local Planning Authority."
- The requirements of the notice are:
Permanently remove the toilet blocks shown hatched blue H on the attached plan from the site.
Remove from the land all materials and waste in compliance with the above.
- The period for compliance with the requirements is 6 months after this notice takes effect.

- The appeal is proceeding on the grounds set out in section 174(2)(a), (e) and (g) of the Town and Country Planning Act 1990 (as amended). 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 Act.
 - **This decision supersedes that issued on 7 July 2025. That decision on the appeal was quashed by the High Court.**
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Decisions

Appeal A

1. It is directed that Notice A is corrected and varied by:
 - *the deletion of the words "Change of use of entrance building (Building B as shown on the attached plan) to business reception and offices" in section 3;*
 - *the deletion of the words "Cease the use of the entrance building for business reception and offices" in section 5; and*
 - *the deletion of the words "associated unauthorised operational development" and their substitution with the words "associated operational development" in section 5.*
2. Subject to the correction and variations, Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the use of land for stationing of caravans/shipping containers, vehicle sales and maintenance, storage of construction plant, materials and waste, scaffolding equipment, storage of vehicles, vehicle parts, motorcycles, household chattels and business use; and the erection of structures, racking, temporary buildings, hard surfaces, compounds and associated fencing together with means of enclosure that exceed 2 metres in height on land at former Butterfly World, Mirriam Lane, St Albans, Hertfordshire as shown on the plan attached to the notice and subject to the attached Schedule of Conditions.

Appeal B

3. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Applications for costs

4. Applications for costs were made by Bud Rescue and Recovery Ltd against St Albans City Council. These applications are the subject of a separate Decision.

Procedural Matters

5. Inspector Walker issued the previous appeal decisions which, by Order of the High Court, have been remitted to me for redetermination. The reason for that Order was that Inspector Walker had failed to consider a material consideration, namely the representations of Mr Hull, an interested party.
6. Inspector Walker's decisions were the redetermination of the initial appeal decisions made by Inspector Hitchcock, which were also remitted for redetermination by Order of the High Court. The reason for this initial Order was that Inspector Hitchcock had failed to take into account a material consideration

comprised of the Secretary of State's grant of planning permission on appeal (dated 22 March 2024) for the development of 721 dwellings and other associated development on Land South of Chiswell Green Lane (to the immediate east of the appeal site) and Land North of Chiswell Green Lane (to the immediate north of the appeal site). Together these appeal decisions are referred to in the initial Order as *"the Chiswell Green Lane Decision"* and I shall use that term in the same way.

7. Inspector Walker noted in his decision that the Council were pursuing proceedings before the Court of Appeal to challenge the Chiswell Green Lane Decision, and at the time of his decisions the planning permissions remained extant. The appeal to the Court of Appeal was unsuccessful and I am advised that work started following the approval of Reserved Matters application 5/2024/1915; albeit the appellant understands that decision is now the subject of legal challenge. My understanding remains that this detailed planning permission remains extant.
8. For the avoidance of doubt, my task is to redetermine the appeals that are now before me rather than simply reviewing Inspector Walker's and Inspector Hitchcock's earlier findings. The main appeal parties agree that the determination of these appeals should continue to follow the written representations procedure and I concur.
9. Since the initial appeal decisions, changes have been made to the National Planning Policy Framework (the Framework). Prior to the first redetermination, the main parties provided comments addressing the initial changes to the Framework (December 2024), particularly the changes to protecting Green Belt land. Prior to the second redetermination, the main parties and the interested party, provided comments addressing the latest changes to the Framework (August 2026). I shall have regard to the submissions and the latest version of the Framework.
10. The Council submitted a replacement local plan (RLP) for examination on 29 November 2024 in accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The consultation on Main Modifications to the RLP under regulation 24 commenced on 13 April 2026. The Planning Inspectorate has been notified of the Council's adoption of the RLP on 9 September 2026.
11. The St Albans Local Plan (September 2026) (SLP) now forms part of the development plan and Part A contains policies relevant to these appeals. There are no significant differences between the wording of relevant emerging and adopted policies, save for some renumbering. As all parties to the appeal had provided submissions in respect of the emerging policies, I find further submissions following the adoption of the SLP to be unnecessary.
12. A screening direction request was made under Regulation 40(2) of the Environmental Impact Assessment Regulations 2017 in relation to an interested party's claim that protected species would be adversely affected by the developments. It has been confirmed that the developments proposed fall within the description at 13b of Schedule 2 to the above Regulations. In the opinion of the Secretary of State, having considered the criteria in Schedule 3 to the above Regulations, the proposed developments are not EIA Developments as they would not be likely to have significant effect on the environment for the following reasons:

"Considering the nature, scale and location of the proposed development and nature of the receiving environment, whilst there may be some impact on the

surrounding area and nearby designated sensitive area(s) as a result of [the developments, they] would not be of a scale and nature likely to result in significant environmental effects.”¹

The Notices

13. It is incumbent upon me to put the notices in order, if necessary, provided I am satisfied that any correction or variation would not cause injustice to either the appellant or the Council.
14. It is clear that ‘Building B’ is the toilet block to which Notice B relates rather than the entrance building which has been changed to a business reception and offices and is the subject of Notice A. This matter is uncontroversial between the parties. No injustice will arise from my correction of the allegation in Notice A in this regard in order to provide precision and clarify the terms of the deemed application for planning permission.
15. Furthermore, as operational development granted under planning permission ref. 5/2003/1343 is lawful it is beyond the scope of Notice A. The inclusion of the word “*unauthorised*” in the last sentence of Section 5 is therefore superfluous. Deleting it will cause no injustice to either party.
16. Notice B does not require correction.

Appeals A and B on Ground (e)

17. An appeal on this ground is that the notices were not served as required by s172(2)(a) of the 1990 Act². The appellant’s case can be précised as: Ifran Khurshid Car Sales was an occupier of the appeal site at the time the Notices were issued but was not served a copy of either Notice.
18. The Council’s Certificate of Service is supported by photographic evidence indicating that multiple copies of each Notice (headed ‘Important – this communication affects your property’) were attached, in separate locations, to the boundary fence of the Land outlined red on the plans attached to the Notices. I am satisfied that, for the purposes of s329(2) of the 1990 Act, this constitutes due service of the Notices upon the occupiers of the land who were not otherwise served.
19. In the alternative, were I satisfied that Ifran Khurshid Car Sales were not served as required, the appellant would need to show that they or the business had been substantially prejudiced. As these appeals have been brought on multiple grounds, including ground (a), I am satisfied no prejudice would occur and I would disregard the failure to serve under s176(5) of the 1990 Act.
20. For these reasons, the ground (e) appeals fail.

Appeal A on Ground (a) and the Deemed Planning Application

21. An appeal on this ground is that planning permission should be granted for the matters alleged. The main issues are:

¹ Environmental Services, Planning Inspectorate letters dated 27 April 2026

² Town and Country Planning Act 1990 as amended

- Whether the development is inappropriate development in the Green Belt having regard to the Framework and relevant local plan policies;
- The effect of the development on the openness and purposes of the Green Belt;
- The effect of the development on the character and appearance of the area; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Whether Inappropriate Development

22. Various uses have been introduced on to the appeal site alongside the retention and re-use of existing structures, such as the biodome base and parking areas. There is also no dispute that new structures, hard surfaces and fencing together with the storage of vehicles, caravans, containers, plant, parts, equipment, materials and waste have been introduced on to the appeal site.
23. Paragraph 5 of policy S5 of the Framework states that it is not applicable in the Green Belt and development proposals should be determined in accordance with policy GB7, unless the benefits for doing so would be substantially outweighed by any adverse effects, when assessed against other national decision-making policies (NDMP), and applying paragraph 2 of policy S5. Proposals would be substantially outweighed by adverse effects when, for example, NDMP state that development proposals should be refused in specific circumstances.
24. Policy GB7 of the Framework provides that certain forms of development are not inappropriate in the Green Belt and should not be regarded as harmful to the Green Belt or be required to demonstrate very special circumstances. These include the redevelopment of previously developed land (PDL), which would not cause substantial harm to the openness of the Green Belt. Policy SP3 of the SLP seeks to protect the Green Belt from inappropriate development. Policy LG6 of the SLP (emerging policy LG5 of the RLP) confirms that proposals in the Green Belt will be assessed in accordance with national policy, and if found consistent, it will be supported in principle, and opportunities to protect and create attractive landscapes will be sought.
25. There is no dispute that the appeal site is located outside of any settlement or that the development constitutes the redevelopment of previously developed land; the former Butterfly World visitor attraction having been partially built out and brought into use. The relevant NDMP is therefore GB7 and the development falls to be considered in respect of criterion e. The development's effect on openness shall therefore be considered.
26. Openness is an essential characteristic of Green Belt, which has spatial and visual components. The development can be seen from beyond the site boundaries, albeit views are limited, which equates to some visual harm to openness. The development utilises the biodome base, and approved parking areas, however the proliferation of additional structures and hardstandings has spread operational development across areas previously landscaped to increase habitat for butterflies. This has caused a spatial loss of openness.

