Planning Inspectorate

Appeal Decision

Inquiry held on 8, 9, 10 and 24 September 2026

Site visit made on 10 September 2026

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2026

Appeal Ref: APP/Y1138/X/26/3378579
Meadow Forge, Hillside Barn, Cadeleigh, Tiverton, Devon EX16 8RZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Dean Aggett against the decision of Mid Devon District Council.
- The application ref 25/01406/CLU, dated 9 October 2025, was refused by notice dated 29 January 2026.
- The application was made under section 191(1)(c) of the Town and Country Planning Act 1990 (as amended).
- The use or failure to comply with any condition or limitation for which a certificate of lawful use or development is sought is described as "To establish the Lawful Mixed (Composite) Use of a building as a Blacksmith Forge and for residential purposes plus the use of the land outside of the building for the storage of materials, goods, products chattels, scrap, vehicles and waste materials contrary to Conditions 2 and 5 imposed upon Planning Permission 09/01587/FULL."

Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by both the appellant against the Council and the Council against the appellant. These are the subject of separate decisions.

Preliminary Matters

3. I held a Case Management Conference (CMC) on 2 July 2026 where procedural aspects of this case were discussed. The merits of the case were not discussed.

4. All evidence to the inquiry was given under solemn affirmation. Due to allegations about how the appellant gave his evidence, the inquiry sat for a further day than had been programmed.

The terms of what has been applied for including the authorised use and current use

5. The residential use claimed within the description of the application is that there is a mixed use of a large building along with the blacksmith forge and storage. Furthermore, the terms of the LDC application being appealed are that this mixed use also constituted a breach of planning conditions on a 2009 planning permission. I explicitly raised in a pre-inquiry note as well as touching on it in the CMC, whether I should be considering this appeal on the basis of a material change of use or as a breach of those conditions. I was concerned that both elements of the description could not be true. There has either been a material change of use that the appellant is trying to establish as lawful, or alternatively,

that there has been a breach of planning conditions on the 2009 planning permission. It is worth considering this before anything else as it fundamentally affects how I need to consider the case overall. If I were to find for the appellant and decide to issue an LDC, it could be possible to do so on either basis given that s191(4) of the Act provides some discretion to alter the description.

6. Planning permission was granted on 14 December 2009 (09/01587/FULL) for the "Retention of change of use from agricultural to blacksmith's forge"(the 2009 planning permission). This was subject to a number of planning conditions, including conditions 2 and 5, which are the subject of the LDC application. Respectively, these restrict the use of the building to a blacksmith's forge only and preclude storage outside of the building. This was applied for retrospectively. The suggestion by the appellant now is that there may have been residential use of the site by the time of the application. It is necessary therefore to consider whether the application was in fact implemented. By way of relevant background, the reason for the application for an LDC was largely due to the Council serving Breach of Condition Notices (BCNs) against alleged breaches of conditions 2 and 5, on 28 March 2025.

7. I am satisfied having considered the evidence submitted and what I heard from witnesses at the inquiry that the appellant, Mr Aggett, may have slept at the appeal site now and then around that time. In itself, that occasional and varied occupancy may not have significantly affected the character of the site to constitute a material change of use or therefore an additional primary use. That is supported by what Mr Aggett himself as well as what Mr Meraga who gave evidence, have attested to. I will go on to explain some of what they said about the nature and further consolidation of residential facilities. The starting baseline is therefore that the 2009 planning permission can be reliably presumed to have been implemented.

8. It is important therefore to consider what that planning permission had authorised to assess, in planning law terms, what has happened since. That should include an understanding of the planning unit within which the use was being undertaken then and at the time of the LDC application.

9. Whilst, as the Council has pointed out, the red-line application site was drawn tightly around the large utilitarian agricultural shed on the 2009 planning application site plan, that is not in itself a definition of the appropriate "planning unit" for the purposes of assessing any further changes. Rather, the planning unit is a concept which has evolved as a means of determining the most appropriate physical area against which to assess the materiality of change, to ensure consistency in applying the formula of material change of use. It does not mean that the defined application site boundary is irrelevant, it simply means that it is one of the matters that in the round need to be considered. The leading case for determination of the planning unit is Burdle & Williams v SSE & New Forest DC [1972] 1 WLR 1207. This defined that the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct and occupied for different purposes.

