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Our Ref: WIN-1355-NM

Your Ref: APP/L1765/C/20/3248934 & APP/L1765/W/20/3247907

Email: neil@southernplanning.co.uk

Date: 7th July 2020

Status: Appeal objection letter

By Email – teame3@planninginspectorate.gov.uk

Dear Sir / Madam,

1. **Section 78 Appeal (ref: APP/L1765/W/20/3247907)**
   Appeal by Mr G Atkinson
   Site address: Land To Rear of 5 Hillside Kitnocks Hill, Curdridge, Hampshire

2. **Section 174 Appeal (ref: APP/L1765/C/20/3248934)**
   Appeal by Mr William Grant Atkinson
   Site address: Land to rear of 5 & 6 Hillside Kitnocks Hill, Curdridge, SOUTHAMPTON, SO32 2HJ

I am writing on behalf of my clients, Steve and Georgia Wallin of 6 Hillside, Kitnocks Hill, Curdridge, Southampton, SO32 2HJ, who wish to strongly object to the above appeals, which have been submitted by their adjoining neighbour, Mr G Atkinson.

Appeal No. 1 relates to the decision of Winchester City Council to refuse planning permission for the 'Use of land as residential garden' on 19th February 2020 (application ref: 19/02468/FUL).

Appeal No. 2 is against an Enforcement Notice issued by Winchester City Council on 3rd March 2020 alleging, 'Without planning permission the material change of the use of the Land from agriculture to residential amenity land'.

The Enforcement Notice was issued by Winchester City Council following the refusal of planning permission as the use of the land as residential garden / residential amenity land by Mr Atkinson is already taking place.

The use has been the subject of an enforcement investigation by the Council since July 2018 (case ref: 18/00235/COU). The appellant initially advised the investigating officer that the land had been used as garden land for over 10 years and was therefore given the opportunity to submit a Lawful Development Certificate application to confirm this. The application was eventually received by the

Council on 6th August 2019 and was for the 'Continued use of land as residential garden' (ref: 19/01696/LDC).

When my clients purchased their property in 2011, it was very clear to them that the land to the rear of No. 6 Hillside was nothing more than a field with two small stable buildings – see Figure 1 below, which is photo that they took when they first viewed the property on 11th March 2011.

Figure 1 – Photo taken on 11th March 2011, showing the site as it looked at that time. The photo was taken by my clients during their first viewing of No. 6 prior to them purchasing the property in May 2011. The view is from rear garden of No. 6 Hillside, looking north.

Since owning and living in the property, they have become aware that prior to their ownership, No. 6 Hillside was tenanted by a couple known as Nick and Sandy who used the land behind No. 6 to graze their horse from 1993 until just before July 2010 when the subject land was purchased by the appellant – see photo at Figure 2.

Figure 2 – Photo taken some time between 2007 and 2010, showing Nick and Sandy's horse grazing on the land to the rear of No. 6 Hillside.

This evidence was submitted by my clients to the Council when the LDC application was being considered. I also made further submissions on their behalf.

The LDC application was refused on 15th October 2019.

It worth noting that the decision to refuse the LDC application has not been appealed.

Nor is the appellant pursuing a lawfulness argument in respect of the use of the land as residential amenity land (as alleged in Section 3 of the Enforcement Notice) in the Section 174 appeal. A ground (d) appeal has been lodged, but only in respect of certain building works that has taken place on the land within the last 10 years, which is discussed later on in this letter.

It was the refusal of the LDC application on 15th October 2019 that led to the submission of planning application ref: 19/02468/FUL on 8th November 2019, which is the subject of Appeal No. 1.

I submitted representations on behalf of Mr and Mrs Wallin in respect of the said planning application (see attached letter dated 20th December 2019). I also attended the Planning Committee where I spoke on behalf of Mr and Mrs Wallin in opposition to the application.

My clients were, naturally, very pleased that the Committee overturned the officers recommendation. The committee determined that the proposal was in conflict with Policy MTRA4, which limits development in the countryside to that which has an essential need to be located in the countryside and also requires any development permitted by MTRA4 not cause harm to the character and landscape of the area or neighbouring uses. Members of the planning committee recognised that the use of the land as garden would involve domestication of the land and the introduction of residential features which would be detrimental to the landscape character and appearance of the surrounding rural area, contrary to both Policy MTRA4 and Policy DM23 of the Council's adopted Local Plan's Part 1 and 2 (respectively).

