



Appeal Decisions

Site visit made on 10 December 2012

by Bridget M Campbell BA(Hons) MRTPI

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

Decision date: 24 December 2012

Nos.6, 7 & 8 CRANHAM HALL MEWS

Appeals relating to Reeds, 6 Cranham Hall Mews, The Chase, Upminster, Essex RM14 3DB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr C Ballard against enforcement notices issued by the Council of the London Borough of Havering.
 - The Council's reference is ENF/541/08/UP.
 - The notices were issued on 15 March 2012.
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Appeal 1, Notice A: APP/B5480/C/12/2174311

- The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of fences in the positions indicated by the dotted bold black line on the Plan attached labelled "Unauthorised Fencing at "Reeds" – 6 Cranham Hall Mews".
- The requirements of the notice are to:
 - (i) remove from the Land all fencing other than those fences which have planning approval under LB Havering planning reference P0779.10.
 - (ii) remove from the Land any building materials rubble scrap or waste associated with the unauthorised fencing or arising from compliance with requirement (i) above and restore the Land to its condition before the breach occurred.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with correction.

Appeal 2, Notice B: APP/B5480/C/12/2174312

- The breach of planning control as alleged in the notice is without planning permission, the unauthorised use of agricultural (Green Belt) land for residential purposes in the area shown outlined with a bold dashed black line on the attached plan labelled with "Land used as residential at Reeds – 6 Cranham Hall Mews".
- The requirements of the notice are to:
 - (i) Stop using the Land for residential purposes
 - (ii) Remove from the Land any building materials rubble machinery equipment apparatus tools scrap and waste brought onto the Land in association with the unauthorised use or arising from the first requirement above and restore the Land to its condition before the breach occurred.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the ground set out in section 174(2) (b) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have

been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with correction.

Appeal 3, Notice C: APP/B5480/C/12/2174313

- The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of the outbuilding indicated on the Plan labelled "Unauthorised Building at "Reeds" – 6 Cranham Hall Mews".
- The requirements of the notice are to:
 - (i) remove from the Land all unauthorised outbuildings
 - (ii) remove from the Land any building materials rubble scrap or waste associated with the unauthorised building or arising from compliance with requirements (i) above and restore the Land to its condition before the breach occurred.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with correction.

Appeals relating to Granary, 7 Cranham Hall Mews, The Chase, Upminster, Essex RM14 3DB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr S Allen and Mrs J Allen against enforcement notices issued by the Council of the London Borough of Havering.
 - The Council's reference is ENF/541/08/UP.
 - The notices were issued on 15 March 2012.
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Appeals 4 & 5, Notice A: APP/B5480/C/12/2174315 & 2174316

- The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of fences in the positions indicated by the dotted bold black line on the Plan attached labelled "Unauthorised Fencing at "Granary" – 7 Cranham Hall Mews".
- The requirements of the notice are to:
 - (i) remove from the Land all fencing gates or other means of enclosure other than those fences which have planning approval under planning reference P0779.10
 - (ii) remove from the Land any machinery, building materials, rubble, scrap or waste associated with the unauthorised fencing or arising from compliance with requirement (i) above and restore the Land to its condition before the breach occurred.
- The period for compliance with the requirements is two months.
- The appeals are proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeals are dismissed and the enforcement notice is upheld with correction.

Appeals 6 & 7, Notice B: APP/B5480/C/12/2174320 & 2174321

- The breach of planning control as alleged in the notice is without planning permission, the unauthorised use of agricultural (Green Belt) land for residential purposes in the area shown outlined with a bold black line and hatch filled on the attached plan labelled with "Land used as residential at Granary – 7 Cranham Hall Mews".
- The requirements of the notice are to:
 - (i) stop using the Land for residential purposes
 - (ii) remove from the Land any building materials rubble machinery equipment

apparatus tools scrap and waste brought onto the Land in association with the unauthorised use or arising from the first requirement above and restore the Land to its condition before the breach occurred.

- The period for compliance with the requirements is two months.
- The appeals are proceeding on the grounds set out in section 174(2) (b) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeals are dismissed and the enforcement notice is upheld with correction.

