

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

ISSUED BY: Blaby District Council

1. **THIS NOTICE** is issued by the Council because it appears to it that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the Land described below. The Council consider that it is expedient to issue this notice, having regard to the provisions of the Development Plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land on the North side of Riverside Way, Littlethorpe, Leicestershire, LE19 2PT (also known as "Stables") shown edged red on the attached plan. ("the Land").

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission: the unauthorised Material Change of Use of the Land to a mixed use of agriculture, horsiculture and for residential occupation.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred on the Land to which this notice relates within the last ten years.

The Land is located to the North side of Riverside Way, Littlethorpe and is accessed directly off Riverside Way by virtue of a small gated field access to the South West of the Land. This Land is located off a classified C road which is a prominent thoroughfare connecting the villages of Narborough, Littlethorpe and neighbouring Whetstone and is widely used by the local community. The Land is bounded by other agricultural land uses to the north, east and west with a residential housing estate located to the south of Riverside Way.

The Land is located outside of the settlement boundaries of Narborough and Littlethorpe within the Green Wedge (as identified on the Policies Map of the Blaby District Local Plan (Delivery) Development Plan Document (2019)). In such areas, Policy CS16 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) states that Green Wedges will be maintained in locations within Soar Valley South, specifically between Whetstone, Enderby, Glen Parva, Braunstone, Blaby, Littlethorpe, Narborough and Cosby.

The District Planning Authority considers the location and residential occupation of the motor home on the Land, along with its associated welfare facilities and private amenity space, to represent an unwarranted and sporadic form of development into the Green Wedge beyond the logical and defined settlement boundary of Littlethorpe. The Land is not considered to be an appropriate location to guide development of a residential or urbanising nature and there is no reasonable justification or essential need for the residential occupation of the Land. Accordingly, this development within the Green Wedge conflicts with the aims of Policy CS16 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and the aims of Paragraph 80 of the National Planning Policy Framework (2021).

The Land is located within the Sence and Soar Floodplain Landscape Character Area as defined by the Blaby Landscape and Settlement Character Assessment (2020), where the character of that area is broadly described as a low-intensity managed landscape with a naturalistic feel shaped by riparian vegetation, well-developed hedgerows and defined by the meandering routes of the Rivers Sence and Soar, the varied banks and a mix of woodland and open meadows. Although set back from the highway and located amongst stables and storage containers against a backdrop of mature trees that lie adjacent to the bank of the River Soar, the motor home and its associated structures for private amenity purposes, are visually prominent features along the northern and eastern approaches of Riverside Way.

Having regard to the location of the Land within the Green Wedge the District Planning Authority considers that the siting and residential occupation of the motor home on the Land, including the siting of associated welfare facilities, and any other domestic paraphernalia, represents an undesirable and urbanising form of development in the Green Wedge. In addition, the accumulation and utilitarian appearance of these structures unduly clutters the Land and is out of keeping with the prevailing open and undeveloped character of the wider Green Wedge. Consequently, the unauthorised development conflicts with Policy CS16 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM2(a) of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

The majority of the Land is situated within Flood Zone 2; with the area where the motor home and associated welfare facilities are located lying in Flood Zone 3 associated with the River Soar. In accordance with the guidance contained within the National Planning Policy Framework and National Planning Practice Guidance, the current unauthorised development is considered to fall within the 'Highly Vulnerable' category within Flood Zone 2 where further information and justification is required to demonstrate its acceptability, as well as also within Flood Zone 3, where 'Highly Vulnerable' development should not be permitted.

The District Planning Authority considers that this unauthorised development is unacceptable due to the Highly Vulnerable nature of the unauthorised development with a lack of demonstrable proof of other suitable sites being actively considered, coupled with the absence of any reasonable justification that the unauthorised development provides wider sustainability benefits that would outweigh the significant flood risk. Furthermore, the unauthorised development does not take into account the causation of increased risk of flooding in the wider area (taking climate change into account). The unauthorised development therefore conflicts with the aims of Policies CS21 and CS22 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and the aims of the National Planning Policy Framework (2012), in particular paragraphs 162 - 165 (inclusive).