It is a particular quirk of this case, and a highly relevant consideration, that the majority of the land in question is situated immediately behind my client's property (No. 6 Hillside) rather than the appellants own property (No. 5 Hillside). The site address stated in the enforcement notice 'Land rear of No. 5 and 6 Hillside' is a more accurate description, although the most accurate description would be 'Land to the rear of 6 Hillside' as this reflects the true location and impact of the proposal.

It is due to the location (and proximity) of the land immediately to the rear of my clients property, coupled with the installation of a sound system and a beer fridge and sofas in the building known as the 'garden room', along with the installation of external lighting, and the associated use of the land by Mr Atkinson and his family and friends for regular get-togethers and BBQ's, that my clients continue to object to the proposal on the grounds that it will have an adverse impact on their residential amenities, contrary to Policy DM17 of Local Plan Part 2.

The impact of the proposal on my client's residential amenities is not something that the case officer, or the planning committee for that matter, seemed to be particularly concerned about. Nobody visited my client's property to discuss their concerns or to view the land / buildings from their side. We are not therefore confident that a full and proper assessment, or even an appreciation, of the impact of the proposal on my client's property / residential amenities has taken place. Whilst it would be easy to be dismissive of a neighbour using a parcel of land as an extended garden, where it was used passively, e.g. for the occasional kick about or the odd bit of planting, the infrastructure and facilities that have been installed on the land in this case clearly demonstrates that the proposed use (and indeed the proven use) of the land is intended to be used much more intensively – somewhere detached from the appellants own house, where he and his family can spend time 'hanging out' and socialising with family and friends, as is demonstrated by the installation of the sound system, beer fridge, sofas, cushions, fire pit, BBQ area, etc.

It appears to us that the proposed planting / re-wilding of parts of the land proposed as part of the planning submission is just an afterthought / adjunct and has been proposed as a 'sweetener' in order to try to get planning permission now that the lawfulness argument is no longer able to be pursued. Had the appellant wanted to plant an orchard or undertake wildlife planting then he would have surely done that by now?

One of the key points that we would like to highlight in our submission is that the appellant has a perfectly good and adequately sized garden commensurate with the size of his semi-detached property, which is sufficient for relaxation, get-togethers, BBQ's, etc.

Despite this, he has instead chosen to develop the land to the rear of my client's property for such activities, leaving his own garden little used. This concentration of residential activity on the land immediately to the rear of my client's property has increasingly, and significantly, affected my client's enjoyment of their own property to an unacceptable degree due the resultant noise, disturbance and external lighting that has occurred.

The comments that I set out in the detailed letter of objection that I submitted to the Council on behalf of my clients in respect of planning application 19/02468/FUL continue to apply to the Section 78 appeal. A copy of the letter should have been provided by the Council as part of the appeal documentation, however, I have reattached a copy with this letter for completeness.

A summary of the key points that I made in the objection letter are set out below, however, before that, it is useful and relevant to the determination of the current appeals to restate some of the background information to this case:

- From 1993 until just before July 2010 (when Mr Atkinson purchased the land) the land was rented to a couple called Nick and Sandy, who also rented / lived at No. 6 Hillside. They used the land to graze their horse – see photo at Figure 2.
- My clients purchased / moved in No. 6 Hillside in May 2011.
- When they first viewed the property in March 2011, the land to the rear was a single field with two small stable buildings with a post and rail fence separating the land and the rear garden of No. 6 – as shown in the photograph at Figure 1.
- In the summer of 2011, not long after my clients had moved in, Mr Atkinson extended one of the stables across the rear boundary. The completed building, which is known as the garden room is shown in the photograph at Figure 3, which was taken by my clients in 2015. The second stable building was removed around the same time and its base became the patio.
- Residential activity on the land started to increase from 2014 onwards. My clients initially didn't make a fuss as they didn't want to be seen to be unneighbourly. However, when the sound system and beer fridge (and lighting) was installed and the land started being used more regularly for BBQ's and get-togethers, my clients made enquires with the Council as to whether there was any permissions in place that enabled the land to be used in this way. This led to the enforcement investigation in 2018.

