Planning Inspectorate

Appeal Decisions

Inquiry held on 22 to 25 September 2026 and 29 September to 2 October 2026

Site visit made on 24 September 2026

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal A Ref: APP/F2605/C/25/3375850
Cherry Tree Farm, Cherry Tree Lane, Stow Bedon, NR17 1BY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Wayland Farms Limited against an enforcement notice issued by Breckland Council.
- The enforcement notice was issued on 9 July 2025.
- The breach of planning control as alleged in the notice is failure to comply with condition[s] imposed on a planning permission ref 3PL/2017/0878/F granted on 13 August 2019.
- The development to which the permission relates is: Expand pig production to 6990 pigs, Demolish some existing buildings (10 no) & erect 7 new pig sheds with roof fan ventilation, new roof covering over existing manure store.
- The condition in question is no 2 which states that:
  The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.
- The notice alleges that the condition has not been complied with in that:

  On 13th August 2019 planning permission was granted under reference 3PL/2017/0878/F to expand pig production to 6990 pigs, demolish some existing buildings (10 no) and erect 7 new pig sheds with roof fan ventilation and a new roof covering over existing manure store, subject to conditions. Condition 2 required that the development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of the decision notice.

  It appears to the Council that the condition has not been complied with because the new pig sheds authorized by permission 3PL/2017/0878/F have not been constructed in accordance with plans "Proposed and Existing South and East Elevations, ref 4", dated June 2017 and "Proposed and Existing North and West Elevations, ref: 5", dated June 2017. Both plans were approved under planning application 3PL/2017/0878/F dated 13 August 2019 and are listed under Condition 2 of that consent.

- The requirements of the notice are:
  Comply with the plans named "Proposed and Existing South and East Elevations, ref 4, dated June 2017, ref 4, dated June 2017" and "Proposed and Existing North and West Elevations, ref: 5, dated June 2017" approved under planning application 3PL/2017/0878/F dated 13 August 2019 in relation to the pig sheds by constructing the sheds with solid walls in accordance with the approved plans.
- The period for compliance with the requirement is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d) and (g) of the Town and Country Planning Act 1990 (as amended).

Appeal B Ref: APP/F2605/W/25/3375849
Cherry Tree Farm, Cherry Tree Lane, Stow Bedon, NR17 1BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.

- The appeal is made by Wayland Farms Ltd against the decision of Breckland Council.
- The application Ref 3PL/2021/0932/VAR, dated 17 June 2021, was refused by notice dated 21 October 2025.
- The application sought planning permission for 'expand pig production to 6990 pigs. Demolish some existing buildings (10No.) and erect 7 new pig sheds with roof fan ventilation, new roof covering over existing manure store' without complying with a condition attached to planning permission Ref 3PL/2017/0878/F, dated 13 August 2019.
- The condition in dispute is No 2 which states that:
  The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.
- The reason given for the condition is:
  To ensure the satisfactory development of the site.

Applications for costs

1. Applications for an award of costs have been made by Wayland Farms Ltd against Breckland Council and Mrs Ann Cuthbert (the Rule 6 party). These are the subject of a separate decision.

Preliminary Matters

2. Section 171A of the Town and Country Planning Act 1990 (the Act) states:

   (1) For the purposes of this Act—

   (a) carrying out development without the required planning permission; or

   (b) failing to comply with any condition or limitation subject to which planning permission has been granted,

   constitutes a breach of planning control.

3. The enforcement notice (the EN) alleges a failure to comply with a condition subject to which planning permission has been granted. Accordingly, the reference in the opening paragraph should be to section 171A(1)(b) rather than section 171A(1)(a). The notice shall be corrected accordingly.

