The Planning Inspectorate

Appeal Decisions

Site visits made on 8 November 2022

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 March 2023

Appeal A: APP/L1765/C/22/3300720
Land at Shedfield Equestrian Centre, Botley Road, Shedfield, SO32 2HN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 ("the Act").
- The appeal is made by Mr Christopher Collins against an enforcement issued by the Winchester City Council.
- The enforcement notice was issued on 6 May 2022.
- The breach of planning control alleged in the notice is without planning permission, the material change of use of the land (sic) vehicle repairs garage (known as IT Autos) together with operational development which facilitates the change of use of the land.
- The requirements of the enforcement notice are:
  1. Cease the vehicle repairs garage use of the Land.
  2. Demolish the building on the Land shown in the approximate position hatched red on the attached plan.
  3. Disconnect all services (water, gas, electricity, waste) from the Land.
  4. Break up and remove any hardstanding and/or foundations from the Land.
  5. Remove any resultant waste.
  6. Lay topsoil and seed with grass on the Land to reinstate the Land to its former level and condition.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on grounds set out in section 174(2)(d), (f) and (g) of the Act.

Summary of Decision: The appeal is dismissed. The enforcement notice is upheld with a correction and variation in the terms set out below in the Formal Decision.

Appeal B: APP/L1765/C/22/3300722
Land at Shedfield Equestrian Centre, Botley Road, Shedfield, SO32 2HN

- The appeal is made under section 174 of the Act.
- The appeal is made by Mr Christopher Collins against an enforcement issued by the Winchester City Council.
- The enforcement notice was issued on 6 May 2022.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land to storage and distribution of wood; together with operational development which facilitates the change of use of the Land.
- The requirements of the enforcement notice are:
  1. Cease the use of the Land for storage and distribution of wood.
  2. Demolish the building on the Land shown in the approximate position hatched red on the attached plan.
  3. Disconnect all services (water, gas, electricity, waste) from the Land.
  4. Break up and remove any hardstanding and/or foundations from the Land.
  5. Remove any resultant waste.
  6. Lay topsoil and seed with grass on the Land to reinstate the Land to its former level and condition.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on grounds set out in section 174(2)(d), (f) and (g) of the Act.

Summary of Decision: The appeal is dismissed. The enforcement notice is upheld.

Appeal C: APP/L1765/C/22/3309990
Land at Shedfield Equestrian Centre, Botley Road, Shedfield, SO32 2HN

- The appeal is made under section 174 of the Act.
- The appeal is made by Mr Christopher Collins against an enforcement issued by the Winchester City Council.
- The enforcement notice was issued on 29 September 2022.
- The breach of planning control as alleged in the notice is without planning permission,
  - i) the material change of use of the Land to B8 storage; together with ancillary parking and operational development which facilitates the change of use of the Land;
  - ii) engineering operations consisting of raising of land levels and creation of retaining walls.
- The requirements of the enforcement notice are:
  - i. Cease the B8 storage and ancillary parking use of the Land.
  - ii. Remove all containers, stored materials, and miscellaneous items related to the unauthorised use and development from the Land.
  - iii. Remove the retaining walls shown in the approximate position edged in blue on the attached plan (Appendix B) from the Land.
  - iv. Remove all fencing and gates from the Land.
  - v. Break up and remove any hardstanding, shown in the approximate position hatched green on the attached plan (Appendix B) and other materials used to raise the height of the Land and restore the Land to its original levels.
  - vi. Remove any resultant waste from the Land.
  - vii. Lay topsoil and seed with grass on the Land to reinstate the Land to its former level and condition.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on grounds set out in section 174(2)(d), (f) and (g) of the Act.

Summary of Decision: The enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.