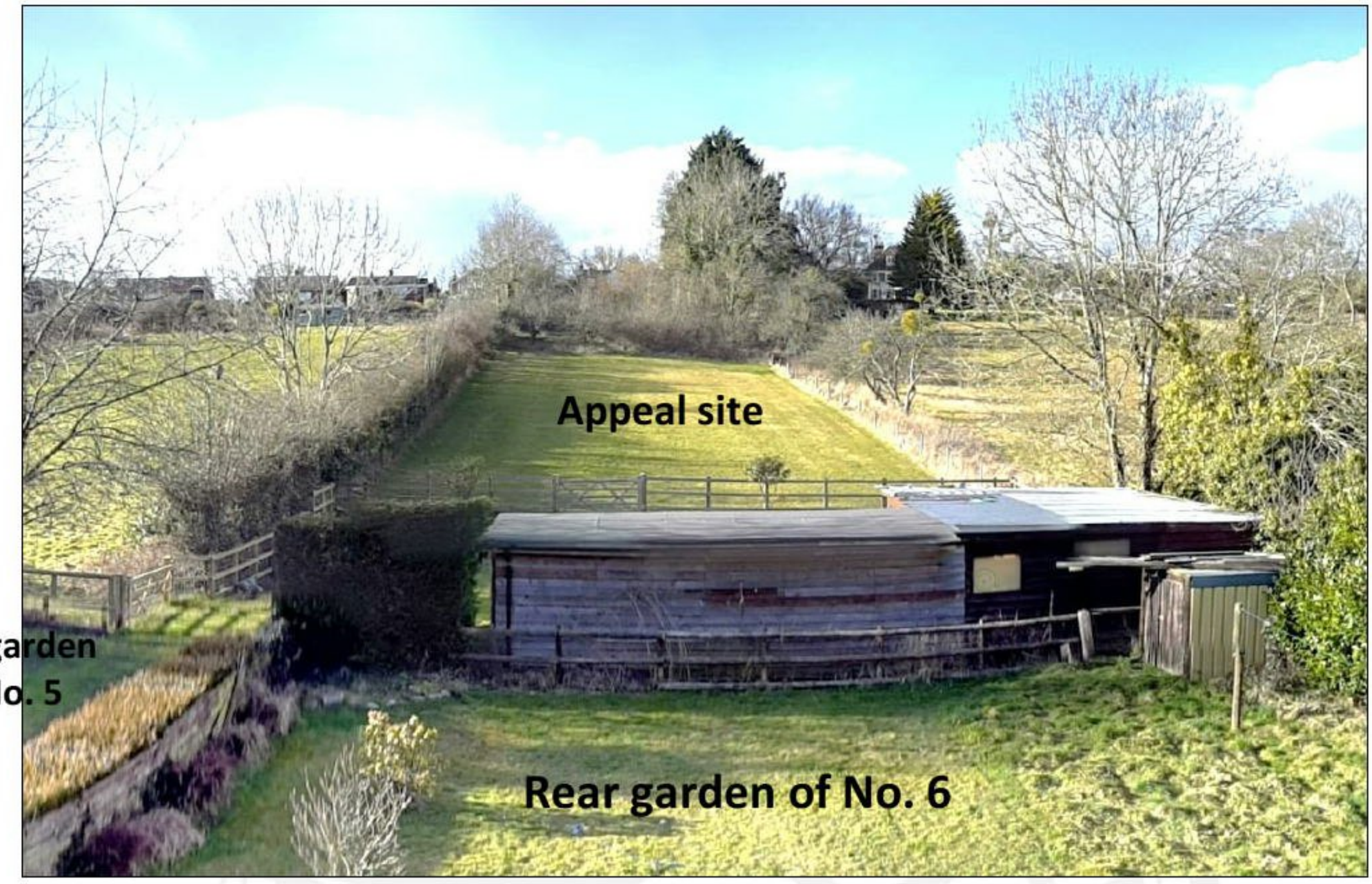


Figure 3 – Photo taken in 2015 (from the upper floor window of No. 6 Hillside, looking north across the land)

Some of the key points in the planning application objection letter that we would ask to inspector to pay particular regard to include:

- Evidence submitted by the appellant and his friends / acquaintances in support of his refused LDC application (e.g. sworn statements and letters) confirms that the land is used for parties and BBQ's and that there is a garden room, washing line, vegetable patch and patio. Many of the comments refer to the plot being 'enhanced' through the addition of a patio and barbecue area, beer fridge, lights, music system, chairs, cushions and rugs, which is clear evidence of the 'domestication of the land' and 'introduction of residential features' referred to by the Council in their reason for refusal in Appeal No. 1.