4. Furthermore, the EN only attacks the walls of the sheds. The requirement under section 4 of the notice gives rise to ambiguity as it requires compliance with the approved plans by constructing the pig sheds with solid walls. However, there is no dispute that there are other departures from the approved plans. Therefore, even if the solid walls were constructed, the plans would still not be complied with, due to the remaining other departures. Consequently, the requirement shall be varied to read:

   'The pig sheds shall be constructed with solid walls in accordance with the plans named "Proposed and Existing South and East Elevations, ref 4, dated June 2017" and "Proposed and Existing North and West Elevations, ref: 5, dated June 2017" approved under planning application 3PL/2017/0878/F dated 13 August 2019.'

5. The Council and the appellant have agreed the above correction and variation can be made without causing injustice.

6. During the inquiry, the Council confirmed that they have withdrawn their 'positive deception' argument. As a consequence, if I find that the breach of planning control is development without planning permission and not a breach of condition,

and therefore the four-year period of immunity applies, then the Council offer no evidence that the development would not be immune from enforcement action.

7. During the inquiry, the Rule 6 party withdrew their objection to Appeal B on the grounds of noise impacts.

Appeal A - ground (b) and ground (d)

8. The parties disagree as to the proper basis upon which to determine whether the development subject to the appeal constitutes a breach of planning condition or operational development carried out without planning permission.

9. Section 171A(1) of the Act provides that a breach of planning control consists either of carrying out development without the required planning permission or failing to comply with a condition subject to which planning permission has been granted.

10. Section 174(2) of the Act states:

> 'An appeal may be brought on any of the following grounds—
>
> …
>
> (b) that those matters have not occurred;
>
> (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;'

11. The Council contends that the notice alleges a breach of condition 2 and that, if the original planning permission was not lawfully implemented, no breach of that condition could arise. On that basis, it argues that the alleged breach did not occur and that the issue falls to be determined under ground (b).

12. I am not persuaded that the principal dispute is concerned with whether the relevant physical works took place. There is no substantive disagreement regarding the development which has been carried out. Rather, the dispute concerns the proper characterisation of that development for planning purposes.

13. The central issue is whether the works were undertaken pursuant to an extant planning permission and therefore constitute a breach of condition, or whether they fall outside the scope of that permission and amount instead to operational development carried out without planning permission.

14. That distinction is material because different statutory time limits apply to different categories of breach. Accordingly, it is first necessary to identify the nature of the breach of planning control before determining whether enforcement action was available at the date the notice was issued.

15. The wording of ground (d), which refers to 'any breach of planning control which may be constituted by those matters', directs attention to the breach of planning control arising from the facts found to exist at the site, rather than solely to the legal characterisation adopted in the enforcement notice. The task under ground (d) is therefore to determine the true nature of the breach constituted by the matters that have occurred and, having done so, whether enforcement action could lawfully be taken in respect of that breach at the date the notice was issued.

16. Whilst I acknowledge the Council's submission that the issue falls to be considered under ground (b), I am not persuaded that the principal dispute concerns whether the physical matters alleged in the notice occurred. There is no substantive disagreement regarding the development that has been carried out. Rather, the dispute concerns whether that development falls within the scope of the planning permission such that any breach is properly characterised as a failure to comply with a condition, or whether the development falls outside the permission and therefore constitutes operational development carried out without planning permission. As that issue is central to determining the availability of enforcement action at the date the notice was issued, I consider it appropriate to determine it principally under ground (d).

17. If I am wrong in that approach and the issue properly falls to be determined under ground (b), I would nevertheless conclude that the appeal succeeds on that ground. For the reasons set out below, I find that the development to which the notice relates falls materially outside the scope of the planning permission and cannot properly be regarded as development authorised by that permission subject merely to non-compliance with condition 2. In those circumstances, the enforcement notice mischaracterises the breach of planning control. The matters alleged do not amount to the breach of condition specified in the notice and, on that basis, I would find that the ground (b) appeal succeeds.

Implementation of original planning permission

18. The description of the original planning permission is 'Expand pig production to 6990 pigs. Demolish some existing buildings (10No.) and erect 7 new pig sheds with roof fan ventilation, new roof covering over existing manure store'.