Appeals relating to Mill House, 8 Cranham Hall Mews, The Chase, Upminster, Essex RM14 3DB

- The appeals are made under sections 78 & 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr C Wootton and Ms K Richardson against a refusal by the Council of the London Borough of Havering to grant planning permission and against enforcement notices issued by that Council.
 - The Council's reference in relation to the enforcement notices is ENF/541/08/UP and the notices were issued on 15 March 2012.
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Appeals 8 & 9, Notice A: APP/B5480/C/12/2174324 & 2174325

- The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of fences, gates and other means enclosure in the positions indicated by the dotted bold black line on the Plan attached labelled "Unauthorised Fencing at "Mill House" – 8 Cranham Hall Mews".
- The requirements of the notice are to:
 - (i) remove from the Land all fencing, gates and other means of enclosure other than those fences which have planning approval under LB Havering planning reference P0779.10.
 - (ii) remove from the Land any building materials rubble scrap or waste associated with the unauthorised fencing, gates or other means of enclosure or arising from compliance with requirement (i) above and restore the Land to its condition before the breach occurred.
- The period for compliance with the requirements is two months.
- The appeals are proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeals are dismissed and the enforcement notice is upheld with correction.

Appeals 10 & 11, Notice B: APP/B5480/C/12/2174329 & 2174330

- The breach of planning control as alleged in the notice is without planning permission, the unauthorised use of agricultural (Green Belt) land for residential purposes in the area shown outlined with a bold dashed black line on the attached plan labelled with "Land used as residential at Mill House – 8 Cranham Hall Mews".
- The requirements of the notice are to:
 - (i) stop using the Land for residential purposes
 - (ii) remove from the Land any building materials rubble machinery equipment apparatus tools scrap and waste brought onto the Land in association with the unauthorised use or arising from the first requirement above and restore the Land to its condition before the breach occurred.
- The period for compliance with the requirements is two months.
- The appeals are proceeding on the grounds set out in section 174(2) (b) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not

been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeals are dismissed and the enforcement notice is upheld with correction.

Appeals 12 & 13, Notice C: APP/B5480/C/12/2174331 & 2174332

- The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of the outbuilding indicated on the attached Plan labelled "Unauthorised outbuilding – 8 Cranham Hall Mews".
- The requirements of the notice are to:
 - (i) remove from the Land all unauthorised outbuildings
 - (ii) remove from the Land any building materials rubble scrap or waste associated with the unauthorised building or arising from compliance with requirements (i) above and restore the Land to its condition before the breach occurred.
- The period for compliance with the requirements is two months.
- The appeals are proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeals are dismissed and the enforcement notice is upheld with correction.

Appeal 14, s78: APP/B5480/A/12/2173938

- The planning application Ref PO496.11, dated 11 May 2011, was refused by notice dated 11 October 2011.
- The development proposed is described as "proposed retention of boundary fence, internal fence and external outbuilding."

Summary of Decision: The appeal is dismissed.

Preliminary matters

Background

1. Cranham Hall Mews comprises a rectangular development of residential properties which have been formed from the conversion, with some new build, of a collection of farm buildings. The three appeal properties are located along the western side of the development. In the scheme approved under planning permission P1707.07 (3 December 2007) the curtilages of Nos.6 and 7 included a narrow strip of land, perhaps a metre wide, on the western side of the buildings to which access was available from the dwellings, whilst No.8 had a greater depth available due to the set back of that building behind the other two.
2. The land the subject of these appeals immediately adjoins the western side of the approved residential development and comprises open land which is bounded along its northern and western sides by a public footpath. The occupiers of the three properties have each bought a strip of this land to the west of the originally approved properties and each of the three parcels is secured with post and rail fencing. There is no physical delineation between the land included within the residential planning permission as curtilage and the additional agricultural land which has been incorporated into each of the three properties so that in each case the two areas appear as one.

3. The Notices issued attack the fences that have been erected to define the three parcels of land; the use of the additional land; and the outbuildings erected within the curtilages of Nos. 6 and 8 for which there is no planning permission.
4. Cranham Hall Mews is situated within designated Metropolitan Green Belt and at the heart of the Cranham Conservation Area which was designated in 1968. The Conservation Area has at its core a group of buildings (generally 18th and 19th century) which include Cranham Hall Mews and the listed Church of All Saints and Cranham Hall. The close knit group has a generous open setting surrounded in the main by flat open fields.