My clients have recently noticed the appellant moving some of the items listed above into the garden of his property (for example garden furniture). There have also been a notable increase in the use of the garden / patio as a whole for socialising. A shed has also been developed in the garden into a 'man-cave' (including the installation of a music system). Whilst at the same time continuing to use the field behind No. 6.

- No details of the external lighting, which is a particular concern of my clients due to the resultant illumination of the land at night, is shown on any of the plans or included anywhere in the application submission. It is unacceptable to leave this to be dealt with by way a condition, as suggested in the committee report.

Principle of development

The appellants agent spends a lot of time in his supporting statement for the application and also in his Grounds of Appeal Statement trying to justify the use of the land as residential garden within the context of Policy MTRA4.

The purpose of Policy MTRA4 is to protect the countryside from inappropriate development and does this by limiting development to that which has an operational need to be located in the countryside.

The policy recognises that there are certain types of development that need to take place in the countryside, such as that for agriculture, forestry or horticulture; the reuse of existing rural buildings for employment, tourist accommodation, community use or affordable housing; the need for existing businesses to expand or redevelop (where the development is proportionate to the nature and scale of the site its setting and countryside location), or for small scale / low key tourist accommodation. The wording of the policy is clear that only those types of development listed in the policy will be permitted in the countryside.

The appellants agent argues that the use of land as private garden is precisely the type of open recreational use that is supported in the sub-text of Policy MTRA4. However, open recreation are uses such as golf courses, football or cricket pitches, archery practice, polo pitches, etc. Not gardens. There is, therefore, no support for the extension of residential curtilage or private gardens in Policy MTRA4. The fact that garden extensions are not mentioned in the policy does not mean that it is silent on the issue. The wording of the policy is clear that only those types of development listed in the policy will be permitted in the countryside.

The appellants agent also seeks to draw support from 'selective' appeal decisions which have been allowed over the years. However, he will know very well that this does not set a precedent and that every case has to be considered on its own merits.

The two appeals referred to in the initial planning submission – one from 2001 and one from 2018 – are dealt with in my objection letter. Save to say, the 2001 appeal decision is out of date as the prevailing policies that would have applied / taken into account at the time have long since been superseded by more up to date planning policies / local plans, including the National Planning Policy Framework, which requires planning policies and decisions to contribute to and enhance the local environment by protecting valued landscapes and recognising the intrinsic character and beauty of the countryside. The 2018 decision involved land which was already being used in connection with the siting of two residential mobile homes, for which lawful development certificates had recently been granted and it was therefore no surprise that the owner wanted to be able to use the land around the mobile homes as residential garden. It was not a proposal to extend an existing or

established garden, as in this case. The factors in that case are, therefore, significantly different, and in no way comparable to the case in hand.

I made reference in my letter to an appeal case at Flintwall Cottage, Ingoldfield Farm, Ingoldfield Lane, Soberton in 2016 (APP/L1765/W/16/3147290) where the appellants agent, Mr Tutton, had also acted as the agent for the applicant in that case and was not surprising that he had not made any reference to this particular decision. The proposal involved extending an existing area of garden into adjacent farmland and included plans for additional landscaping, including tree planting and a landscaped pond, much like in this case. The inspector noted that there was no mention in MTRA4 of converting agricultural land to allow the extension of residential gardens, although the City Council considered that such proposals were beyond the scope of the types of development that require a countryside location that MTRA4 would normally allow. The inspector concluded that these types of proposals need to be treated on their own merits 'within the general framework of protecting the countryside from inappropriate development' and that only limited weight could be given to past decisions in the Council's area since each will have involved different local circumstances. The inspector had no doubt that changes to the status of the appeal site would lead to changes in its visual impact. Virtually every garden accumulates domestic paraphernalia and such developments would emphasise the degree to which the existing development boundary would be extended into the open countryside. To enclose this land as a domestic garden would, in his view, result in a change in the site's character that would not be acceptable. His overall conclusion was that 'the proposed change of use is not supported by Policy MTRA 4 and would be contrary to the battery of adopted development plan policies that seek to protect the countryside.' A copy of the appeal decision is attached.