19. The development as constructed initially involved the demolition of the buildings identified in the original permission for demolition. There is no evidence before me that these buildings were demolished for any other purpose than to enable the construction of the development as approved in the original planning permission. Accordingly, on this basis, I find that a material operation had been carried out pursuant to the permission before it expired.

20. Given the above, I find that the original planning permission was implemented. However, that finding does not determine the appeal. Implementation establishes that the permission took effect before its expiry, but it does not follow that the development subsequently carried out falls within the scope of that permission. It remains necessary to determine whether the development as built was authorised by the permission.

21. Having considered the approved plans, the comparison drawings contained within the Statement of Common Ground, the overlay plan evidence, the photographic evidence and the oral evidence given at the Inquiry, I find that the development as constructed differs in a number of significant respects from that approved under the original planning permission.

22. The evidence establishes that the siting of the pig sheds does not accord with the approved layout shown on drawings 1 and 6. The comparison plans before the Inquiry demonstrate that the pig sheds have been repositioned across the site and that their as-built layout differs from the approved layout. The pig sheds have all been positioned further to the east, with the difference in the position of their east

elevations ranging from between approximately 1m to 3.5 metres from the approved positions.

23. The evidence also shows that the silos have not been constructed in the approved locations and that their number and configuration differs from that shown on the approved plans.

24. In addition, development has been constructed that was not shown on the approved layout, including a feed mixing shed, welfare unit, plant room, weighing platform and associated infrastructure. Mr Bowes' evidence was that some of these elements were not envisaged when the original planning application was submitted and arose from later operational requirements, including the introduction of feed trials. I have no reason to doubt that evidence.

25. The evidence further demonstrates that the vehicle turning area was enlarged during construction. The agreed evidence is that the completed turning area extends beyond the red line application boundary by some 443 square metres. Whilst I accept that the existence of development outside the red line is not necessarily determinative of the scope of the planning permission, it nevertheless provides further evidence that the development as built did not accord with the approved scheme.

26. The manure store also differs materially from that described in the development approved under the original permission. The evidence before me indicates that, rather than the approved 'new roof covering over existing manure store', as defined in the description of the approved development, what was constructed was a relocated and partially enclosed building in a different form from that expressly envisaged by the permission. Its footprint is significantly smaller and its height significantly greater than the structure that would have resulted from the approved roof covering.

27. I have carefully considered the submissions that the differences are merely marginal and that the development remains, in essence, the pig-rearing enterprise approved in 2019. I also note the evidence relied upon by the Rule 6 Party that the use and general character of the development remain unchanged and that certain deviations may be regarded as ancillary.

28. Nevertheless, the original planning permission authorised not merely a land use but a particular form of development. Having regard to the cumulative effect of the changes to the layout, siting, footprint, associated structures, turning area and manure store, I am not satisfied that the completed development can reasonably be regarded as the development shown on the approved plans with only minor deviations. Rather, the evidence demonstrates that the development as constructed was materially different from that approved.

29. In addition to the above, the description of development in the original planning permission expressly included a "new roof covering over existing manure store". In my view, the ordinary and natural meaning of that description is that the existing manure store would be retained and that the authorised development, so far as that element was concerned, would comprise the provision of a roof over that existing structure.

30. The evidence before me demonstrates that the development carried out differs materially from that which was described and approved. The manure store as

constructed is not simply an existing manure store to which a roof has been added. Rather, the evidence indicates that the structure was reconstructed and reconfigured such that the resulting building differs in form, extent and physical characteristics from that envisaged by the permission.

31. I have carefully considered the Council's submission that the completed structure performs the same operational function as the approved manure store and forms part of the same agricultural enterprise. However, the issue before me is not merely one of function. Planning permission was granted for a particular form of development and the authorised works were expressly described as the provision of a roof over an existing manure store.