27. Furthermore, the sale, maintenance and storage of vehicles/plant/caravans have significantly different characteristics to the permitted use. The scale of the uses taking place and their more permanent nature have, in my view, increased activity both within and around the appeal site compared to that generated by the permitted visitor attraction and its associated parking. The development therefore has a greater adverse effect on openness in spatial terms and, to a lesser degree, in visual terms than the permitted Butterfly World visitor attraction.
28. The openness of Green Belt has not therefore been preserved by the development. However, the development is largely contained within the general spread of operational development permitted by the permanent visitor attraction, amounting to infilling and partial redevelopment of PDL. In my view, while the harm to openness is significant, it is not substantial. I therefore find the development falls within criterion e. of policy GB7 of the Framework and does not constitute inappropriate development in the Green Belt.
29. Given my finding above, there is no need for me to go on to assess whether there is an evidenced need for the development or whether the appeal site is sustainably located to meet the criteria of policy GB7: g. I note the Council brought to my attention the evidential need associated with GB7: g. however, given my findings of compliance with policy GB7: e. there is no need for me to have regard to it.

Openness and Green Belt Purposes

30. As I have found the development to be not inappropriate, there is no need for me to consider its effect on openness further. The development that has taken place falls within the well-defined site boundaries of this previously developed site. The development does not therefore encroach on the countryside and conflict with the Green Belt purpose of safeguarding the countryside does not arise.

Character and Appearance

31. The appeal site is located to the west of Chiswell Green. The surrounding countryside is predominantly made up of large arable fields, interspersed with pockets of built development and woodland. While there is a significant level of highway infrastructure, including the M1, M25, A414 and A405 in the wider locality surrounding the appeal site and Chiswell Green, the localised road network is made up of narrow hedgerow lined lanes. The Chiswell Green Lane Decision development will also urbanise the land to the immediate north and east of the appeal site.
32. There can be no doubt that the former visitor attraction introduced a form of development out of keeping with this rural setting. It was however justified by very special circumstances, in part provided by protected butterfly species habitat creation. The unauthorised development utilises the pre-existing infrastructure, as well as extending hard surfaced areas and introducing additional structures. The site benefits from landscaping mounds, trees, and other vegetation, which in conjunction with the natural topography, ensures public views from roads outside the site are limited. There is however no mechanism in place to ensure that existing landscape features are maintained or retained.
33. While it is not necessary to eradicate all views of the development, I agree with Inspector Hitchcock and Inspector Walker that additional planting would assist the development's assimilation into the landscape, particularly along the northern

boundary adjacent to Chiswell Green Lane. Furthermore, while the layout of the development has mostly made use of the established hard surfaced areas within the site, landscaping has not been incorporated as required by policy DES1 of the SLP. On balance, the imposition of a condition requiring the completion and maintenance of an agreed landscaping scheme would adequately address the limited visual harm to the character and appearance of the area I have identified.