Another interesting point to come out of that appeal decision, which is also relevant to the case in hand, was that the proposed landscape work was deemed not to require planning permission and could therefore take place anyway, irrespective of whether or not planning permission for the change of use was granted. Much of the planting and landscape enhancement work proposed in this application also would not require planning permission and could therefore take place without the change of use to garden needing to be granted. If the applicants have a particular desire to improve the biodiversity of the land, enhance habitat for wildlife, etc, by carrying out additional planting, then there is nothing to prevent them from doing this. My clients would not have any objection to that. It does not require the grant of planning permission for a change of use of the land to garden for that to happen.

It is noted that the appellants agent has sought to include further additional appeal decisions to support his arguments in his appeal statement, including at Pine Lodge, Ludwells Lane, Walthan Chase (1983) as well at Tinnisbourne, Exton (2006). He also refers again to the appeal decision at Land adjacent to Rowndale Southwick Road North Boarhunt in 2001).

The Pine Lodge appeal is dated 20 June 1983 and is therefore of very little use as the prevailing policies have since long been superseded. It is notable that there is no mention in the decision letter of any planning policies or indeed any planning policy considerations.

The fact remains that none of these decisions are similar or bear exactly the same characteristics or considerations to the case in hand. In the case of the Land adjacent to Rowndale, planning permission has since been granted for an infill dwelling under Policy MTRA3, so it was clearly not a site where strict countryside polices applied or where development per se was inappropriate.

As the appeal decision at Flintwall Cottage, Ingoldfield Farm, Ingoldfield Lane, Soberton declared, these types of proposals need to be treated on their own merits 'within the general framework of protecting the countryside from inappropriate development' and that only limited weight can be given to past decisions in the Council's area since each will have involved different local circumstances.

An additional concern of my clients is the potential for the land to be developed further in the future if residential use is established. The appellant has a legal right of way to access the land from Kitnocks Hill – see Figure 4 below and aerial photographs overleaf.

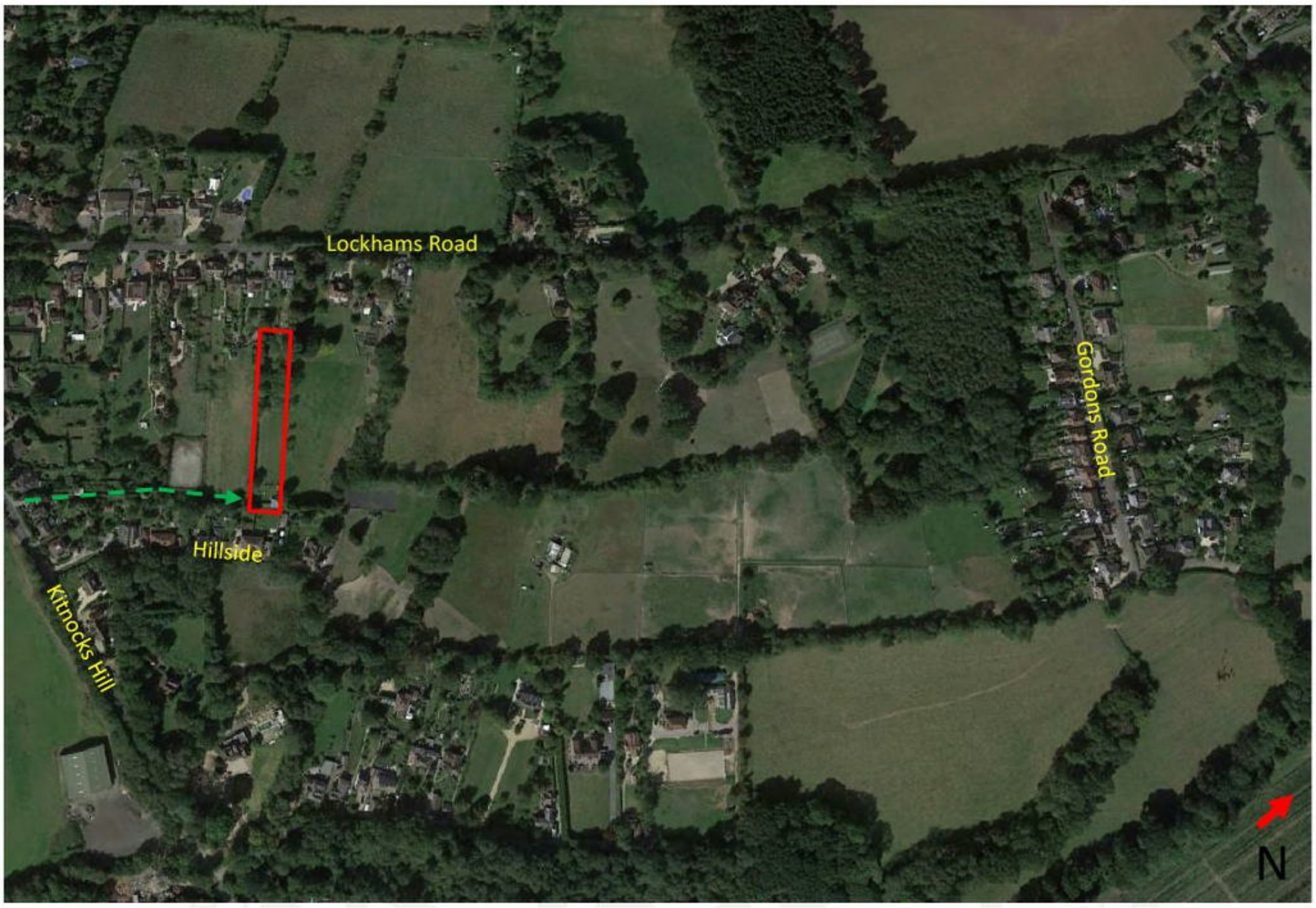
Figure 4 – Photo taken in 2015 (from the upper floor window of No. 6 Hillside, looking north across the land). Showing the location of the 5 bar gate / right of way to the land from Kitnocks Hill