32. In reaching that conclusion, I have had regard to the approach to the interpretation of planning permissions endorsed by the Supreme Court in *Trump International Golf Club Scotland Ltd v Scottish Ministers* [2015] UKSC 74. Planning permissions are to be interpreted objectively and in their proper context, having regard to the permission as a whole. I also attach significant weight to the description of development contained within the planning permission. As made clear in *Finney v Welsh Ministers* [2019] EWCA Civ 1868, the description of development forms part of the operative grant of planning permission and defines the development that has been authorised. Whilst plans and conditions may assist in identifying how a development is to be carried out, they cannot alter the substance of that which has been permitted. Applying those principles, I consider that the description before me contemplated the retention of an existing manure store and its enclosure by means of a roof structure. The development carried out goes materially beyond that description.

33. I have also had regard to the approach in *Test Valley Borough Council v Chala Fiske* [2024] EWCA Civ 1541, namely that the assessment is directed to whether the development as carried out can fairly and reasonably be regarded as the development authorised by the planning permission when considered as a whole. In this case, the evidence demonstrates that the manure store differs materially from that approved in terms of its design, dimensions and physical form. Taking those differences collectively, I am not persuaded that the completed structure can fairly and reasonably be regarded as the development permitted by the planning permission.

34. I have also had regard to *Commercial Land Ltd/Imperial Resources SA v Secretary of State for Transport, Local Government and the Regions* [2002] EWHC 1264 (Admin) and *Handoll and Suddick v Warner Goodman & Streat (a firm) and others* [1994] EWCA Civ 42; (1995) 70 P&CR 627. Consistent with the approach in *Fiske*, those authorities support an assessment directed to whether the development actually carried out can properly be regarded as the development authorised by the planning permission, considered objectively and as a matter of fact and degree. They further demonstrate that, where departures from the approved scheme are sufficiently substantial, the resulting development may fall outside the scope of the planning permission rather than amount simply to a failure to comply with a condition.

35. I therefore find that the manure store provides a clear example of a departure from the development authorised by the permission. This is not merely a case where an approved structure has been erected with minor alterations or in imperfect accordance with approved drawings. Rather, the evidence demonstrates that a

materially different structure has been constructed from that expressly envisaged by the permission.

36. The manure store therefore represents a significant departure from an element of development expressly authorised by the permission. That finding is not, however, determinative in itself and must be considered alongside the other departures identified above. However, when considered alongside the other substantial departures that I have identified, including the repositioning and alteration of the pig sheds, the construction of additional buildings and infrastructure not shown on the approved plans, and the enlarged turning area extending beyond the application boundary, it reinforces my finding that the development as built cannot reasonably be regarded as the development for which planning permission was granted.

37. Consequently, whilst I find that the original planning permission was lawfully implemented, I also find that the development subsequently carried out falls materially outside the scope of that permission. The issue which follows is whether the resultant breach of planning control is properly characterised as a breach of condition or as operational development carried out without planning permission.

A breach of condition or operational development carried out without planning permission?

38. For the reasons given above, I have found that the original planning permission was lawfully implemented. However, I have also found that the development as constructed differs materially from the development approved and falls outside the scope of that permission.

39. The issue under ground (d) is therefore whether, at the date the enforcement notice was issued, enforcement action could be taken in respect of the breach of planning control constituted by those matters.

40. Whilst a failure to comply with an approved plans condition will ordinarily amount to a breach of condition, that is not invariably so. The question is whether the development as carried out can still fairly and reasonably be regarded as the development authorised by the planning permission. In this case, the departures are not confined to isolated discrepancies in dimensions, position or detailing. Rather, the evidence demonstrates substantial changes to the approved layout, including the repositioning of all pig sheds, alterations to the number and arrangement of silos, the provision of additional buildings and infrastructure not shown on the approved plans, the enlargement of the turning area beyond the application boundary, and the construction of a materially different manure store from that expressly envisaged by the permission. These changes do not constitute a series of minor departures from an otherwise recognisable approved scheme. Rather, viewed as a whole and applying the approach set out in *Fiske*, *Commercial Land* and *Handoll*, they affect the fundamental composition, layout and physical form of the development that was authorised.