10. The appellant owned the broader site as indicated by the blue-line on the location plan submitted with the application, covering the forecourt of the premises between the building and the lane as well as the substantial field to the side and rear. He still owns and occupies that land. Aerial imagery is provided with Mr Aggett's evidence (DA4) and although a little 'fuzzy', the image attributed to

2010 shows the building set within the broader land which is largely clear of any apparent machinery or other man-made objects. It looks ordered, tidy and un-cluttered. There is no dispute about the year of the aerial image and at that snap-shot in time. There appears on that image to be some enclosures within the wider land, similar to what I saw but there is no obvious impediment to moving around the site. However, accessibility to the land behind is difficult due to its steep nature and even if there may be some spill-over of activity, the physical characteristics do make it distinct from the building and the level areas around it.

11. Land around the large building was clearly being used incidentally to its use as a blacksmith's forge. Condition 5 on the 2009 planning permission was intended to "to safeguard the character and amenities of the area" which logically would be the forecourt and land immediately around the building. The fields may have been use for allotments and there are some metal items stored but that part of the land is not intensively used. The red-line site boundary outlined for the LDC application is a reasonable interpretation of the planning unit.

12. The appellant's video evidence such as "Shepherds Hut Build" (stated as 14 years ago) shows a little of the inside of the building but shows the external area fairly free of storage and with working on the construction of the hut taking place on the forecourt. "Free House how I built my home for free" (also stated as 14 years ago) shows a forecourt which is fairly clear and ordered as well. Similarly, with the inside of the building whilst there is still a lot of equipment, tools and other industrial looking paraphernalia, the building looks actively used and business like. This also shows the partial construction of the living quarters that were taking place. There is no dispute that the furnace or forge where metal working is focused has always been the same as what I saw when I visited the site. This is located at the rear of the building and along with the canopy and flue, takes up a small proportion of the substantial building.

13. The various photographs submitted in evidence as well as aerial images give me a good idea of what existed around or at least soon after the 2009 planning permission. It was a big agricultural shed with a high roof providing a lot of space within the basic construction. The application details including the submitted plans show at ground floor level there was a tool room, toilet and office another unlabelled room (subsequently the kitchen). There were 2 raised areas shown at that time and labelled on the "first floor hay lofts plan". In terms of the level of use, Mr Meraga has referred to there being 7 or so employees. The use at that time appears to have been busy with items being manufactured and repaired including out in the open, but with a sense of order.

14. There is acceptance by both main parties that the current use is mixed whereas the 2009 planning permission did not describe a mixed use and the evidence does not indicate otherwise. As I explain above, there was not a residential element to that use sufficient to say that it needed to be included within a mixed use of that site. Notwithstanding the potential agricultural, horticultural or ancillary use of the wider planning unit, the residential accommodation within the building has at some point become formed through substantial internal construction operations. Rather than simply sleeping informally on areas previously defined as haylofts, possibly in vehicles inside or outside of the building, a first floor has been created around much of the building as well as incorporation of living accommodation within the ground floor. The residential use permeates through much of the building now, dominating much of it with nooks and crannies revealing themselves as one moves

around inside. This residential use has therefore resulted in significant changes to the building and how it operates.

15. Mrs Nesbitt in evidence points to the proposition that the forge area does not look like it has been used for some time, or at least not used on a regular basis. The Council in their statement of case had also raised the degree of ongoing business use as did the Parish Council response to the LDC application. When I visited, the area immediately around the furnace and the rest of the building was cluttered with little sign that things are actively moved regularly for any operational reason. There are pathways through but even these need to be walked with care and attention. This is not an obviously active or business-like industrial space.

16. Mr Aggett seems to have reduced his blacksmithing activities and is no longer employing or training other people. Appendix 4 to his evidence provides a copy of 1 invoice from September 2025, and photographs all from August 2026 showing a few items that he is or has been making or repairing. There are also 2 images of the forge in operation with Mr Aggett working. There is no trail of historic 'paperwork' such as invoices, receipts or accounts to show a history of business activity over recent years in reaction to it having been raised by the Council.

17. It is not therefore clear whether the only primary use that was granted planning permission in 2009 is still active. However, even if the use has declined in the level of activity, the forge remains capable of use and there are related materials and tools around it which would enable its resumption. As a matter of fact and degree, it would seem probable that the blacksmith use remains as a primary, albeit dormant use. As well as the obvious residential use, the applicant's own description included "the storage of materials, goods, products chattels, scrap, vehicles and waste materials." Whilst that was referencing the external areas in an attempt to prove that condition 5 of the 2009 permission had been breached for 10 years, it appears from what I saw on site and in photographs in evidence, that the building may also be used for a substantial amount of storage as well. There is so much storage in terms of materials, equipment, tools, machines and other paraphernalia, it does not seem to be directly related to the blacksmithing or residential use.