Appeal D: APP//L1765/C/22/3300697
Land at Shedfield Equestrian Centre, Botley Road, Shedfield, SO32 2HN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 ("the Act").
- The appeal is made by Mr Christopher Collins against an enforcement issued by the Winchester City Council.
- The enforcement notice was issued on 6 May 2022.
- The breach of planning control alleged in the notice is without planning permission, the material change of use of the land to use class B2 (general industrial) (known as Homestead Concrete Pumping & Southern Blast and Paint Limited); together with operational development which facilitates the change of use of the land.
- The requirements of the enforcement notice are:
  1. Cease the use class B2 (general industrial) use of the Land.
  2. Demolish the building on the Land shown in the approximate position hatched in red on the attached plan.
  3. Remove the containers and any fixings shown in the approximate position hatched green on the attached plan from the Land.
  4. Remove the fencing and gates shown in the approximate positions outlined in blue on the attached plan from the Land.
  5. Disconnect all services (water, gas, electricity, waste) from the Land.
  6. Break up and remove any hardstanding and/or foundations from the Land.
  7. Remove any resultant waste.
  8. Lay topsoil and seed with grass on the Land and reinstate the Land to its former level and condition.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on grounds set out in section 174(2)(a), (f) and (g) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

APPEAL SITE LOCATIONS

1. The appellant owns a sizeable area of land to the west of the A334 Botley Road, Shedfield, and within which the four appeal sites A-D are located, all within close proximity to one another, and as indicated by the red line on the plans attached to the respective enforcement notices. An access track which runs from the Botley Road serves all of the appeal site locations.

2. **Appeal A** relates to the land and buildings occupied by IT Auto Repairs Ltd (IT Autos) which lies on the southern side of the access track.
   Appeal B relates to the land and building adjacent to the west of IT Autos.
   Appeal C relates to an area of open land to the north of sites A and B.
   Appeal D relates to the land and buildings occupied by Southern Blast and Paint Ltd, to the south and rear of appeal site B.

PRELIMINARY MATTERS

3. None of the appeals have been made on ground (b) - that the alleged matters have not occurred; or on ground (c) - that they do not constitute a breach of planning control. Appeals A-C include appeals on ground (d) – that the breach of planning control is immune from enforcement action due to the passage of time.

4. An appeal on ground (a) - that planning permission ought to be granted, is made in respect of Appeal D only.

5. All four appeals A-D include appeals on ground (f) – that the requirements are excessive; and ground (g) – that the period for compliance falls short of what should reasonably be allowed.

6. In order to avoid duplication and for conciseness I will deal with the grounds of appeal together as far as possible.

7. In Appeal C the appellant questions the description of development in the notice allegation and plan (marked with a blue line) which refers to "retaining walls". More precisely, this part of the operational development comprises vertical posts that have been set within stacked tyres, filled with concrete, to form a protective barrier against vehicle movements. For the sake of clarity I will refer to them hereafter as "tyre and post structures". Doing so would not result in injustice to any party and I will correct the notice accordingly using powers available to me under s176(1) of the Act.

THE APPEALS ON GROUND (d) - APPEALS A, B, C

8. An appeal on ground (d) is a claim that at the date the enforcement notice was issued the development subject of enforcement was immune from enforcement action due to the passage of time, either 4 years in respect of operational development, or 10 years in respect of a material change of use.

9. The Court has established that the burden of proof, tested on the balance of probability, falls to the appellant[1]. The approach to be taken is set out in the PPG[2] which itself reflects long established Court judgments[3]. Accordingly, the

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[1] *Nelsovil v SSE* [1962] 13 P&CR 151
[2] Planning Practice Guidance Reference ID: 17c-006-20140306 (MHCLG)
[3] *Ravensdale Ltd v SSCLG & Waltham Forest LBC* [2016] EWHC 2374 (Admin)
Thrasyvoulou v SSE & Hackney LBC (No1) [1984] JPL 732
Gabbitas v SSE & Newham LBC [1985] JPL 630

appellant must provide sufficient evidence in making his case. If the local planning authority has no evidence itself, nor evidence from any others, to contradict or otherwise make his version of events less than probable, there is no good reason to dismiss the appeal provided that the applicant's evidence alone is sufficiently precise and unambiguous.