The District Planning Authority considers that the Land has an unsuitable access in connection with a residential use, with specific regard to the access width, surface treatment, visibility splays and parking provision. Consequently, the access to the Land does not provide a satisfactory form of access to the public highway and is therefore contrary to Policy DM8(a) of the Blaby District Local Plan (Delivery) Development Plan Document (2019).

5. WHAT ARE YOU REQUIRED TO DO

- a) Cease the use of the Land for residential occupation.
- b) Remove from the Land the Motor Home (approximate position coloured green on the attached plan)
- c) Remove from the Land the storage container (approximate position coloured orange) on the attached plan)
- d) Remove from the Land the portable toilet (approximate position coloured blue) on the attached plan)
- e) Remove from the Land all domestic paraphernalia associated with residential occupation.

6. TIME FOR COMPLIANCE

The period of compliance shall be 6 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 1st December 2023 unless an appeal is made against it before that date.

Dated: 1 November 2023

Signed:

Jonathan Hodge
Planning Enforcement Manager
on behalf of:
Blaby District Council
Council Offices
Narborough
Leicester
LE19 2EP

Annex

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of the notice. Please read the attached note from the Planning Inspectorate which accompanies this notice.

WHAT HAPPENS IF YOU DO NOT APPEAL

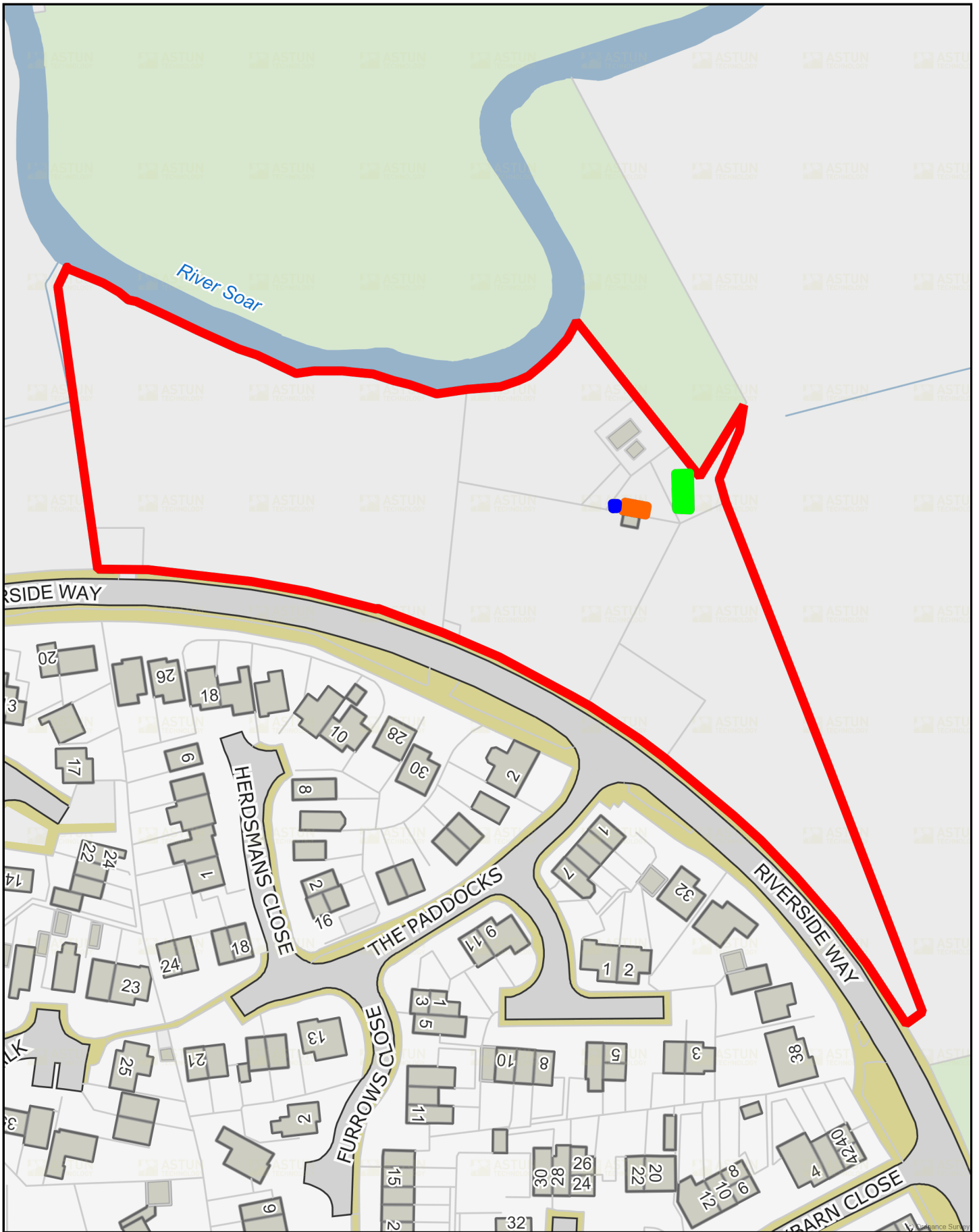
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