Article 4 Direction

5. An Article 4 direction removes permitted development rights to erect gates, fences, walls and other means of boundary enclosure throughout the Conservation Area. The Appellants are mistaken in their view that the Direction does not do so. This arose because the photocopy of the Direction originally provided was missing a crucial line of typing at the top of the second page. It is because of this Direction that the fences attacked by Notices A require express planning permission.

The Notices

6. The enforcement notice should be drafted with sufficient precision that it enables the recipient to know what he has done wrong and what he is required to do to put it right. I have the power to correct any defect, error or misdescription provided it does not cause injustice to either party. In considering the intended corrections set out below I have concluded that no such injustice would arise.

Enforcement Notices A

7. These notices attack the erection of fencing and gates. However, in the notice relating to Mill House, No.8, the allegation at paragraph 3 includes the words "other means of enclosure". That is unclear as there is no indication as to what other means of enclosure there might be. No other development along the line indicated in the notice was immediately apparent at my visit other than the fencing and a gate. I therefore intend to correct the notice accordingly.
8. The requirements of the notices are to remove all fencing and gates other than those which have permission under reference P0779.10. This is insufficiently precise and could be interpreted as requiring removal of fences or gates which are not attacked by the notices. The specified steps can do no more than require the removal of the development identified in the allegations and the restoration of the land to its condition before the breach took place. I shall correct the requirements accordingly.

Enforcement Notices B

9. These notices attack alleged residential use of the land. In each case the words "(Green Belt)" appear in the description of the breach. Since Green Belt has nothing to do with use, I intend to delete them. In the requirements a plethora of items are to be removed from the land, some of which – for example rubble, scrap and waste – do not necessarily have a link to a residential use and none has been shown in these cases. I intend to simplify the steps to require all items associated with the use to be removed.

Enforcement Notices C

10. These notices attack the erection of outbuildings at two of the properties. The planning permission (ref:P1707.07) for the original residential development included a condition (no.14) requiring applications to be made for further development notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995. The enforcement notice might have been issued under either limb of s171A(1) in that there has been both a breach comprising the carrying out of development without the required planning permission (subs.(a)) and a breach comprising the carrying out of development without complying with a condition (subs.(b)).
11. The notices are, however, confused in that by quoting s171A(1)(b) of the Act in paragraph 1 they appear to be addressing a breach of condition, and yet the description of the breach in paragraph 3 describes the carrying out of operational development without planning permission which falls within s171A(1)(a). The reasons for issue (paragraph 4) once again return to a breach of condition.
12. It seems to me that the notices would be best corrected to address a breach under s171A(1)(a). The deemed planning applications, which are derived from the alleged breach, would then be for the erection of the outbuildings. I shall correct the notices accordingly.
13. The requirements of the notices are to remove all unauthorised outbuildings from the land. This is insufficiently precise since the specified steps can do no more than require the removal of the development identified in the allegation, which in each case is one outbuilding, and the restoration of the land to its condition before the breach took place. I shall correct the requirements accordingly.

Reasons

Residential Use – Enforcement Notices B (Appeal 2 – No.6, Appeals 6 & 7 – No.7, Appeals 10 & 11 – No.8)

The appeals on ground (b)

14. In each case, residential use of the land is alleged. Each appeal includes an appeal on ground (b) which is that the matter alleged has not occurred. In legal grounds of appeal such as this, the onus is on the appellant to make out his case.
15. The Appellants say the land to the rear of the three residential properties is used for grazing alpacas, keeping chicken and exercising dogs and claim these uses are entirely consistent with the use as open agricultural land. Whilst that might be arguable insofar as the first two are concerned depending on the specific circumstances; exercising dogs does not fall within the definition of agriculture and would not be an agricultural use of the land. Rather, letting the dogs out of the back of the houses to run about on the enclosed land is directly associated with the residential use of the dwellinghouses. The Appellants also argue that the alleged changes of use have not occurred as a result of any works being undertaken on the land and that there has been no change in appearance. That might be so but a material change of use does not depend upon some physical change to the land.