Appeal A

10. Before the word "vehicle" in Section 3 of the notice there is a typo in that the words "to a" need inserting. This omission has not resulted in any confusion in understanding the notice, hence my correcting the notice under s176(1) of the Act would not result in any injustice to any party. I will therefore do so.

11. The appellant needs to show that the material change of use of the land to the current vehicle repair garage (or to another earlier use not materially different from the current use) occurred before 6 May 2012 and continued thereafter for a period of 10 years without significant interruption.

12. In this regard the appellant states that the site was used for repair and maintenance of plant and machinery and for storage by his civil engineering companies since before 2012. In order to do so he compacted the surface of the site followed by laying of hardcore to create a hard standing for such activities. Also, that a building was erected in about 2014 which was later destroyed in a fire, and then subsequently replaced with the current building. In response to a Planning Contravention Notice (PCN) issued by the Council he states that the current building was erected after June 2018. IT Autos then occupied the site in 2019, confirmed by the occupier Mr Tuffs in his submitted statement. Other than the two submitted statements no supporting documentary or other evidence has been provided.

13. Turning to the Council's evidence, they have provided aerial imagery from 2013 and 2017[4]. The 2013 image shows the land as being open with trees, being free from built development and with no commercial activity being apparent. The 2017 image shows the trees having been removed, the area compacted or resurfaced and with some older buildings being present.

14. Consequently, the aerial imagery alone strongly indicates to me that any commercial use of the land could not have occurred until 2013 or later, hence less than 10 years before the notice was issued. Also, that the current building was not erected until after June 2018, following the fire, hence less than 4 years before the notice was issued.

15. Having regard to all of the evidence, and on the balance of probability, I find that the alleged breach of planning control is not immune from enforcement action and the appeal on ground (d) fails.

Appeal B

16. The appellant needs to show that the material change of use of the land to storage and distribution of wood (or to uses not materially different) occurred on or before 6 May 2012 and continued thereafter for a period of 10 years without significant interruption.

17. The appellant evidence does not extend beyond his written submissions[5]. He states the site has been used for the alleged use since before 2012. In his

[4] Council's Statement, Appendix B
[5] Appellant's submitted appeal form, Statement, and Final Comments

response to a PCN he confirms that a previous building was destroyed by the same fire in 2018 as referred to in Appeal A. He does not dispute that the current timber storage building is less than 4 years old.

18. The aerial imagery from 2013 and 2017 in the Council's evidence[6] shows the land as being open with some trees, and free from any buildings or activity in 2013. The 2017 image shows the site as being partially cleared, compacted or resurfaced, and with some physical structures on the land.

19. The aerial imagery substantially contradicts the appellant's case. It indicates to me that use of the land for storage and distribution of wood could not have occurred until 2013 or later, hence less than 10 years before the notice was issued. Also, that the current building was not erected until after June 2018, hence less than 4 years before the notice was issued.

20. I note the appellant's reference to other images[7] (annotated by the Council by superimposing red outlines). The appellant states the "red lines" are not in the correct place and that the storage area cannot be seen due to the trees. However, the 2013 and 2017 images[6] in Appendix B I referred to earlier are not annotated and are clearer showing a wider area. I am satisfied they capture the land subject of the enforcement notice indicated by the red line attached to the notice plan.

21. Overall, the appellant has provided very little in the way of evidence in making his case. Additionally, his case is contradicted and made less than probable by the Council's evidence. Having regard to all of the evidence before me, and on the balance of probability, I find that the alleged breach of planning control is not immune from enforcement action and the appeal on ground (d) fails.