PERSONS SERVED WITH ENFORCEMENT NOTICE

**Town and Country Planning (Enforcement Notices & Appeals) (England)
Regulations 2002 Part 2, 5(c)**

Mr Paul Greenfield
Land on the North side of Riverside Way
Littlethorpe
Leicestershire
LE19 2PT

Mrs Jacqueline Greenfield
Land on the North side of Riverside Way
Littlethorpe
Leicestershire
LE19 2PT



Enforcement Notice Plan

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Scale: 1:1250



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Appeal Decision

Site visit made on 16 December 2025

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 February 2026

Appeal Ref: APP/T2405/C/24/3352287

Land on the North side of Riverside Way, Littlethorpe, Leicestershire LE19 2PT (also known as “Stables”)

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr P and Mrs J Greenfield against an enforcement notice issued by Blaby District Council.
- The notice was issued on 1 November 2023.
- The breach of planning control as alleged in the notice is Without planning permission: the unauthorised Material Change of Use of the Land to a mixed use of agriculture, horsiculture and for residential occupation.
- The requirements of the notice are:
 - a) Cease the use of the Land for residential occupation.
 - b) Remove from the Land the Motor Home (approximate position coloured green on the attached plan)
 - c) Remove from the Land the storage container (approximate position coloured orange) on the attached plan)
 - d) Remove from the Land the portable toilet (approximate position coloured blue) on the attached plan)
 - e) Remove from the Land all domestic paraphernalia associated with residential occupation.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (b) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

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

Preliminary Matters

1. The appellants' case on ground (b) is that the caravan is moveable and not fixed or on solid concrete, and that there are permissions for stables and containers. Those are arguments on ground (c) rather than ground (b). However, as the Council has responded on this basis, no injustice would occur to either party were I to consider them as an appeal on ground (c) and I have therefore done so.

The appeal on ground (b)

2. Appeals on ground (b) are made on the basis that the breach of planning control alleged (“the matters”) have not occurred.
3. The appellants' evidence acknowledges the keeping of horses, a donkey and sheep on the land, and residential use by the appellants, and that this use had occurred by the time the Notice was issued.
4. With the evidence before me, including my site visit, it is evident that the Land is, and has been, used for the keeping of a small number of sheep and horses, as well as residential occupation. Although it is a relatively large parcel, and the buildings,

shelters, equipment and effects are all together in one area, the remainder of the land is clearly used for grazing in association with those structures and effects and there is no clearly demarked access track across the field. The Land is therefore in a mixed use of agriculture, horsiculture and for residential occupation.