18. In a nutshell, whilst I accept that the 2009 planning permission was lawfully implemented, what is happening now is a mix of residential use, use as a forge and also use for storage space. None of those uses are incidental or ancillary to the other and together have formed a materially different use of a substantially different character to what was permitted. The Titchfield case[1] referred to by the Council does not change the well-established principles of how to assess that. Titchfield related to an enforcement notice appeal and the rights to revert to previous lawful uses. The circumstances seem very different to the present case. I am of the view that the use no longer operates within the scope of the planning permission because of the insertion of other primary uses. It is well established that whilst in assessing whether there has been a new chapter, it is necessary to consider if the change was "radical" or "total", those words can only in practice mean "material" and so do not provide any higher test than s55 of the Act. That section defines "development" as including the "making of any material change in the use of any buildings or other land".

[1] Titchfield Festival Theatre Ltd v Secretary of State for Housing, Communities and Local Government (2016) EWCA Civ 784

Main Issues

19. The above background therefore defines how I should consider the appeal. It is an appeal against the refusal to issue an LDC and the main issue is whether the Council's decision to refuse to grant a certificate was well founded. I will base this decision on there having been a material change in the use of the appeal site. The appellant's case needs to demonstrate on the balance of probabilities that the present mixed-use has been continuous for 10 years prior to the date of the application.

20. Although there has been a new chapter in the planning history, the issuing of the Breach of Condition Notices could potentially constitute the taking of enforcement action if they were issued in time. It has been held that a breach is approached by reference to the underlying physical breach or development rather than simply the related legal description in the earlier notice. Given my overall conclusions, this may have little significance to this case in terms of the material date for considering the time-limits within the provision of s171B of the Act. Furthermore, another issue which has been raised which may affect any claims made of immunity, is whether there has been concealment or positive deception within representations which could have affected the way in which the Council considered the site and the expediency of taking enforcement action.

Reasons

Mr Aggett's evidence

21. Mr Aggett claims to have been living on the site for a long time, beyond the 10 years necessary to demonstrate his case. However, he has responded to official requests for information such as the PCNs, denying that residential occupancy. Based on his evidence, he was either occupying the site since potentially before or a soon after the 2009 planning permission was approved and then incrementally embedded that occupancy by physical changes to the building. In that scenario, he has given information within the PCN returns and other documents which were incorrect. Alternatively, he wasn't living on site until after he responded to the second of the PCNs in 2022.

22. By way of an example, Mr Aggett refers in his statutory declaration to moving between 'Copenhagen Farmhouse' and 'Meadow Forge' at the time of applying for the 2009 planning permission. Subsequently in the same statement, he refers to his response to the 2010 PCN where he used a different address which he says was actually just a correspondence address, and that he was living within the forge building "for most of the time". When giving his evidence, Mr Aggett stated that 'Rose Cottage' was his mother's house which he had permission to use. He goes on to state that during 2011, various works and activities occurred to the forge building to include "dwellinghouse facilities".

23. Mr Aggett generally gave his evidence confidently and eloquently with respect to the matters surrounding this planning process. He has explained to the inquiry that he is dyslexic and as such sometimes needs to look up the specific meanings of words. His team did not request that reasonable adjustments needed to be made and on the first morning of the inquiry before he gave his evidence, it was mentioned that he could have somebody to assist his going through the evidence. He refused the offer and referred to his own bundle as well as the bundle that the Council had provided on the morning of the event.

24. I can completely understand that anybody when first engaged in the planning system can find it confusing. Early-on, some concepts may have been difficult to understand particularly given Mr Aggett's difficulties with dyslexia. However, he has had a lot of exposure to and experience of the planning system since at least the submission of the 2009 planning permission. Furthermore, terms such as "residential use/human habitation" as used in the 2010 PCN are plain language not confusing technical jargon. He simply had to answer that and other questions truthfully and I find it difficult to believe that Mr Aggett in his response was somehow misunderstanding what was being asked. Even if he did, by 2022 he responded to second PCN saying that "there is no residential use of the building, the shepherd's hut or the land". This was his own choice of words. He went on to say that "I believe that my use of my land and building for my work is in compliance with the planning permissions." He now takes a very different position.