Appeal C

22. With regard to the material change of use to B8 storage, the appellant needs to show that the use of the land for storage (or uses not materially different) occurred on or before 29 September 2012, and continued thereafter for a period of 10 years without significant interruption. With regard to the alleged engineering operations (raising of land levels and creation of tyre and post structures) he needs to show that these were carried out more than 4 years before the notice was issued, hence on or before 29 September 2018.

23. The appellant's case[8] in summary is that the land within the appeal site had become compacted due to landfilling operations to the west of the site, and later from the development of the adjoining solar farm. Also, that the appeal site was used as a construction/storage compound for the purposes of the construction of the solar farm after 2012. He goes on to say[9] that in 2012 he rented the appeal site from the landowner (purchasing it later in 2017) and continued the commercial activities including open storage. Also, that for several years from 2012 (he does not say how many years) he let parts of the appeal site to a company called Landacre Tips who also used it for commercial open storage.

[6] Council Statement, Appendix B, paras 2.4, 2.5
[7] See paragraph 3.212 of the Council Officer Report
[8] See Appellant's Statement, also his responses to PCN (Appellant's Appendix B)
[9] Appellant's Statement, paras. 4 and 5

24. Mr Groom[10] in his statement says that he worked on the landfill site until it was completed, and that the appeal site was used in connection with those operations. His company later returned as an occupier of the appeal site some 6 years ago (hence since December 2016), using it for storing materials, plant, machinery, equipment (in 4 containers), and parking of commercial vehicles. Statements from Mr Miles[11], Mr Woods[12], and Mr Wall[13] also confirm their use of the appeal site for commercial storage of various items, including plant, machinery, equipment, containers, motor vehicles (for retail stock), scaffolding, boards and tubing. However, all these activities are more recent and all commenced less than 10 years before the enforcement notice was issued, the earliest being Mr Groom in 2016.

25. The Council's evidence, refuted by the appellant, is set out in their written submissions and appendices. It includes aerial imagery from 2013 and 2017[14] which the appellant argues is indistinct and inconclusive. In this regard I acknowledge the limitations of aerial photography, particularly in relation to historical use of land when activities can change from one day to the next, and hence a single image only represents a single moment in time.

26. The clearer image in 2017 in my view shows a green and undeveloped site other than a small area at the southern end which may indicate use by vehicles, although no storage is apparent.

27. However, I consider the 2013 image shows an undeveloped part of the landscape, other than the appeal site's western strip, which matches in colour the appearance of the ground in the adjoining solar farm. The appearance of the western strip would be consistent with the appellant's evidence that land in that area was used temporarily for construction/storage purposes in connection with the build out of the solar farm. However, such a temporary use, being ancillary to the construction of the solar farm, was not a primary use of land. As such, the separate use by the appellant for commercial storage of plant and machinery would have commenced a new primary use of the land. In this regard the appellant does not dispute the Council's evidence that the solar farm was not completed until 2013.

28. Overall, I find that the aerial imagery contradicts rather than supports the appellant's case. Additionally, the Council have supplied photographs taken by officers during site inspections in 2021 and 2022. It is clear from these that there has relatively recently been a substantial deposition and spreading of hardcore materials raising the ground levels, together with the erection of the tyre and post structures. I saw nothing during my own visit to the appeal site that would suggest otherwise.

29. As I set out earlier, the burden of proof, tested on the balance of probability, falls to the appellant. In this regard I find the appellant's evidence to be very limited as to the precise nature and duration of activities on the appeal site between 2012 to 2017. While I acknowledge that corroboration is not necessary for an appeal on ground (d) to be successful, I would have expected some business related records to have been available to help him make his case, given his description of his own commercial use of the land,

[10] Test Valley Environmental Ltd
[11] Yeomans Ltd
[12] RGSC Ltd
[13] Prime Access Scaffolding South Ltd
[14] Also included in the appellant's Statement, Appendix C.

and that of others who rented land from him. However, other than a plan relating to a waste management licence[15] (submitted with a 1991 planning application), he does not submit any supporting documentary or other evidence that relates to the use of the land from 2012 to 2017. For reasons set out earlier I also find his evidence is contradicted by the Council's evidence.