41. Taking these matters together, I am not satisfied that the development now present on the site can fairly and reasonably be regarded as the development authorised by the planning permission. The departures extend beyond matters of detail and fundamentally alter the physical composition and layout of the approved scheme. The cumulative effect of those changes is such that the completed

development cannot fairly and reasonably be regarded as the development authorised by the permission and therefore falls outside its scope.

42. Accordingly, I find that the breach is properly characterised as operational development carried out without planning permission rather than a failure to comply with a condition attached to an extant permission. I explored with the parties whether the allegation should be corrected, but the appellant was adamant that this would cause injustice because, had the notice been issued on that basis, they would have appealed on ground (a). The Rule 6 party also strongly supports the appellant's view that I consider the breach under ground (d), without correcting the allegation, for the reasons given in paragraphs 15 and 16.

43. In the event I find the relevant period of immunity from enforcement action to be four years, there is no dispute amongst the main parties that the existing development was substantially completed by mid-May 2021. The enforcement notice was issued on 9 July 2025. Accordingly, more than four years had therefore elapsed before the notice was issued. I have been provided with no persuasive evidence to the contrary. I therefore find, on the balance of probabilities, that the operational development was substantially completed more than four years before the issue of the enforcement notice. Accordingly, by the date the notice was issued, no enforcement action could be taken in respect of that breach of planning control.

44. It follows that the development had become lawful through the passage of time before the issue of the notice. Consequently, the requirements of section 174(2)(d) are met and the ground (d) appeal succeeds.

45. In reaching this conclusion, I acknowledge that the Council described the breach in the notice as a breach of a planning condition. However, ground (d) requires consideration of the breach of planning control constituted by the matters which have occurred. Having found that those matters amount to operational development carried out without planning permission, and that the relevant immunity period had expired before the notice was issued, I conclude that the notice was issued at a time when enforcement action could no longer lawfully be taken in respect of that breach.

46. The appeal on ground (d) therefore succeeds and the enforcement notice will be quashed.

Conclusion on Appeal A

47. In view of the success on ground (d), the appeal under the remaining grounds as do not fall to be considered.

48. Furthermore, I conclude that it is appropriate in the circumstances of this case, to exercise the power available to me under s177(1)(c) of the 1990 Act as amended, to issue a certificate of lawful use or development under s191 of the 1990 Act, as substituted by s10 and paragraph 24(1)(b) of Schedule 7 to the Planning and Compensation Act 1991, for the development as-built, namely the erection of 7 pig sheds, a manure store building and silos. I have not included the additional development that was the subject of the previous enforcement notice issued on 28 May 2025 as the Council confirm that this was immune from enforcement action when that notice was withdrawn.

Appeal B

Procedural Matter

49. Section 73A of the Town and Country Planning Act 1990 (as amended) (the Act) allows planning permission to be granted for development carried out before the date of the application without complying with some condition subject to which planning permission was granted. In this case, the appellant seeks planning permission under section 73A by varying condition 2 of planning permission 3PL/2017/0878/F so as to substitute a different set of approved plans.

50. Whilst I have found under Appeal A that the development as built falls materially outside the scope of planning permission 3PL/2017/0878/F and has become lawful through the passage of time, those findings do not preclude the determination of the section 73A appeal. I have found that the original planning permission was lawfully implemented through the demolition of the buildings. Although the development subsequently diverged from the approved scheme, the finding that a material operation was undertaken pursuant to the permission means that the permission was lawfully implemented before its expiry.

51. Appeal B concerns whether planning permission should now be granted for the development as carried out. The fact that the development authorised by the original permission can no longer practically be constructed, owing to the existence of the lawful development on the site, does not of itself prevent the determination of this appeal.