25. The Council understandably is drawing my attention to the supreme court authority of Welwyn Hatfield BC v SSCLG & Beesley [2011] UKSC 15; [2011] JPL 1183. That case recognised that people cannot benefit from the application of a statutory rule for which qualification was procured by fraud. It refers to planning law being a comprehensive code but that the principle may apply in extreme cases where there was positive deception in matters integral to the planning process which was directly intended to and did undermine the regular operation of that process.

26. Mr Aggett's dealings with the Council, particularly with regards to the PCN responses, are capable of supporting a conclusion of deliberate deception which would justify disapplying the s171B time limits. His evidence also includes at the very least ambiguities which in my view reduces the weight that I can attribute to it. The onus is upon Mr Aggett to prove his case on the balance of probabilities, but his case is riven with contradictions. The guidance in the Planning Practice Guidance (PPG) includes advice that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. The ambiguous gaps in his evidence needed to be filled by other evidence in order to prove his case and I will consider that other evidence below.

Use after the 2009 baseline

27. Mr Meraga who gave evidence supporting the appellant's case says that he knew the site and became aware of Mr Aggett in early 2009. Mr Meraga was employed at the appeal site as an apprentice blacksmith for a period which he could not precisely define but which was between 2009 and 2012. At that time, there were facilities such as a kitchen and toilet which would not be unusual within an industrial setting where people will need to eat, have comfort breaks, take refreshments and clean themselves. He had helped Mr Aggett "move from Chapel Street in Tiverton to The Forge (Meadow Forge)." Around this time, Mr Aggett had suffered a relationship breakdown and required alternative accommodation. During this time in 2009 Mr Meraga also confirms that there were 7 or so employees at the building with the outside area being used for parking with outside storage becoming more common by the time he stopped in 2012 and when employees on site reduced. In 2013, according to Mr Steel in his evidence, the appellant was still teaching his son to be a blacksmith.

28. There has been some concentration in representations and when the Council's witnesses were giving evidence, about the longstanding case referred to as "Gravesham"[2]. That case related to whether a chalet limited by condition to occupation for part of the year was a dwellinghouse for the purposes of deciding whether it had residential permitted development rights. There seems to be agreement that the residential use at the appeal site has not been within a "dwellinghouse" as such. It is however a reasonable case to use as a benchmark for understanding when a viable residential use has occurred. That chalet in Gravesham did not have an inside toilet or bathroom but stood within its own planning unit where, it is understood, there were separate external facilities. It seems probable in this case that the residential use has grown and become embedded incrementally with the gradual improvement of permanent facilities. The absence of some facilities may not have affected whether in fact the residential use had occurred and conversely, if all facilities were available, it does not prove that residential use was taking place.

29. As well as having undertaken an apprenticeship with Mr Aggett, Mr Meraga had subsequently undertaken a National Vocational Qualification in plumbing and re-plumbed the first-floor bathroom. That was completed in 2012. There had been a bathtub prior to that which may have needed water heated by the range cooker. Mr Aggett in his proof of evidence refers to installing further facilities within the building after the December 2009 planning permission, whilst he was continuing to operate the blacksmithing business. Mr Aggett did have alternative residential accommodation and his explanation now about the use of those addresses being for administrative purposes only was not convincing.

30. Photographs appended to the appellant's proof of evidence include one showing a bathroom dated 11 February 2013 along with others showing the kitchen in December 2010 and the living room in January 2013. These are in addition to the upper floor area construction that was still taking place as shown in the photographs now agreed to also have been December 2010.

31. During the inquiry, the various officers formerly of the Council who had visited the site were not available to give evidence. Two of those, Mr Clarke who attended the inquiry and Mr Crocker who did not, now work for the company representing the appellant. Neither were called to give evidence to fill-in any of the ambiguous evidential gaps.

32. A file note is provided (HRN/05) of Mr Crocker's visits prior to and following the issuing of the 2010 Planning Contravention Notice. The note dated 11 May 2011 stated "no evidence of using forge as living accommodation." This contradicts what Mr Aggett has attested to. Furthermore, it states that there was a "small kitchen area and office but no other facilities." This note was followed up by an entry on the Council's system dated 17 May 2011 closing the investigation with the decision type stating "no further action" and the "reason closed" being "No breach". This decision to close the investigation appears to have been made through a combination of the response to the 2010 PCN as well as what Mr Crocker saw and was told when the visit took place. Unfortunately, his notes were not comprehensive and he could not be asked to elaborate on what he saw because he was not produced as a witness. Closing submissions for the appellant criticise the Council because they say that the complete enforcement files were requested

[2] Gravesham BC v SSE & O'Brien [1982] 47 P&CR 142; [1983] JPL 307

but not disclosed. Mr Crocker could have potentially provided clarification if he had been chosen to give evidence.