Impact on the character and appearance of the area

The application states "It is evident that it lies within an area that is dominated by residential development and does not display the customary characteristics of open countryside."

However, as the photograph in Figures 3 and 4 and the aerial photographs below and overleaf show, the land forms part of an interlocking network of fields and paddocks that act as a green corridor / buffer between the properties along Lockhams Road, Hillside and Lake Road, that extends north east as far as Gordon Road.

Aerial photograph (circa. 2019)



Aerial photograph – showing wider area (circa. 2019)

It is an important open and undeveloped green space that provides an attractive and appealing outlook for all those properties that back onto and overlook the land.

The Curdridge and Curbridge Village Design Statement (adopted as Supplementary Planning Guidance in 2002) provides useful local context and planning guidelines that are to be taken into account when considering new planning proposals.

It includes the following statements and advice:

- "Curdridge is a green village. Such is the abundance of trees, hedgerows and open spaces."
- "Open spaces and housing, often screened by hedges and set well back from the roads, are the main features which help create the essential rural character of the village"
- "Planning Guidelines – Landscape. Planning Guideline - 6: A defining feature of the village character is its abundance of trees, hedgerows and open spaces. The preservation of this valued characteristic is a high priority.

The resultant change in the character and appearance of the land, as a result of it being used as garden land, with all of the domestic trappings, paraphernalia and activities that comes with it, would therefore be harmful to the open and undeveloped nature and sylvan charm of this part of the village.

As such, the proposal would be contrary to Policy DM23 (Rural Character) of Local Plan Part 2, as well Planning Guideline 6 of the Curdridge and Curbridge Village Design Statement.

Section 174 appeal

The grounds of appeal, in the order of determination, are:

Ground C	that there has not been a breach of planning control;
Ground D	that at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice;
Ground A	that planning permission should be granted for what is alleged in the notice;
Ground G	the time given to comply with the notice is too short

The Council's reasons for issuing the Enforcement Notice are detailed in Section 4 of the notice.

The reason makes reference to planning policies MTRA4 and DM23 and also the NPPF. It also refers to the refusal of planning application ref: 19/02468/FUL for 'Use of land as residential garden'.

The notice provides clear reasons why the unauthorised change of use of the land from agriculture to residential amenity land would be harmful and why it was expedient to issue the notice.

Ground C

There are two limbs to the appellants ground C appeal:

- Firstly, that the land was owned by Mr Allen's grandfather since 1922 and was used an extended garden up until 2010 when Mr Allen sold it to Mr Atkinson and that as a result there has been continuous use of the land (as garden) since then and therefore there has not been a material change of use.

- Secondly, that Mr Atkinson was advised by an Enforcement Officer when he undertook his initial site visit that 'he saw no problem with the garden extension as it stood' (as revealed in subsequent correspondence with WCC after the Enforcement Notice was issued) and as such he had exercised his delegated authority to act on behalf of the Council either on the basis that that planning permission was not required or that it was not expedient to initiate enforcement action.