52. However, my findings under Appeal A are highly material. In particular, I have found that the development as constructed cannot fairly and reasonably be regarded as the development authorised by planning permission 3PL/2017/0878/F. The departures are not confined to non-compliance with condition 2 but include substantial changes to the approved layout, the repositioning of the pig sheds, changes to the number and arrangement of silos, the construction of additional buildings and infrastructure, the enlargement of the turning area and a manure store that differs materially from that approved.

53. I have also found that the manure store, in particular, falls materially outside the scope of the original planning permission. The description of development expressly includes a ‘new roof covering over existing manure store’. However, for the reasons set out under Appeal A, the structure that has been constructed is not an existing manure store with a roof covering but a materially different building. Consequently, the development shown on the plans accompanying this appeal is inconsistent with, and cannot fairly be regarded as implementing, the development authorised by the operative grant of planning permission.

54. *Finney* made clear that the power to vary conditions does not extend to altering the development authorised by the operative grant of planning permission. The description of development forms part of that operative grant and defines the development for which permission has been given. Whilst conditions and approved plans may regulate how that development is carried out, they cannot be used to authorise a materially different form of development which falls outside the scope of that grant.

55. Applying that principle, I conclude that the conflict identified in this case cannot lawfully be resolved through the amendment of condition 2. Approval of the

substituted plans would not merely regularise development carried out otherwise than in accordance with an approved plans condition. Rather, it would authorise a form of development that is materially different from, and inconsistent with, the development authorised by the description of development itself. To permit the appeal would therefore be to use the variation of a condition to achieve that which *Finney* held cannot lawfully be done, namely to alter the substance of the development authorised by the operative grant of planning permission.

56. Having found under Appeal A that the development as built falls materially outside the scope of planning permission 3PL/2017/0878/F, I am satisfied that the appeal proposal cannot properly be characterised as development carried out merely without complying with condition 2. The conflict between the substituted plans and the operative description of development goes to the scope of the permission itself. Accordingly, planning permission cannot be granted under section 73A in the form sought and the appeal must fail.

57. For these reasons, the appeal is dismissed.

Formal Decision

Appeal A

58. It is directed that the enforcement notice is corrected and varied by:
    (a) The deletion of the words 'paragraph (a)' under section 1 of the notice and their substitution with 'paragraph (b)'; and
    (b) The deletion of step 1 in its entirety under section 4 of the notice and its substitution with 'The pig sheds shall be constructed with solid walls in accordance with the plans named "Proposed and Existing South and East Elevations, ref 4, dated June 2017" and "Proposed and Existing North and West Elevations, ref: 5, dated June 2017" approved under planning application 3PL/2017/0878/F dated 13 August 2019.'

59. Subject to the correction and variation, the appeal is allowed and the enforcement notice is quashed.

Appeal B

60. The appeal is dismissed.

A Walker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alison Ogley, counsel for the appellant

They called:

Mark Bassett	Director, Freeths LLP
Charles Bowes	Operations Director, Wayland Farms Limited
Nigel Gates	Senior Architectural Technologist, Trundley Design Services
Charles Bentley	Technical Director, RSK ADAS Ltd
Matthew Stoaling	Founder, Isopleth Ltd
Andrew Baker	Director, Baker Consultants Limited

FOR THE LOCAL PLANNING AUTHORITY:

Howard Leithead, counsel for the Council

They called:

Simon Wood	Director of Planning and Building Control, Breckland Council

FOR THE RULE 6 PARTY:

Gabriel Nelson, counsel for the Rule 6 party

They called:

Ann Cuthbert	Local Resident (Rule 6 Party)
Nicholas Sibbett	Sibbett Ecology Ltd.
Michael Bull	Director, Michael Bull and Associates Ltd

INTERESTED PARTIES:

Teresa Fitzgerald	Local Resident
Laura Cuthbert	Local Resident
John Nuttridge	Local Resident

Ashley George	Local Resident
Russel Hickford	Local Resident
Jane Leventis	Local Resident
Ian Jessett	Local Resident