30. While third parties have also submitted comments, they are general in nature and not directly related to this particular appeal. As such, they do not weigh against the appeal.

31. Having regard to all of the evidence before me, I conclude that the appellant has failed to discharge the duty upon him to demonstrate, on the balance of probability, that the breach of planning control was immune from enforcement action at the date the enforcement notice was issued.

32. For all these reasons, the appeal on ground (d) fails.

GROUND (a)/DEEMED PLANNING APPLICATION - APPEAL D

Main Issue

33. Having regard to all that I have seen and read, I consider the main issue is whether the appeal site is in a sustainable location having regard to local and national planning policies.

Reasons

34. The Winchester District Local Plan Part 1-Joint Core Strategy (CS) forms part of the Development Plan for the area and was adopted by the Council in 2013. It sets out the strategic aims and objectives for development within the district to 2031. Its principal focus is for new development to be directed to within the main urban areas.

35. Outside of the main urban areas CS Policy MTRA3 limits new development to within the defined boundaries of settlements (listed within the policy) where the purpose of the development meets local needs, commensurate with the size, character and function of the settlement.

36. In settlements with no defined boundaries (including Shedfield), new development or redevelopment consisting of infilling of a small site within a continuously developed road frontage may be supported. Any other developments may be supported to reinforce a settlement's role and function to meet a community needs or aspirations, but these should be identified through a Neighbourhood Plan or otherwise with clear community support. Additionally, all development should be appropriate in scale and design and conserve the settlement's features, including its countryside setting.

37. The appeal site lies within open countryside and hence is not within any settlement. In this regard CS Policy MTRA4 states that development will only be permitted if it has an operational need for a countryside location and does not result in harm to the character and landscape of the area or create inappropriate noise, light or traffic generation.

[15] Appellant's Statement, Appendix A

38. Overall CS Policies MTRA3 and MTRA4 establish a hierarchical approach of directing development first to the larger urban areas, with a more limited and sensitive approach to smaller settlement areas, followed by a greater level of protection to the countryside. I find nothing in these policies, or within Policy CP8, referred to by the appellant, that is inconsistent with the approach set out in paragraph 119 of the Framework[16], in respect of local planning policies making effective use of land, or with the overarching aims and objectives for achieving sustainable development[17]. I conclude therefore that the spatial strategy set out in CS Policies MTRA3 and MTRA4 is not out of date as suggested by the appellant.

39. As such, I am required to determine the ground (a)/deemed application for planning permission in accordance with the Council's Development Plan policies unless material considerations indicate otherwise.

40. Following on from the above, I find that the urbanised industrial appearance of the site results in significant harm to the otherwise open character and appearance of this countryside location. Additionally, no detailed information has been submitted by the appellant to demonstrate that potential risks to the local natural environment do not exist or, alternatively, how any such risks have been adequately mitigated. Hence, I cannot be reasonably sure that activities on the site do not and would not result in harm to the environment.

41. Notwithstanding the harmful visual impact and/or any environmental impacts, no operational need for the business to be at this location has been justified. The appellant's investigation of potential alternative sites did not go beyond an initial internet property search identifying 15 possible locations. He concludes that they would be "unlikely" to be suitable, but this was without any further enquiries. Consequently, I find there to be a lack of convincing evidence, by way of a detailed study of sites within the wider area, to support the appellant's assertion that there is an acute shortage of suitable existing or potential sites.

42. Additionally, no specific financial data or business plan for the current occupiers of the site has been submitted to demonstrate alternative sites would be financially unviable.

43. I have considered whether the imposition of planning conditions would make the development acceptable. However, there are none that would do so.