5. However, although the term 'horsiculture' is generally understood, it may be open to broad interpretation. The term "the grazing and keeping of recreational horses" used in the planning permissions for the use of the Land (99/0350/PY and 16/0920/VAR) would be clearer. Neither the appellant nor the Council claim such a change would result in injustice, and I agree. I shall correct Section 3 of the Notice in my Formal Decision.
6. In addition, Section 5 of the Notice requires the residential elements of the use to cease, and the removal of the 'motor home', a storage container, a portable toilet and all domestic paraphernalia associated with residential occupation. The 'motor home' is in fact a large 5th wheel North American style caravan, although it appears like a motor home from some views from Riverside Way. No injustice would occur to the appellants or the Council were I to correct the Notice to refer to "the caravan" rather than 'the motor home'. I shall therefore do so in my formal decision.
7. The appeal on ground (b) therefore succeeds to that limited extent.

The appeal on ground (c)

8. Appeals on ground (c) are made on the basis that the matters, if they occurred, do not constitute a breach of planning control.
9. The Notice alleges a material change of use of land, rather than operational development. Section 55 of the Act defines development as the carrying out of building, engineering, mining, or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.
10. The use of the land as a mixed use of agriculture, horsiculture and for residential occupation is materially different to that for agricultural use. None of the exceptions in Section 55 apply, and it is therefore development for the purposes of the Act, irrespective of whether elements associated with the residential use are moveable, fixed or have a solid base.
11. Section 57 states that planning permission is required for any development of land. No planning permission has been granted for the mixed use, and there are no 'permitted development' rights for such a change.
12. The appellant also claims there is planning permission for stables and containers, but the Notice does not require the removal of stables. It does require the removal of one specific container associated with the use, shown in orange on the plan, but I have seen no planning permission for that container.
13. With the evidence before me, the use is therefore development which requires planning permission, and no planning permission has been granted for it. The matters alleged therefore constitute a breach of planning control.
14. The appeal on ground (c) therefore fails.

The appeal on ground (a)

Background and Main Issues

15. The land is a series of small fields laid to grass beyond the northern edge of the settlement of Littlethorpe. To the north it is bounded by the meandering course of the River Soar, and to the east the M1 is visible raised above the surrounding landscape but separated by other fields.
16. The Blaby District Local Plan (Core Strategy) Development Plan Document (2013) (“CS”), and Local Plan (Delivery) Development Plan Document (2019) (“LPD”), with the accompanying policies maps, identify the land as being outside the settlement boundaries and within a Green Wedge. It lies within an area identified as the Sence and Soar Floodplain Landscape Character Area in the Blaby Landscape and Settlement Character Assessment (2020) (“BLSCA”) and is within Flood Zones 2 and 3.
17. The appellants live on the Land in the caravan with supporting facilities, on a part of the land adjacent to stables and other structures.
18. The Council have not objected to the agricultural or equestrian (‘horsicultural’) uses and the Notice does not require cessation of those uses. Although the deemed planning application (“DPA”) relates to the mixed use as a whole, the matters in dispute are limited to those related to residential use.
19. The main issues are therefore:
 - The location of the development outside the settlement boundary and within the Green Wedge;
 - The effect of the development on the character and appearance of the area;
 - The suitability and effect of the development in terms of flood risk;
 - The suitability of the access; and
 - The personal circumstances of the appellants.

Location of the development

20. The CS describes Green Wedges as important strategic areas, designated to prevent the merging of settlements, guide development form, provide a ‘green lung’ into urban areas, and provide a recreation resource. Green Wedges are identified as being suitable for agriculture, outdoor recreation, forestry, footpaths, bridleways, burial grounds and, in certain circumstances, other infrastructure developments.
21. Riverside Way establishes a clear boundary between the built-up area of Littlethorpe to the south and the open and largely undeveloped Green Wedge to the north. The gap between the settlements of Littlethorpe, Narborough and Whetstone is part of a wedge of largely open land which runs north into Leicester. Its largely undeveloped nature provides a ‘green lung’ in a relatively built-up area, and particularly between the very limited gap between the settlements of Littlethorpe and Narborough. Even incremental development of this space with development that is not essential and identified as appropriate would weaken its function.

