

Comments on LPA case

Appeal Greenclose

Reference APP/L1765/C/22/3313365 APP/LI765/C/22/3313363

The LPA's statement does not have the paragraphs numbered, to easily identify, when referred to in these comments. Best efforts are made to assist The Inspector identifying the relevant issues.

Page 3 paragraph 1

Site and surrounding area

The residential plot has its own track, which is separated by a fence from the track that serves the agricultural land at the rear. The photograph shown on page 6 clearly shows the segregation. The accompanying text confirms this was done in 2009.

Page 5 Text with plan

It is claimed there is an extension to the hard surfacing. This accepts there was an area of hard surfacing, if there was an extension. See Mr Hill's declaration paragraph 7. The imagery gives a false impression as weeds and grass had grown over the permeable surface. The current owner scraped this growth off when he purchased the land. In any event this operational development existed in excess of 4 years and was immune from enforcement.

Page 7 paragraph 1

1st paragraph

It is claimed the previous owner of the property confirmed that it was "occupied by the widow of a farmer. They advised the property was sold to someone who met the terms of the condition". Where is the evidence to support this statement? How does the Inspector know the previous owner's assessment that the deceased husband's employment was agriculture? The appellants claim he was a contractor whose work did not meet the definition of agriculture, as defined in Sec 55 of THE TCPA 1990.

Page 15 paragraph 1 Page 16 para 4

The appellant claims the land is used for grazing and not equestrian. The structure on the site is a mobile field shelter, and the LPA have not provided how long it has been in situ in the same place. The mobile shed is ancillary to grazing (agricultural) The hard surfacing is not for the benefit of the horses, it was left from the cattle and agricultural machinery use. To the contrary, the surface is the most unsuitable for equine use. It would make the horses' feet sore, as none are ridden, they are not shod.

Third Party Comments

Mr and Mrs Greeves

Letter dated 28 February 2023. paragraph 2

This is not true. The new owner did not consolidate the area of hard surfacing. Mr Hill's declaration para 7, confirms he carried out this work. It was Mr Hill who informed the Greeves of the intended use, and it was used for that purpose.

The Appellant has no recollection of any discussions with either Mr or Mrs Greeves.

Conclusion

The LPA's statement contains several allegations, none of which are supported by evidence.

The third-party comments appear orchestrated, as the terminology is repeated several times by each of the parties.