34. The site is well located just off the A405 and I find it unlikely that traffic movements associated with the site cause any significant adverse effect on the character or appearance of the locality. In addition, the appeal site is within walking distance of sheltered bus stops, from which I understand frequent services to several locations are available. Notwithstanding the lack of lit footways on Miriam Lane, I agree with Inspector Walker that, on balance, there is a genuine choice of transport modes to the site. The development therefore also accords with policies TRA1 and TRA3 of the SLP in so far as they are applicable.
35. As established above, the development does not encroach beyond the original boundaries of the former visitor attraction. As such, taking these factors together, the development would have no significant adverse effect on the character or appearance of the area, and the limited harm identified could be adequately mitigated by the imposition of a landscaping condition.

Other Matters

36. Concerns have been raised regarding the impact of the development on protected butterfly species that have previously thrived on the land. As part of the former visitor attraction, specialised habitats for endangered butterfly species were created and maintained. Since the closure of the visitor attraction, in approximately 2015, the various created habitat areas have not been maintained, and I saw they are returning to a natural condition.
37. There has been some loss of the created specialised habitat areas to hard standing and structures, such as the scaffolding store and adjacent vehicle storage area. I also saw that the former '*chrysalis pond*' was dry during my site visit. The raised '*antennae chalk grassland*' and '*Miriam Rothschild Spiral Proboscis*' areas remain largely in situ and continue to support protected butterfly species. These areas are however returning to scrubland due to lack of maintenance. I have not been provided with evidence to show that the site contained any protected butterfly species habitat before the creation of the visitor attraction.
38. The loss of butterfly habitat is unfortunate. However, given it was man-made and not a naturally occurring habitat in this location, it would inevitably succumb to nature following the closure of the Butterfly World visitor attraction, whether the development had occurred or not. As elements of the man-made habitat remain undeveloped, their on-going maintenance could be secured as part of the required landscaping scheme. This would make a positive contribution to the environmental quality of the appeal site and provide an opportunity to conserve and enhance those remaining habitat elements in accordance with policy N2: a of the Framework and NEB1 of the SLP, which seeks to protect existing landscape features.
39. Policy SP5 of the SLP recognises an over-supply of employment land against the district's identified need. The redevelopment of PDL does not however feature in

this policy nor in policy EMP1, which seeks to protect the district's employment areas. The development does not therefore conflict with local employment policies.

Conditions

40. While it has not been demonstrated that the development would adversely affect the amenity of future residents of the Chiswell Green Lane Decision development site due to noise, it would be reasonable and, in my view, necessary to control activity at the site at night and in the early morning. Inspector Walker acknowledged the need to provide for certain operational activities that need to take place during such times, and I agree. It is therefore necessary to impose a condition that there shall be no activity on the site between the hours of 2100 hours and 0700 hours on any day save for the delivery of recovered vehicles by the Police and rescue/recovery companies/organisations operating from the appeal site.
41. To control the use and extent of the development, so as not to cause unacceptable planning harms, Inspector Walker sought to impose conditions prohibiting residential use and restricting use of the site and associated structures to those shown on the submitted survey drawings. Any residential use of the development would however require planning permission and a condition preventing residential use is not therefore necessary.
42. I agree that the development needs to be defined by reference to the survey drawings. However, drawing numbers: TS22-601-1-RevA and TS22-601-3 include the location and elevation details of the toilet block the subject of Appeal B, identified as Building 16. It would not therefore be appropriate to require the development to comply with these drawings in full as that would pre-empt my decision on Appeal B. Building 16 shall therefore be excluded from the requirement to comply with the plans condition I shall impose.
43. Furthermore, I note that TS22-601-1-RevA defines the areas of the appeal site within which the mixed use activities are taking place. During my site visit I saw that activities have expanded beyond the areas identified. For the avoidance of doubt, it would therefore be reasonable and necessary to restrict the mixed use activities to the areas identified on this plan to define the extent of the planning permission by condition.
44. As discussed above, a landscaping scheme, including measures to conserve and enhance the raised '*antennae chalk grassland*' and '*Miriam Rothschild Spiral Proboscis*' areas, and a timetable for its implementation and future maintenance shall be imposed to ensure required details are submitted, approved and implemented so as to make the development acceptable in planning terms. As the development has already occurred, a strict timetable for compliance will be imposed. The condition will also ensure that the development can be enforced against if the requirements are not met.
45. Conditions relating to the provision of public access routes into and/or through the appeal site are not necessary to make the development acceptable in planning terms and do not therefore meet the relevant tests. Furthermore, in the absence of any technical objection to the development on noise grounds, requiring the provision of 24-hour noise monitoring would also not be necessary to make the development acceptable in planning terms.