Conclusion on ground (a)

44. For all the reasons I have set out above I find the development results in unacceptable harm to the character and appearance of the area and with potential environmental risks. As such, it is not in a sustainable location. It conflicts with the requirements of CS Policies MTRA3 and MTRA4 and with the Development Plan as a whole.

45. While I note benefits of employment and uses which contribute to the local economy, these do not outweigh the harm I have identified in conflict with the Development Plan. Consequently, the appeal on ground (a)/deemed application for planning permission fails.

[16] National Planning Policy Framework (2021)
[17] The National Planning Policy Framework (2021) paras. 8(a), 8(c) and 9

THE APPEALS ON GROUND (f) - APPEALS A, B, C, D

46. Section 173 of the Act states two purposes which the requirements of an enforcement notice can seek to achieve. The first is to remedy the breach of planning control which has occurred (s173(4)(a)). The second is to remedy any injury to amenity which has been caused by the breach (s173(4)(b)). As such, an appeal on ground (f) is that the requirements of the notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any harm to amenity resulting from the breach.

47. All four notices A-D require the unauthorised use of the land to completely cease, the removal of all operational development, and reinstatement of the land back to its condition prior to the breach commencing. It is clear therefore that the purpose of each notice falls within s173(4)(a) - to remedy the breach of planning control.

48. The appellant argues there has been commercial activity on sites A, B and C for more than 10 years. However, I have found that not to be the case as set out earlier in respect of ground (d). Such considerations are not relevant to this ground (f) appeal which is concerned only with whether the notice requirements exceed what is necessary in order to remedy the breach of planning control.

Appeals A, B, D

49. Breaking up and removing hardstanding from the sites, and laying topsoil and reseeding with grass cannot be excessive requirements since they impose no greater an obligation on the appellant than simply restoring the land back to its former condition. No lesser requirements would fully remedy the breach of planning control.

50. The appeals on ground (f) in Appeals A, B and D therefore fail.

Appeal C

51. I have already found in ground (d) that the unauthorised use of the land, significant raising of land levels, and creation of tyre and post structures are not immune from enforcement action. As such, the requirements to remove these elements and to reinstate the land to its former condition with topsoil and grass are not excessive, because they go no further than remedying the breach of planning control. The appellant is best placed to know what the land levels were before the unauthorised use commenced. I accept however that "miscellaneous items" is imprecise and note that the remaining requirements would by themselves remedy the breach. I will therefore vary the notice by deleting this element of the requirements.

52. The appeal on ground (f) in Appeal C succeeds to this limited extent, but otherwise fails.

THE APPEALS ON GROUND (g) – APPEALS A, B, C, D

53. An appeal on ground (g) is that the time given for compliance with the notice requirements falls short of what should reasonably be allowed.

Appeal A

54. The notice requires full compliance within 6 months. The appellant seeks a period of 18 months.

55. The Council's evidence includes a survey (2022) which indicated availability of 26 industrial units within a 5 mile radius of Shedfield, although the appellant conducting a similar survey found only 15 'general industrial' sites. He argues these sites would be unlikely to accommodate a vehicle repair business and in any event would be unaffordable.

56. However, there is no evidence before me to indicate why other sites identified would be unlikely to accommodate IT Autos. In my experience many vehicle repair businesses are located within authorised general industrial estates, whether they are in an urban locations or otherwise. Also, no financial information relating to IT Autos has been submitted to demonstrate that rents at other sites would be unaffordable. Moreover, even if that were the case, it would not justify an unduly extended period of time to comply with the notice.

57. It is also argued that IT Autos (if given a longer period of time for compliance) would not result in any harm to the environment. However, I am satisfied that the appeal site lies within an environmentally sensitive area[18]. In this regard there is no evidence from the appellant (in the form of a detailed assessment carried out by a suitably qualified person) which identifies all potential risks to the surrounding environment and all receptors, or how any such risks have been adequately mitigated. That notwithstanding, the key issue in ground (f) is simply whether the period of time that would be required to achieve compliance with the notice falls short of what should reasonably be allowed.