22. Although the residential use is small compared to the area of the Green Wedge as a whole, it is an urbanising feature in a predominantly undeveloped location, and conflicts with the function and purposes of the Green Wedge.
23. In conclusion, the residential element of the development is not suitable development outside the settlement boundary and within the designated Green Wedge. It conflicts with the relevant aspects of CS Policy CS16, which seeks to retain the open and undeveloped character of the Green Wedge.

Character and appearance

24. As the name suggests, the Sence and Soar Floodplain Landscape Character Area ("LCA") follows the course of the two rivers and the flat land around them. Within the vicinity of the appeal site it takes in much of the land not taken up by urban development and encompasses much of the same land as the Green Wedge. The BLSCA describes its character as low intensity managed landscape with a naturalistic feel, shaped by riparian vegetation and well-developed hedgerows. Key characteristics include, relatively flat landform, primarily agricultural land dominated by rough grazing and horse paddocks with pockets of open space, varied banks and a mix of woodland and open meadows.
25. The Land and its setting displays many of these characteristics. Trees along the banks of the River Soar and the woodland form a backdrop to the caravan, storage container, portable toilet and domestic paraphernalia. These residential features are clearly visible in the open views from Riverside Way across the flat open meadows. The caravan is particularly notable in those views, on account of its significant height, its size and shape (including expanding sections), and its striking design and colour scheme.
26. The residential area is also located very close to the course of the river, and the contrast between the natural features of the landscape and the urbanising features associated with the residential use are distinctive and harmful. Their prominence in perspectives across the flat open paddocks and meadows from one of the main east-west distributor roads around the settlement increases the harmful effect of the development on the character and appearance of the area further.
27. In conclusion, the residential element of the development is harmful to the character and appearance of the area. It therefore conflicts with the relevant aspects of LPD Policy DM2 and CS Policy CS16, which together require development to be in keeping with the appearance and character of the existing landscape and seek to retain the open and undeveloped character of the Green Wedge.

Flood risk

28. Most of the Land is within Flood Zones 2 or 3. The caravan, container and portable toilet are all within Flood Zone 3. Immediately adjacent to them to the north, and including the stables and other structures within the same area, the land is within Flood Zone 3b (the functional floodplain).
29. The Environment Agency object to residential use in this location and provide a 1 in 100yr + 30% for Climate Change flood risk map. That map encompasses all the areas where residential use and other structures associated with the use as a

- whole are found. It also demonstrates that the land is very flat and, were flooding to occur, it would do so over a wide area, including the access route.
30. The National Planning Policy Framework (“the Framework”) describes use of a caravan for residential use as “Highly Vulnerable”. And Table 2 of the Planning Practice Guidance¹ makes clear that Highly Vulnerable uses should not be permitted in Flood Zone 3. The caravan, container, portable toilet and domestic paraphernalia should therefore not be permitted in their current location.
 31. The onus is on the appellants to demonstrate that the use is, or can be made to be, suitable on the Land, but they have not proposed moving the residential element of the use south, further away from the river.
 32. But even in that scenario, the 1 in 100yr + 30% topographical map shows the majority of the land and the current access would remain at risk. Furthermore, much of the remaining land is in Flood Zone 2, for which the Sequential and Exception Tests must be met for Highly Vulnerable uses.
 33. No information is before me demonstrating that either test would or could be met in relation to the land within Flood Zone 2. In relation to the Sequential Test, development should not be permitted if there are other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Not only has no information been provided on this matter, but parts of the Land itself, close to the road, are at lower risk, being in Flood Zone 1. It is therefore difficult to see how a convincing argument could be made, and there is therefore no basis on which to consider the Exceptions Test.
 34. Even if the Exceptions Test were considered, there has been no demonstration that the development does or would provide wider sustainability benefits to the community that outweigh the flood risk, or that the development would be safe for its lifetime, taking into account the vulnerability of its users. And no site-specific flood-risk assessment has been provided demonstrating that the caravan, container and portable toilet and other paraphernalia would not increase risk elsewhere or to other parties, in terms of structures or land.
 35. The Environment Agency describe the parts of the land in Flood Zone 1 as, “the limited small area near Riverside Way which is outside of the 1% AEP River Soar plus 30% climate change allowance”. But I have seen no indication that the appellants would accept such a move. Even if they did, the land as a whole exceeds 1 hectare in size and, as no site-specific flood-risk assessment has been provided, there would be conflict with paragraph 181 of the Framework. In addition, the harm to the character and appearance of the area and the Green Wedge would increase further.
 36. In conclusion, it has not been demonstrated that the residential element of the development would be suitable, in terms of being safe for residents for the lifetime of the development, or its effects, in that it would not increase flood risk elsewhere. The development therefore conflicts with the relevant parts of CS Policies CS21 and CS22, and chapter 14 of the Framework, which relate to climate change and managing flood risk.