Conclusion on Ground (a) and the Deemed Planning Application

46. In compliance with policy LG6 of the SLP, I have assessed the development against the Framework. The development is not inappropriate in the Green Belt. In accordance with paragraph 5 of policy S5 of the Framework, the development should be approved as there are no adverse effects that would substantially outweigh the benefits. There are no other NDMP that require the development to be refused in specific circumstances. I therefore find the development accords with the development plan as a whole.

Overall Conclusion on Appeal A

47. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the development as described in the notice as corrected. The enforcement notice will be corrected, varied and quashed.
48. In these circumstances the appeal on ground (g) does not fall to be considered.

Appeal B on Ground (a) and the Deemed Planning Application

Background

49. The Council granted planning permission for “*Variation of Condition 1 (time limit) of planning permission 5/2008/2877 dated 06/02/2009 for the erection of toilet block, display space and service buildings ancillary to Butterfly World Biome to allow the retention of the buildings until 16/06/2019 and the retention of minor changes to buildings*”³ on 10 April 2015. Condition 1 of this planning permission states “*This permission shall be for a limited period only expiring 2 years after the date of this notice. On or before that date the building hereby permitted shall be removed, the use hereby permitted shall be discontinued and the land restored to its former condition in accordance with a scheme of work submitted to and approved by the Local Planning Authority.*”
50. The toilet block was originally granted a temporary permission to allow the Butterfly World visitor attraction to open in advance of the biodome being completed. The temporary toilet block only being required up until the permanent facilities were provided within the biodome. However, funding for the biodome was not secured and the Butterfly World visitor attraction closed. The site has been redeveloped for the purposes set out in Appeal A. The toilet block remains in situ and is now used for purposes ancillary to the business activities to which Appeal A relates.

The Deemed Planning Application

51. Notice B was issued under s171A(1)(b) of the 1990 Act alleging a breach of condition imposed on a planning permission. The deemed planning application (DPA) is therefore to carry out the development the subject of that planning permission without complying with the condition being enforced against.
52. To begin I need to determine what is permitted by the previously granted planning permission. The courts have held that the correct approach is to consider what the reasonable reader would understand the words to mean in the context of the

³ Council's Decision Notice for 5/14/3465 (Appendix 5) of the Council's Appeal Statement submitted 17 January 2023

overall purpose of the planning permission and with common sense. The planning permission should stand by itself, its meaning clear within the four corners of the document.

53. Having regard to the development described in the planning permission, it is clear, on its face that what was granted planning permission was a toilet block ancillary to the Butterfly World Biome. The matter before me for consideration is therefore whether planning permission should be granted for the *“toilet block...ancillary to Butterfly World Biome”* without a time limit condition being imposed.
54. The appellant is however seeking planning permission for the retention of the toilet block for purposes ancillary to the development dealt with under Appeal A. This is a substantially different development to that which was approved. Powers available to me under s176(1) of the 1990 Act do not extend to correcting a notice so that planning permission can be granted for some alternative form of development to that being enforced against.
55. For the reasons given above, even if the appeal on ground (a) were to be successful, the planning permission granted would be for the toilet block used for purposes ancillary to the Butterfly World Biome. That use has ceased and a further planning permission would be required to secure the retention of the toilet block for purposes ancillary to the development granted under Appeal A.
56. Having regard to the reasons for issuing Notice B and the previous paragraphs, the main issues are:
 - whether the development the subject of condition 1 remains inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - whether any harm caused by the retention of the toilet block by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development and the variation or removal of condition 1.