33. A further investigation was opened in March 2013 following another report that there was residential use occurring, with a mixed use therefore suspected. The property was visited by former planning enforcement officers Mr Clarke (now the appellant's agent) and Mr Willings who has since retired. This case was closed on 8 April 2015 with the decision type on the screen-shot of the Council's system stating "no further action" with the reason being "no breach." Again, even though he is part of the appellant's team, Mr Clark was not called as a witness to elaborate upon what he saw when he visited with Mr Willing.

34. Some administrative documents such as a census form, driving licence and electoral roll were completed using the forge as Mr Aggett's address in 2011. These support proof of his occupancy but given Mr Aggett's self-declared propensity to use different addresses for different purposes along with the general unreliability of his evidence, I give them limited weight. Mr Beech did not give evidence personally but his written evidence indicates that Mr Aggett was living at the site in 2012. Mr Beech also states that he saw some of the vehicles that are still at the site. This includes the library van inside the building at that time. That could have been somewhere that could be used either inside or outside of the building to support more comfortable living arrangements than were available until the internal works were completed.

35. By around 2013, the incremental improvement of residential facilities and actual use had more clearly become a permanent indication of residential occupancy. This would have been a primary use and a material component of the mixed use. Based upon the evidence that I have read and heard, I tend to agree that this is probably the appropriate timing of the initiation of the residential use.

36. However, other incremental changes appear to have occurred after that date. The addition of internal and external storage unconnected to either the residential or blacksmithing uses have had a significant effect on the character of the use of the land. This represents a further change in the mix of primary uses of the planning unit. This would be broadly consistent with the description of the development used on the application for an LDC. The precise date of that being initiated was sometime after 2013 but is not clear from evidence.

Conclusions

37. The use of the building as a forge in 2009 would have appeared and operated very differently from what is presently occurring on the inside as well as around the immediate setting of the building. A residential use has been initiated within the building which seems now to have become almost entirely reliant upon facilities within the building with some use of the library van and outside areas for related activities. The internal construction works were underway in 2010 and when complete, enabled more comfortable and permanent residential occupation.

38. The residential use of the building may have commenced around 2013 to a significant degree. However, the residential use is part of a mix of uses and it is the continuity of that same mix of uses that needs to be established, with the terms of the application being what I primarily need to consider, although I have some discretion if there needs to be descriptive changes.

39. There is limited evidence to indicate that blacksmithing still occurs to a significant degree. Simply reducing activity does not necessarily lead to a material change of use and the intensity of any active use can vary. I consider that it remains as a primary use, even if it is inactive. However, storage at some point seems to have become a more dominant use of the building, changing its character and also that of the land immediately around it. That storage has become a primary use in its own right.

40. Setting this again in the context of the main witness with detailed knowledge of the appeal site consistently since 2006, the appellant Mr Aggett, his evidence is unreliable. I was not convinced that the reason he responded in the ways that he did to formal requests for information in PCNs on 2 occasions as well as in separate correspondence were because Meadow Forge was not recognised by the authority as a residential address, which related to other duties such as business rates and council tax. That is a tenuous justification lacking credibility. The wording of the PCNs in 2010 and 2022 were clearly asking for factual information in clear, everyday non-technical language. Given the conclusions that I have reached, Mr Aggett's denials within the 2010 response may have been reflective of an occasional residential occupation of the site at that time. Even if that were the case, given what he says now, he could and should have referred to the manner in which he was staying at the site even if that was occasional. Whilst not decisive at that time, it indicates the start of not responding reliably to very simple questions.

41. The 2022 PCN response and the letter that accompanied it, are in my view clearer-cut attempts at diverting attention from the residential use that was being undertaken at that time and which had been occurring for around 9 years. At that key point in time, his response to "please state your home address" and "please provide the details of your permanent residential address" he included an address in Exeter. In response to "how long have you lived at this address?" he responded with "4 years". I do not accept that the matter can be attributed purely to an innocent misunderstanding of the procedural requirements and language. By his own admission when giving evidence, Mr Aggett accepted that over the years he had gained a better understanding of terminology.