¹ Paragraph: 079 Reference ID: 7-079-20220825

Access

37. Access to the Land is afforded by a dropped curb gated access into a lightly gravelled area where two cars can be parked, with a second gate providing unsurfaced access across the fields to a gated area containing the residential and equestrian buildings and agricultural structures.
38. The access gates are wider than many agricultural field accesses, and I have seen no reason to find that it is unsuitable for the agricultural and equestrian elements of the use.
39. But residential use is likely to have generated a greater number of traffic movements, and the Council's concerns relate to the width of the access, surface treatments, visibility splays and parking provision. No technical information has been provided, and I have therefore made my assessment on the basis of my site visit.
40. There is no pavement and the boundary fence is close to the road. The dropped curb runs in a straight line along the carriageway edge, and there is therefore no turning radius and there is no bound surface for turning into the junction. I saw no evidence of loose gravel on the carriageway at the time of my visit, but in the absence of a bound surface, but it is not impossible that some loose material could enter the highway at times to the detriment of highway safety.
41. The gate was slightly narrower than the width of the dropped curb but, although there was no curved access, I experienced no difficulties entering and leaving with a single vehicle. Although it would not have been possible to enter while a car was exiting, visibility in each direction appears to be good, and I have seen no evidence that a car waiting to turn from either lane of the carriageway would be dangerous.
42. Although the boundary fence is only a short distance from the carriageway, I experienced no difficulties exiting onto the highway, and visibility for those travelling along Riverside Way appears to allow for slowing at a safe distance if necessary.
43. The parking area within the Land adjacent to the access point with the public highway appears to be in use by guests. The appellants appear to drive across the fields to park close to the residential area. The use of the area for the parking of up to two guests appeared to be functional and adequate for that purpose. Regular use of the field as an access is likely to result in wear of the grass over time, but I saw little evidence of that at present. The permanent or regular parking of one or more vehicles near the residential area also contributes to the cumulative harm to the Green Wedge and character and appearance of the area, but would not result in highway danger.
44. In conclusion, in some respects the site access is suitable for its use in terms of highway safety. A bound surface to stop loose material entering the highway would be a necessary requirement if the use was to be allowed and could be secured by a suitable planning condition. Subject to such a condition, with the information before me, the development would accord with the relevant aspects of LPD Policy DM8, which requires an appropriate level of parking provision that complies with the Leicestershire Local Highway Guidance.

Personal circumstances

45. Article 8(1) of the Human Rights Act 1998 (“HRA”) provides that everyone has the right to respect for their private and family life, their home and their correspondence. Article 8(2) states that there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of (among other things) the protection of the rights and freedoms of others.
46. Article 1 of the First Protocol of the European Convention on Human Rights (“FP”), as encompassed in the HRA, states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. And that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
47. The Public Sector Equality Duty (“PSED”), set out in s149 of the Equality Act 2010, requires me to have due regard to the aims of eliminating discrimination, advancing opportunity and fostering good relations between those with protected characteristics and others. Age and disability are two of those characteristics.
48. Submissions made on behalf of Mr and Mrs Greenfield describe how she has a long-term mental health condition and is registered as having a disability. She is also heavily reliant on Mr Greenfield. Tending to the animals is a form of therapy, and doing so on the Land has assisted with her condition. When she found herself unable to make the short journey across the road to the Land, the appellants moved onto the Land residentially, and have no other home. The appellants are also each of retirement age and have made their home on the Land in the caravan and with the associated facilities. They report that they are well known in the community and get on with most residents of Littlethorpe; one resident has confirmed their support for the use as a whole.
49. Being required to cease the residential use of the Land would have a significant effect on the appellants’ wellbeing and family life. They advise they have no funds with which to buy or rent a property on the open market. They also consider their dogs to be part of the family, and finding a home where they can keep pets may be more difficult.
50. The appellants advise that Mrs Greenfield’s mental health condition improved when they moved onto the Land residentially but could worsen again were they unable to continue to live there. Any residence too far from the Land would also make visiting and caring for the animals difficult or impossible.
51. Residential use of the Land has therefore afforded the appellants significant benefits in terms of their wellbeing and quality of life. These matters should be weighed in the planning balance, which I do in my conclusion on ground (a) below.