INQUIRY DOCUMENTS

INQ 1: Appellant Opening Submissions dated 22 September 2026

INQ 2: Council's Opening Submissions dated 22 September 2026

INQ 3: Rule 6 party Opening Submissions dated 22 September 2026

INQ 4: Email dated 12 May 2021, from Chris Curtis to Charles Bowes

INQ 5: Revised Enforcement notice

INQ 6: Third Party Statements/Speaking Notes from Tuesday 22 September 2026

INQ 7: Government Guidance: Odour Management: comply with your environmental permit dated 3 December 2025

INQ 8: Letter dated 21 September 2026, from George Freeman MP

INQ 9: Letter dated 4 August 2026, from 3rd Party to LPA re 3PL/2021/0932/VAR received by LPA on 10 August 2026

INQ 10: Measurements of area outside the redline

INQ 11: IAQM Guidance on the assessment of odour for planning (Version 1.1 – July 2018)

INQ 12: IAQM Guidance on the assessment of odour for planning (Version 2.0 – March 2026)

INQ 13: Email dated 28 September from PINS case officer regarding Inspector's note

INQ 14: Appellant's inquiry appearance list

INQ 15: Typical Side Elevation with Louvres (ref: 21-L42-PL011)

INQ 16a: IAQM Guidance on the assessment of odour for planning (Version 2.0 - Sept 2026)

INQ 16b: Odour Guidance Consultation Comments Responses

INQ 17: Note on Extent of Curtain Drop 30.9.26

INQ 18: Updated comparison Plan (ref: 21-L42-PL012)

INQ 19: Draft Conditions September 2026

INQ 20: Site Plan – As Built (ref: 21-L42-PL002F)

INQ21: Appellant closing submission

INQ21a: Appellant legal submission (interpretation of Planning Permission) – 02.10.2026

INQ21b: Appellant legal submission (Ground 'A' and Ground 'D') – 02.10.2026

INQ22a: *DB Symmetry Ltd and another v Swindon Borough Council* [2022] UKSC 33

INQ22b: *Keith Barnett v Secretary of State for Communities and Local Government and East Hampshire District Council* [2008] EWHC 1601

INQ22c: *London Borough of Richmond Upon Thames v The King on the Application of Owolabi Ariyo* [2024] EWHC 2278 (Admin)

INQ22d: *The King (on the application of Ian Galloway) v Durham County Council and Lightsource SPV 215 Limited* [2024] EWHC 367 (Admin)

INQ22e: *Barnett v Secretary of State for Communities and Local Government* [2009] EWCA Civ 476

INQ22f: *Stamatios Miaris v Secretary of State for Communities and Local Government and Bath and North East Somerset Council* [2016] EWHC Civ 75

INQ22g: *Christakis Ioannou v Secretary of State for Communities and Local Government and London Borough of Enfield* [2013] EWHC 3945 (Admin)

INQ23: Council closing submission

INQ24: Rule 6 party closing submission

INQ25: William Grant & Sons Distillers Limited v For Judicial Review of a decision by the Moray Council [2018] CSOH 27

Planning Inspectorate

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 14 November 2025 the development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

It has been demonstrated on the balance of probabilities that the development was substantially completed four years prior to the date the appeal was made and therefore no enforcement action could be taken in respect of it because the time for taking enforcement action had expired.

Signed

A Walker

Inspector

Date: 10 November 2026

Reference: APP/F2605/C/25/3375850

First Schedule

The erection of 7 pig sheds, a manure store building and silos.

Second Schedule

Cherry Tree Farm, Cherry Tree Lane, Stow Bedon, NR17 1BY

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Planning Inspectorate

Plan

This is the plan referred to in the Lawful Development Certificate dated: 10 November 2026

by A Walker

Land at: Cherry Tree Farm, Cherry Tree Lane, Stow Bedon, NR17 1BY

Reference: APP/F2605/C/25/3375850

Scale: Not to Scale