16. Taking **No.6** first, the Council says officers have seen items of garden furniture and goalposts on the land and that they have seen children playing football there. Photographs have been provided, taken in 2010 and in 2012, which clearly show the goalposts and, perhaps less clearly, other items of domestic paraphernalia on the land. At my visit most items had been moved but there were still some, for example a garden table, seating and footballs, on the land affected by the notice. There were also some dead patches of grass where it appears that items had might have stood for some time.
17. The evidence is clear that the land has been used for residential purposes incidental to the use of No.6 as a dwellinghouse. Introducing 4 alpacas onto the land does not change the fact that the land has been so used. The appeal on ground (b) fails; the residential use of the land has occurred as a matter of fact.
18. Turning then to **No.7**, the Council says officers have seen domestic paraphernalia and domestic style planting on the land. At my visit little of that was apparent other than one ceramic pot containing a young tree or shrub. Nonetheless there is a rectangle of decking and one of ornamental slate chippings outside the patio doors which extend out from the house and onto the land subject to enforcement action and which are clearly domestic in nature. In addition there was a large round area of dead grass of several (perhaps three) metres diameter close to the rear of the house where it would appear that something has stood until relatively recently. It is not clear what stood there but it could, for example, have been a children's inflatable swimming pool. Be that as it may there is no evidence before me that it resulted from some agricultural rather than domestic activity.
19. There is a fenced enclosure at the far end of the land which is used to house a few chicken. Whilst keeping chicken might be considered an agricultural use of land in some circumstances, on the small scale undertaken here, it seems to me to be nothing more than a use which is incidental to the residential use of the dwellinghouse.
20. From the evidence available I conclude that activities associated with the use of No.7 as a dwellinghouse have taken place on the land. The appeals on ground (b) fail; the residential use of the land has occurred as a matter of fact.
21. Looking then at **No.8**, once again the Council refers to having seen domestic paraphernalia and planting of a domestic character on the land. There is a newly planted laurel hedge along one boundary but otherwise I saw no planting to suggest residential use. However, that does not mean that there has been none and the land is clearly not being used for any form of agriculture. Currently it accommodates almost life sized models of a cow and calf. Whilst these are somewhat unusual, they are residential in nature in that they are adornments which have been placed on the land for the appreciation of the occupiers of the dwelling. The land is thus in use for a purpose incidental to the use of No.8 as a dwellinghouse. The Appellants have failed to demonstrate that the residential use of the land has not occurred. The appeals on ground (b) fail.

The appeals on ground (f)

22. Appeals on this ground have only been brought in respect of Nos.7 and 8. There is no appeal on this ground for No.6. The ground of appeal is that the steps required to comply with the notice are excessive. In this respect, as intended to be corrected, the notices simply require the residential use to cease and for all items brought on to the land in connection with that use to be removed so as to restore the land to its previous condition. Those requirements are not excessive since they are the steps that would achieve remedy of the breach. Lesser steps would not.
23. The Appellants appear to be under the impression that the requirements bite on land within the approved curtilage as defined in the original planning permission for the development. They cannot do so as that would go beyond remedying the breach of planning control that has occurred. It may be that this confusion arises from the plans accompanying the notices which are not sufficiently detailed. Notwithstanding that an appeal on this ground has only been brought on Nos.7 and 8, I shall amend the requirements of all 3 notices to make clear that the cessation of the use and removal of associated items is required only in the area beyond the approved curtilages. To that limited extent the appeals on ground (f) succeed.

The fencing – Enforcement Notices A (Appeal 1 – No.6, Appeals 4 & 5 – No.7, Appeals 8 & 9 – No.8)

The appeals on ground (a)

24. The ground of appeal is that planning permission should be granted.
25. Government guidance in the National Planning Policy Framework (NPPF) sets out policy in relation to Green Belts. Their essential characteristics are openness and permanence. Paragraphs 87 and 88 say inappropriate development is by definition harmful to the Green Belt; that it should not be allowed other than in very special circumstances; and that those will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. For planning purposes, fences are classified as buildings since the definition at s336 of the Act says building “includes any structure or erection”. Paragraph 89 of the NPPF says the construction of buildings in the Green Belt is inappropriate other than in certain circumstances. Whilst one of these is buildings for agriculture and forestry; having regard to my findings on the use of the land in the ground (b) appeals against Notices B; that is not applicable here. The fences have been erected to enclose residential land and that does not fall within any of the exceptions set out in paragraph 89. Similarly the fencing does not fall to be considered as appropriate when applying the Council’s Green Belt policy DC45 from the Local Development Framework. It is, therefore, inappropriate development notwithstanding what might have been said by the Council in an historic Committee report.
27. Having found the fencing (and in the case of No.8 the fencing and gate) to be inappropriate, the main issue in each case is, therefore, whether the harm by inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify the development in the Green Belt.