Conclusion on ground (a)

52. I found above that the access could be made suitable for the use, subject to a planning condition.
53. But against the development, I have found the location of the development outside the settlement boundary and within the designated Green Wedge to be unsuitable, that the development harms the character and appearance of the area, and that it has not been demonstrated that the residential element of the development would

- be safe for residents for the lifetime of the development and will not increase flood risk elsewhere. The flood risk includes a risk to life for residents, in relation to both the residential area and access to it. Together with the consequential conflicts with policies of the development plan, and against policies of the Framework, this harm attracts very significant weight against the development.
54. In favour of the appeal, the residential use of the Land provides the appellants with their home and supports Mrs Greenfields medical needs. It is also a positive consideration that the main users of the residential element of the use (the appellants) are older people and that one is disabled. A dwelling elsewhere, even nearby, may not support those needs and the appellants advise they currently have no means to obtain one. I therefore attribute significant weight to the appellants' personal circumstances and in favour of the development.
55. The harm relating to the location of the development in the Green Wedge and flood risk can only be mitigated by cessation of the residential use and removal of the caravan, container and associated residential facilities. There are therefore no planning conditions or alternative steps that would take account of the appellant's circumstances and overcome the harm, but consideration may be given to the timescale for compliance with the requirements of the Notice.
56. Dismissing the appeal would interfere with the appellants' rights to peaceful enjoyment of their possessions, and to their private and family life and home, under Article 1 of the FP and Article 8 of the HRA. However, those are qualified rights and interference with them in this instance would accord with the law and be in pursuance of well-established and legitimate aims: the protection of the countryside and the designated Green Wedge, the character and appearance of the area, the personal risk of flooding to the appellants as residents and of increasing flood risk elsewhere.
57. Although the appellants will be made homeless, it is proportionate and necessary to refuse to grant planning permission, and the protection of the rights and freedoms of others cannot be achieved by means that are less interfering with their rights.
58. Throughout my decision I have also had due regard to the PSED. In relation to the residential use, the harms and risks outweigh its benefits in terms of eliminating discrimination against persons with the protected characteristics of age and disability, advancing equality of opportunity for those persons and fostering good relations between them and others. However, I will increase the time period for compliance with the requirements of the Notice to 9 months to afford the appellants greater opportunity to secure alternative accommodation.
59. Therefore, on account of the residential element of the use, the material change of use of the Land to a mixed use of agriculture, horsiculture and for residential occupation results in harm and conflicts with development plan policies and there are no material considerations that outweigh the harm. I conclude that it is proportionate and necessary to dismiss the appeal, but will increase the time period for compliance with the requirements of the Notice to 9 months.
60. The appeal on ground (a) therefore fails.

Overall conclusion

61. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with corrections and a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Formal Decision

62. It is directed that the enforcement notice is corrected by:

- In Section 3, the deletion of the word "horsiculture" and its substitution with the words "the grazing and keeping of recreational horses";
- In Section 5, the deletion of the words "Motor Home" and their substitution with the word "caravan".

63. And varied by:

- In Section 6, extending the time period for compliance to 9 months.

64. Subject to the corrections and variation, 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.

Peter White

INSPECTOR