58. On balance I find that a period of 18 months is unjustified. Indeed, anything more than 11 months would be tantamount to the grant of temporary planning permission. I consider 6 months would be more reasonable, to allow for the securing and relocation of alternative premises, with a further 2 months to allow for the required remedial works to be completed. Arranging and scheduling contractors for the remedial works to be carried out could commence on receipt of this appeal Decision.

59. Consequently, I find that a period of 8 months in total would be more reasonable. The appeal on ground (g) succeeds to this extent and I will vary the notice accordingly.

Appeal B

60. The notice requires full compliance within 6 months. The appellant seeks a period of 12 months.

61. I attach little weight to the appellant's view of there being no environmental harm for the same reasons I set out in respect of this matter in Appeal A above. A period of 12 months has not been justified. Having regard to all the circumstances I conclude that 6 months does not fall short of what should reasonably be allowed. The appeal on ground (g) therefore fails.

Appeal C

62. The notice requires full compliance within 6 months. The appellant seeks a period of 18 months.

63. I attach little weight to the view that there would be no environmental harm for the same reasons I set out in respect of this matter in Appeal A above.

[18] Council's Statement, Appendices C and D

64. I acknowledge that more time may be required in order for current occupiers to secure alternative sites. However, anything more than 11 months would be tantamount to a temporary planning permission and is unjustified. In my view 6 months would be more reasonable to allow for occupiers to relocate with a further 2 months to allow for the required remedial works to be carried out. Securing and scheduling contractors for the required remedial works could start to be arranged following receipt of this appeal Decision.

65. As such, a period of 8 months in total would be more reasonable. The appeal on ground (g) succeeds to this extent and I will vary the notice accordingly.

Appeal D

66. The notice requires full compliance within 6 months. The appellant seeks a period of 18 months.

67. The appellant (supported by comments from the current occupier) states that most industrial estates in Hampshire prohibit the current use of the premises, being repair and maintenance of vehicles and plant, shot blasting and paint spraying. However, while I accept that securing an alternative site may take some time, no evidence of any such wide-spread prohibition that may have been investigated by the appellant has been submitted.

68. No detailed financial information relating to the current occupier has been submitted to demonstrate that rents at other sites would make the business unviable. Moreover, even if that were the case, it would not justify an unduly extended period of time in order to comply with the notice.

69. Anything more than 11 months would be tantamount to a temporary planning permission and is unjustified. In my view 6 months would be more reasonable to allow for the occupier to relocate with a further 2 months to allow for the required remedial works to be carried out. As such, a period of 8 months in total would be more reasonable. The appeal on ground (g) succeeds to this extent and I will vary the notice accordingly.

FORMAL DECISONS

APPEAL A

70. It is directed that the enforcement notice is corrected and varied by:

- in Section 3, before the word "vehicle", inserting the words "to a";
- in Section 6, deleting "6 (six) months" and substituting instead "8 months".

71. Subject to the correction and variation the appeal is dismissed and the enforcement notice is upheld.

APPEAL B

72. The appeal is dismissed and the enforcement notice is upheld.

APPEAL C

73. It is directed that the enforcement notice is corrected and varied by:

- in Sections 3 and 5(iii) deleting the words "retaining walls" and substituting instead the words "tyre and post structures";

- in Section 5(ii) deleting all of the words therein and substituting instead the words “Remove all containers and stored materials from the land”;
- in Section 6 deleting “6 months” and substituting instead “8 months”.

74. Subject to the correction and variations the appeal is dismissed and the enforcement notice is upheld.

APPEAL D

75. It is directed that the enforcement notice is varied in Section 6 by deleting “6 (six) months” and substituting instead “8 months”. Subject to the variation the appeal is dismissed and the enforcement notice is upheld.

Thomas Shields

INSPECTOR