28. In addition to the harm by way of being inappropriate development, the fencing of each of the three parcels of land individually erodes the openness of the area, each by cutting out a small portion from a swathe of land which was formerly open. The fencing also increases the intrusion of built development in the countryside and thus conflicts with one of the purposes of Green Belts which is to safeguard the countryside from encroachment.
29. I appreciate that the type of fencing used has been carefully selected so as to be suitable in appearance to a rural setting. Nonetheless in this particular location it is the expanses of uninterrupted open land which are a distinctive characteristic of the locality and indeed are a valued feature of the Conservation Area in providing the open setting for the core of buildings at its heart. It is to protect this amenity that permitted development rights for enclosures were removed by way of an Article 4 Direction. The fencing of any one of the three areas, by sub-dividing the land, damages the character and appearance of the Conservation Area
30. Each case has to be assessed on its own merits. In this location, the enclosure of any one of the three parcels of land in isolation would be unacceptable in creating a relatively small, physically enclosed area and in eroding the uninterrupted open nature of the land immediately to the west of Cranham Hall Mews. Whilst there are some strands of barbed wire and some posts in amongst the remnants of a hedgerow along the western side of the fencing to Nos.6 and 7, this suggests an historic field boundary and provides no justification for fencing intended to create much smaller parcels of land. I am also aware that the fences along the southern and eastern sides of the land enclosed at No.6 do not form part of the alleged breach and so can remain. The enclosure of any one of the parcels in isolation would result in unacceptable harm for the reasons I have given and if any one were to be allowed, then it would make it difficult for the Council to resist other proposals to enclose further parcels of land around the Cranham Hall Mews development, the cumulative effect of which would exacerbate the harm.
31. In reaching this conclusion I am aware that the Council has granted planning permission for some fencing, and of the same style, in connection with the residential development of the Mews. This seems primarily to be to the southern side of the development but I do not have the full details so as to know precisely what fencing has been approved and what existed there before. I cannot draw any meaningful comparison. To the western side of the development, however, the land (beyond the defined curtilage) was to remain open and I have found that enclosing and subdividing it would result in unacceptable harm.
32. The Appellants argue that the fences are needed for security and that if they were to be removed the rear of their properties would be entirely open to intruders. However, the Council points out that there was permission to fence along the line of the permitted residential curtilages which would have secured each property. The need for security does not justify the enclosure and incorporation of larger parcels of open land within each property. Reference made to fencing erected in nearby woodland to protect people from danger is not comparable development.
33. I note that the Appellants consider that the footpath, which runs along the northern side of the land to No.8 and along the western boundary of each

- parcel, marks the division between the developed and the undeveloped part of this area but I do not agree. Prior to the unauthorised enclosure of the three parcels the footpath crossed undeveloped land to either side once clear of the western end of the Mews development.
34. I am at a loss to understand how the fencing at No.6 would have prevented a recent altercation between an alpaca and one of the Appellant's dogs since I am told that the same land is used for exercising the dogs and for the grazing of the alpacas. Furthermore, as the lawful residential curtilage could be secured, and it has been argued that the additional land is not used for residential purposes, it is difficult to see why, as has been claimed, the removal of the unauthorised fencing should have serious safety implications for the children of the Appellants at No.7. Curtilage fencing would provide security for dogs and children.
35. It is not unusual for public footpaths to cross farmland and I do not accept the argument that unless the land is fenced off from it, it cannot be put to its lawful agricultural use. The remnants of some barbed wire and a few fence posts in the hedgerow do not represent a fall back since any fence is long gone and its previous extent is far from clear. It does not provide justification for new fencing intended for a different purpose: that is to sub-divide open land into small parcels.
36. I have taken into account all matters raised in support of each individual proposal including letters submitted by third parties. However, nothing, whether taken individually or cumulatively, is sufficient to clearly outweigh the substantial harm identified both to the Green Belt and to the character and appearance of the Conservation Area. In this respect there is conflict with the provisions of the Development Plan for the area and in particular with LDF policies DC45 and DC68 and with national policy relating to Green Belts and conservation areas.
37. The appeals on ground (a) fail and permission will be refused for the applications deemed to have been made under s177(5) of the Act.