The first argument is misplaced. The claim effectively being made is that that the alleged breach is already lawful. However, this should have been made as part of the appellants ground D appeal.

At Appendix 2 of Grounds of Appeal, the appellant has included some of the statutory declarations that he submitted as part of his LDC application. By presenting evidence in this way, the appellant is effectively seeking to open the LDC refusal by the backdoor. This is unfair and unjust. If the appellant wishes to establish lawful use of the land, then he should have either appealed the LDC refusal or included it under his ground (d) appeal. The matter could have then been properly dealt with and my clients would have had the opportunity to make full and proper representations.

If lawfulness is to be considered, then a full and proper assessment of all of the submitted evidence should take place. In our submissions to the Council on the LDC application we identified a number of inconsistencies between some of the declarations and letters, as well as misleading statements. It appears that there are also inconsistencies in the appellants additional supplementary statement at Appendix 21 of his Grounds of Appeal compared to what he says in his earlier statement and in the statement of others with regards to the dates that items appeared on the land. Information on aerial photography should also be examined.

It is highly likely that the matter would need to be dealt with by way of a public inquiry so that the evidence could be properly examined and also tested under oath. As it is, my clients have not therefore been able to make full and proper representations on this ground of appeal through the current written representation procedure

The photographs at Figures 1 and 2 formed part of the evidence that my clients submitted in respect of the LDC application. These clearly show that in March 2011, when they first visited No. 6 Hillside, prior to purchasing it / moving in in May 2011, the land to the rear of No. 6 was just a field with two stables and a post and rail fence (Figure 1). The photograph at Figure 2 shows a horse belonging to Nick and Sandy (former tenants of No. 6 Hillside) grazing on the land sometime between 2007 and 2010. This therefore contradicts the claim made by the appellant that the use of land as an extended garden has taken place continuously since 1922.

Also, the appellant has only owned the land since July 2010. Even if he has used it continuously as garden ever since purchasing it (notwithstanding the appearance of the land as shown in the photograph at Figure 1), this is less than 10 years since the Enforcement Notice was issued on 3rd March 2020.

The evidence submitted by the appellant in respect of the Ground C appeal cannot be properly assessed or tested. Therefore, this particular ground of appeal must fail.

The argument that the Council are estopped from taking enforcement action due to one of its enforcement officers having advised Mr Atkinson that 'he could not see a problem with the garden extension' is contrary to established law in relation to estoppel / legitimate expectation.

The notion of estoppel in planning law was brought to an end by the House of Lords decision in *East Sussex County Council v Reprotech (Pebsham) Ltd 28/2/02*.

The *Reprotech* decision was followed in *Wandsworth v SoS 29/01/2003*, where the claimant council argued that an inspector had erred in law, when he concluded that the LPA was estopped from serving an enforcement notice because it has previously said that telecommunications mast did not need prior approval. Applying *Reprotech*, the judge quashed the inspector's decision. He commented "the House of Lords could not have made it more plain that estoppel no longer has any place in planning law".

The lawfulness of the use of land or building can only be confirmed through the submission of an application under Section 191 and 192 of the Town and Country Planning Act.

Similarly, planning permission can only be obtained by making a formal application to the council under the relevant sections of the act.

As part of a local planning authority's enforcement remit it can decide not to take enforcement action if does not consider it expedient to do so. However, the reasons would need to be clearly set out in a report or a case file note and these reasons would also need to be conveyed to the complainant. None of this was done in this case.

It appears to us that the comment made by Mr Ridley was nothing more than an 'off the cuff' remark made during an initial visit without knowledge of the full facts.

The vagueness of the appellants own argument, i.e. that Mr Ridley *either* thought that planning permission was not required or that it was not expedient to initiate enforcement action demonstrates that the appellant does not even know which of these two scenarios Mr Ridley was referring to.

As such, the appeals under ground C must fail and there remains a breach of planning control.

Ground D

The appeal under ground D concerns the extension to the stable block that the appellant built in May 2011, the patio that he laid between May 2014 and June 2015. It is argued that as this building work was undertaken more than 4 years prior to the enforcement notice being issued then it is immune. Reference is also made to an existing hardstanding that he marginally extended in April 2011 and lights that were already in the old stables when he acquired the land.