42. It would have been perfectly reasonable for the Council to accept such responses as some comfort in their decision not to consider the expediency of enforcement action further. The facilities enabling residential use could have had alternative purposes within the scope of the then lawful use. After that time, the Council did attempt to continue some investigations and Mr Aggett was not co-operative particularly at that time of a site visit by Mrs Nesbit in November 2024. According to Mrs Nesbit in her evidence, he continued to deny residential occupation when he had greeted her at the site wearing a dressing gown and slippers. Mr Aggett has attempted to evade detection or proper consideration of the unauthorised use of the appeal site for residential purposes, on a regular basis. Whether or not Mr Aggett knew the potential for accrued lawfulness or not, his responses appear to have been deliberately misleading. I find it difficult to comprehend why that would be other than to throw the Council off-track. Unfortunately, 2 of the investigating officers who presumably could have been called to elaborate, given that they are professionally active and also work for the consultancy representing the appellant, were not called to give evidence.

43. In summary, I consider on the balance of probabilities that the mixed residential and blacksmithing use began around 2012 to 2013 but it is less clear when the

current different mixed use incorporating storage commenced. It could have been soon afterwards but given the lack of evidence about active industrial work after that time or when storage become so significant, I cannot reach a precise conclusion. As such, the appellant has not demonstrated that the current use has been continuous since it commenced for a period of at least 10 years immediately prior to the date of the application.

44. Furthermore, the Welwyn Hatfield judgement establishes that positive deception which seeks to and succeeds in frustrating the normal course of the planning enforcement regime should invoke the loss of immunity provided in section 171B of the 1990 Act on grounds of public policy. The Supreme Court judgement identified 4 features which, in combination, took that case outside of the true scope of section 171B(2). These are:

    i) positive deception in matters integral to the planning process;

    ii) that deception was directly intended to undermine the planning process;

    iii) it did undermine that process and;

    iv) the wrong-doer would profit directly from the deception if the normal limitation period were to enable him to resist enforcement.

45. Even if, therefore, the current mixed use had commenced and had been continuous for a 10 year period prior to the date of the application, Mr Aggett's responses to council investigations, even when taking other evidence into account, involved not simply passive omissions but deliberate statements and also conduct intended to prevent the Council from realising the true nature of the use when considering the taking of enforcement action. In those circumstances, the appellant would stand to benefit directly from conduct intended to frustrate the proper operation of the planning enforcement regime. Applying the principles identified by Lord Mance in Welwyn Hatfield, the protection afforded by section 171B should not be available as a matter of public policy. Accordingly, the normal statutory time limits for enforcement action would be disapplied.

Overall Conclusion

46. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use "To establish the Lawful Mixed (Composite) Use of a building as a Blacksmith Forge and for residential purposes plus the use of the land outside of the building for the storage of materials, goods, products chattels, scrap, vehicles and waste materials contrary to Conditions 2 and 5 imposed upon Planning Permission 09/01587/FULL, was well founded and the appeal should fail." I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Andy Harwood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Fergus Charlton	of Michelmores LLP instructed by the appellant

Who called:

Dean Aggett
Karim Meraga
Norman Steel
Demelza Noall
Myles Broom

FOR THE LOCAL PLANNING AUTHORITY:

Lara Spencer of Counsel	Instructed by the Council

Who called:

Heather Nesbitt	Senior Enforcement Officer
Adrian Deveraux	Area Team Leader, Development Management
Stella Radley	Planning Enforcement Officer

DOCUMENTS & PLANS

1	Site plan from 2009 planning permission	Council
2	Photograph 14 December 2010 from Facebook	Appellant
3	Legal submissions on pre-inquiry note 2	Appellant
4	Legal submissions on pre-inquiry note 2	Council
5	Titchfield Festival Theatre Ltd v Secretary of State for Housing, Communities and Local Government (2016) EWCA Civ 784	Council
6	Opening submissions	Appellant
7	Opening submissions	Council
8	Full PCN from 2010	Council
9	Planning Practice Guidance extracts	Appellant
10	Costs submissions	Appellant
11	Costs submissions	Council
12	Witness statement Stella Radley	Council
13	2nd Proof of evidence Dean Aggett	Appellant
14	Proof of evidence Demelza Noall	Appellant
15	2nd Proof of evidence Karim Meraga	Appellant
16	Proof of evidence Myles Broom	Appellant
17	Closing submissions	Council
18	Closing submissions	Appellant