***Outbuildings – Enforcement Notices C
(Appeal 3 – No.6, Appeals 12 & 13 – No.8)***

The appeals on ground (a)

38. Both outbuildings are located within the lawful residential curtilages of Nos.6 and 8. These buildings are physically separate from and are not a part of the dwellinghouses. They do not fall within any of the exceptions to inappropriate development in the Green Belt for new buildings as set out in paragraph 89 of the NPPF and are not found to be appropriate when applying LDF policy DC45. They are, therefore, inappropriate development notwithstanding what might have been said by the Council in an historic Committee report.
39. Having found the buildings to be inappropriate, the main issue in each case is, once again, whether the harm by inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify the development in the Green Belt.
40. Taking the building at **No.6** first, this is tucked into the side of the house. It extends no further to the rear (west) than the main dwelling and no further

south than the line of dwellings to the east. It thus holds a relatively inconspicuous position and, being finished with timber boarding dark stained to match the house, it reads as an unobtrusive addition to the group. Seen in that setting I find the character and appearance of the Conservation Area is preserved. Nonetheless, the structure results in built development where formerly there was none and thus there is a loss of openness, which, albeit limited, is harmful to the Green Belt – openness being the essential characteristic of Green Belts.

41. Turning next to **No.8**, the outbuilding is similarly located in an inconspicuous position. Although to the rear of No.8, it is to the side of No.7, extends no further to the rear (west) than that dwelling and is finished in stained boarding to match that dwelling. The house at No.8 projects much further to the north than the outbuilding. My conclusions in relation to harm are the same; the character and appearance of the Conservation Area is preserved but there is harm to the openness of the Green Belt.
42. Paragraph 88 of the NPPF indicates that substantial weight is to be given to any harm to the Green Belt and in this case there is harm by reason of inappropriateness and harm to openness. That has to carry substantial weight.
43. In support, the Appellant says that the outbuilding at No.6 would be permitted development were it not for the condition removing such rights but, having regard to the limitation imposed by clause E.3 of Part I of Schedule 2 to the GPDO, that might not be so. Similarly the outbuilding at No.8 may not have satisfied limitation E.1(d)(ii). No other material considerations in support of either outbuilding have been advanced other than attention drawn to letters in support from interested persons and arguments that there would be no harm arising, upon which I have reached a different conclusion. In particular there is no discussion of any need for the size of outbuildings erected in either case or any consideration of whether alternative accommodation is available to accommodate any need.
44. Taking into account all matters raised in support of each building I find nothing, whether taken individually or cumulatively, to clearly outweigh the harm to the Green Belt which, paragraph 88 of the NPPF says, attracts substantial weight. In this respect there is conflict with the provisions of the Development Plan for the area, in particular with LDF policy DC45, and with national policy relating to Green Belts.
45. The appeals on ground (a) fail and permission will be refused for the applications deemed to have been made under s177(5) of the Act.

***The s78 appeal – refusal of planning permission for boundary fences and outbuilding
(Appeal 14 – No.8)***

46. The harm arising from the erection of the fences at No.8 is set out in the consideration of the appeals against Notice A and the harm arising from the outbuilding is set out in the appeals against Notice C. In neither case have any other material considerations been found to clearly outweigh the harm to the Green Belt arising from these inappropriate developments and, in relation to the fences, the harm to the Conservation Area. For the reasons as given the

developments conflict with the relevant policies of the Development Plan and planning permission should not be granted. The appeal does not succeed.

Formal Decisions

Appeal 1, Notice A: APP/B5480/C/12/2174311

47. The enforcement notice is corrected by:

- a) the deletion of the whole of the content of paragraph 5 and the substitution therefor of the following: "Remove the unauthorised fences from the Land including any materials or debris arising therefrom and restore the Land to its condition before the breach took place. Time for compliance: Two months after this notice takes effect."

48. Subject to this correction the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal 2, Notice B: APP/B5480/C/12/2174312

49. The enforcement notice is corrected by:

- a) the deletion from paragraph 3 of the words "(Green Belt)"; and
- b) the deletion of the whole of the content of paragraph 5 and the substitution therefor of the following: "Cease the residential use of all the Land outside the approved residential curtilage as defined on the drawings in planning permission P1707.07; remove from that Land all items brought onto it in connection with the residential use and restore that Land to its condition before the breach took place. Time for compliance: Two months after this notice takes effect."