The case of *Murfitt v SSE [1980] JPL 598* established the principle that an enforcement notice directed at a use of land can require the removal of ancillary operational development that facilitates the unlawful use. Any structures that have been erected within the 10 year period and are used in connection with the unlawful use can therefore be pursued by the Council and required to be removed as part of the requirements of the notice.

The case of *Somak Travel v SSE and LB Brent [1987] JPL 630* also established that items installed inside a building that facilitate an unauthorised change of use can also be required to be removed by an Enforcement Notice. Items such as internal lighting, can therefore be required to be removed by an enforcement notice.

Since the appellant acquired the land in July 2010, there is no evidence that it was used, or was intended to be used, by him for anything other than as residential amenity land.

His supplementary declaration dated 13th March 2020 (Appendix 21 of his Grounds of Appeal) confirms that a month after he purchased the land he erected a washing line. He then goes on to confirm that in May 2011 he erected an extension to the south west elevation of stable – '*for use as a log store and garden room'*. By his own admission, therefore, the reasons for extending the stables was so it could be used in conjunction with / facilitate his unauthorised use of the land as residential amenity land. All the other work that he carried out, e.g. extending the existing hardstanding, the laying of the patio, greenhouse, etc, was also work that facilitated the unauthorised change of use. All of these items should therefore be removed.

Whilst there may well have been lights inside the stables when he bought the land, he also confirms in his statement that the wiring needed *replacing* and *new* low level lighting installed. A spotlight was also *fitted* to the north west corner of the old stable block in April 2013 and *replaced* in March 2020.

On the balance of probability, there is unlikely to be very little of the original lighting in situ.

As all of the replacement / improvement lighting was to facilitate the unauthorised change of use, it should <u>all</u> be required to be removed as per the requirements of the notice.

Accordingly, the appeal under ground D should fail.

<u>Ground A</u>

The Ground A appeal is largely the same as the appellants Section 78 appeal against the refusal of planning permission. The same arguments have been made in respect of Policy MTRA4 and reference has also been made to decisions made by WCC and appeal decisions that provide support for the proposal. This have all been discussed elsewhere in this letter and I do not therefore intend to repeat them again here.

Reference is made to public impressions of the appeal site being foiled by residential development on the frontages of Lockhams Road, Kitnocks Hill and Hillside and no footpaths or bridlewways crossing the land or affording public vantage. We note that similar observations / comments were made by the case officer in the committee report. As the photographs enclosed within this submission show, the land is in clear sight from the upper floor of my client's property and no doubt can be seen from other nearby properties as well. The land also rises towards Lockhams Road. The land is not therefore hidden away or screened from view. There are short to medium views into and across the site from nearby properties and particularly from my client's own property, which is where the change

of use would be most harmful. Whilst the main activities are currently centred on area immediately the rear of my client property where the garden room, patio, BBQ area, washing line, greenhouse is located, the red lines on the planning application and enforcement plan extend much further away into the land and therefore there is more likelihood of domestic trapping and paraphernalia, e.g. children's play equipment, tents, gazebos, etc becoming more widespread on the land.

Planning permission should not therefore be granted for the breach of planning control alleged in the notice and the appeal under ground A should be dismissed.

Ground G

The appeal under ground G, i.e. that the period for compliance is too short and that longer period should be given is spurious. It is argued that the appellant needs time to harvest the 'crops' from his greenhouse and vegetable patch before ceasing the use of land and have therefore asked for the time to be increased from 3 to 6 months.

The appellant would be able to relocate the greenhouse and vegetable patch to within the established garden of his property and we cannot see any reason why this cannot be done either within or before the 3 month period specified. In any case, the Council has the ability to offer a period of grace (if that was all that was remaining on the land) or extend the period of compliance, if necessary.

This is not therefore sufficient justification or a good enough reason to double the period for compliance.

We therefore urge the inspector to dismiss both appeals and uphold the enforcement notice.

Yours sincerely,

[redacted]

Neil March Bsc (Hons) Dip TP MRTPI
Director

Attch: Appendix 1 Letter of objection dated 20th December 2019, submitted on behalf of Mr and Mrs Wallin in respect of application ref: 19/02468/FUL

Appendix 2 Appeal decision ref: APP/L1765/W/16/3147290 (Flintwall Cottage, Ingoldfield Farm, Ingoldfield Lane, Soberton) dated 22 June 2016