Reasons

57. It is clear from the Council's submissions that the Butterfly World Biome constituted inappropriate development in the Green Belt, which was granted planning permission based on very special circumstances. The toilet block ancillary to the Butterfly World Biome was granted a temporary planning permission as the permanent facilities for the visitor attraction would (at some point) be provided within the biodome. The toilet block is therefore also inappropriate development in the Green Belt.
58. The biodome was not completed, the permanent toilet facilities were not provided and, most importantly perhaps, the Butterfly World Biome visitor attraction no longer exists. Further, the site is being put to an alternative use for which planning permission has been granted under Appeal A. As such, it is reasonable to conclude there is little prospect of the toilet block being required for its intended and justified purpose; ancillary to the Butterfly World visitor attraction.
59. The toilet block remains inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. The very special circumstances that justified its original temporary permission, i.e. the need for toilet facilities to serve the Butterfly World Biome until such time as the permanent facilities were provided no longer exists. In accordance with paragraph 2 of policy GB6 of the Framework, I give substantial weight to the harm caused to the Green Belt, including harm to its openness.

60. Even if I had found, like the two previous Inspectors, that the DPA related only to the provision of a toilet block, the development would still be inappropriate development in the Green Belt. The existing building, which has the appearance of four beehives, occupies a sizeable footprint and is of a similar height to a two storey building. The structure's distinctive appearance adds to its visual dominance in the landscape. This may originally have been justified by its context within what was formerly the Butterfly World visitor attraction. It is now however out of keeping with the character and appearance of the surrounding area, which is predominantly occupied by low level temporary structures and parked/stored vehicles.
61. I do not doubt that there is a need for toilet facilities to be provided for purposes ancillary to the purposes permitted by the success of Appeal A. However, other than confirming that the toilet block remains in use, no reasoning has been given as to why these facilities could not be provided within other existing or alternative structures that would cause less harm to the openness of the Green Belt and the character and appearance of the area.
62. On the evidence available I therefore find that the harm resulting from the toilet block would not be clearly outweighed by other considerations to amount to the very special circumstances required to allow planning permission to be granted.

Conclusion on Ground (a) and the Deemed Planning Application

63. In accordance with policy LG6 of the SLP, I have assessed the development against the Framework and found the development is inappropriate in the Green Belt and very special circumstances to support the retention of the toilet block for purposes ancillary to the Butterfly World Biome visitor attraction without condition 1 have not been demonstrated. The appeal on ground (a) fails and planning permission shall be refused on the DPA.

Appeal B on Ground (g)

64. The period for compliance specified in Notice B is 6 months. However, the appellant seeks a period of 12 months as the business uses taking place on the site could not operate without these facilities. No substantiated evidence has been provided as to whether any other toilet facilities exist on the appeal site.
65. Given my finding on Appeal A, there will be a continued need for toilet facilities to be provided to serve the development allowed. However, in the absence of any evidence to the contrary, I find 6 months is a reasonable period within which the appellant can look for suitable alternative facilities to serve the Appeal A development.
66. For the above reason, the ground (g) appeal fails.

Overall Conclusion on Appeal B

67. For the reasons given above, I conclude that Appeal B should not succeed and the enforcement notice should be upheld.

M Madge

INSPECTOR

Appeal A – Schedule of Conditions

- 1) The development hereby permitted shall be restricted to the use of the site and associated structures shown on the submitted survey drawings numbers: TS22-601-1-RevA, TS22-601-2 and TS22-601-3 except for where they relate to Building 16 (the toilet block subject to planning permission 5/14/3465), which is excluded from this planning permission.
- 2) The mixed use hereby approved shall take place on those areas of the site identified with coloured hatching and labelled 'UNIT A' to 'UNIT P' (inclusive). No mixed use hereby permitted shall take place on any unhatched land within the site.
- 3) There shall be no activity on the site between the hours of 2100 hours and 0700 hours on any day save for the delivery of recovered vehicles by the Police and vehicle recovery business(es) operating from the site to their respective compounds.
- 4) The use hereby permitted shall cease and all structures, vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme of landscaping shall be submitted for the written approval of the local planning authority and the scheme shall include details of additional planting to the northern site boundary and the restoration of the raised antennae chalk grassland and remaining part of the Mirriam Rothschild Spiral Proboscis areas, and a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved landscaping scheme specified in this condition, that landscaping scheme shall thereafter be maintained/retained/remain in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

--- END ---