50. Subject to these corrections the appeal is dismissed and the enforcement notice is upheld.

Appeal 3, Notice C: APP/B5480/C/12/2174313

51. The enforcement notice is corrected by:

- a) the deletion from paragraph 1 of the words "Section 171A(1)(b)" and the substitution therefor of the words "Section 171A(1)(a)";
- b) the deletion of the first section of paragraph 4 ending with the words "...is attached to this Notice."; the deletion in the next sentence of the words "10 years" and the substitution therefor of the words "four years"; and the deletion of the following sentence; and
- c) the deletion of the whole of the content of paragraph 5 and the substitution therefor of the following: "Remove the unauthorised outbuilding from the Land including any materials or debris arising therefrom and restore the Land to its condition before the breach took place. Time for compliance: Two months after this notice takes effect."

52. Subject to these corrections the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeals 4 & 5, Notice A: APP/B5480/C/12/2174315 & 2174316

53. The enforcement notice is corrected by:

- a) the deletion of the whole of the content of paragraph 5 and the substitution therefor of the following: "Remove the unauthorised fences from the Land including any materials or debris arising therefrom and restore the Land to its condition before the breach took place. Time for compliance: Two months after this notice takes effect."
54. Subject to this correction the appeals are dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeals 6 & 7, Notice B: APP/B5480/C/12/2174320 & 2174321

55. The enforcement notice is corrected by:
- a) the deletion from paragraph 3 of the words "(Green Belt)"; and
 - b) the deletion of the whole of the content of paragraph 5 and the substitution therefor of the following: "Cease the residential use of all the Land outside the approved residential curtilage as defined on the drawings in planning permission P1707.07; remove from that Land all items brought onto it in connection with the residential use and restore that Land to its condition before the breach took place. Time for compliance: Two months after this notice takes effect."
56. Subject to these corrections the appeals are dismissed and the enforcement notice is upheld.

Appeals 8 & 9, Notice A: APP/B5480/C/12/2174324 & 2174325

57. The enforcement notice is corrected by:
- a) the deletion from paragraph 3 of the words "fences, gates and other means of enclosure" and the substitution therefor of the words "fences and a gate"; and
 - b) the deletion of the whole of the content of paragraph 5 and the substitution therefor of the following: "Remove the unauthorised fences and gate from the Land including any materials or debris arising therefrom and restore the Land to its condition before the breach took place. Time for compliance: Two months after this notice takes effect "
58. Subject to these corrections the appeals are dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeals 10 & 11, Notice B: APP/B5480/C/12/2174329 & 2174330

59. The enforcement notice is corrected by:
- a) the deletion from paragraph 3 of the words "(Green Belt)"; and
 - b) the deletion of the whole of the content of paragraph 5 and the substitution therefor of the following: "Cease the residential use of all the Land, outside the approved residential curtilage as defined on the drawings in planning permission P1707.07; remove from that Land all items brought onto it in connection with the residential use and restore that Land to its condition before the breach took place. Time for compliance: Two months after this notice takes effect."
60. Subject to these corrections the appeals are dismissed and the enforcement notice is upheld.

Appeals 12 & 13, Notice C: APP/B5480/C/12/2174331 & 2174332

61. The enforcement notice is corrected by:
- a) the deletion from paragraph 1 of the words "Section 171A(1)(b)" and the substitution therefor of the words "Section 171A(1)(a)";
 - b) the deletion of the first section of paragraph 4 ending with the words "...is attached to this Notice."; the deletion in the next sentence of the words "10 years" and the substitution therefor of the words "four years"; and the deletion of the following sentence; and
 - c) the deletion of the whole of the content of paragraph 5 and the substitution therefor of the following: "Remove the unauthorised outbuilding from the Land including any materials or debris arising therefrom and restore the Land to its condition before the breach took place. Time for compliance: Two months after this notice takes effect."
62. Subject to these corrections the appeals are dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal 14, s78: APP/B5480/A/12/2173938

63. The appeal is dismissed.

Bridget M Campbell

Inspector