The Planning Inspectorate

Appeal Decisions

Site visit made on 1 December 2020

by Stephen Brown MA(Cantab) DipArch RIBA

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal A: ref. APP/B5480/W/20/3255216
Marricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dulcie Chambers against the decision of the Council of the London Borough of Havering.
- The application ref. P0395.20, dated 16 March 2020, was refused by notice dated 8 June 2020.
- Retrospective planning permission is sought for the use as B8 storage.

Appeal B: ref. APP/B5480/C/20/3249235
Marricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

- 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 appeal is made by Dulcie Chambers against an enforcement notice issued by the Council of the London Borough of Havering.
- The enforcement notice, ref. ENF/669/17, was issued on 16 March 2020.
- The breaches of planning control as alleged in the notice are:
    i. Within the last 10 years, the unauthorised material change of use of the land shown edged in black on the plan attached to the notice as Plot 'B' to a sui generis use comprising storage of motor vehicles, storage of portacabins for office use and storage of car parts.
    ii. Within the last 4 years, unauthorised development by the erection of 2 metre high metal palisade fencing, the creation of hard surfacing and the siting of metal containers.
- The requirements of the notice are to:
    i. Cease the use of the land shown as Plot 'B' on the plan attached to the notice edged in black as a *sui generis* use for storage of motor vehicles, storage of portacabins used as offices and storage of car parts in the open yard.
    ii. Remove all metal palisade fencing.
    iii. Remove all motor vehicles, spare parts and other equipment associated with motor trade business.
    iv. Remove all portacabins and remove all metal containers.
    v. Remove all hard surfacing.
    vi. Remove from the site all building materials and debris associated with carrying out the above steps.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal C: ref. APP/B5480/C/20/3249977
Marricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

- 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 appeal is made by Dulcie Chambers against an enforcement notice issued by the Council of the London Borough of Havering.
- The enforcement notice, ref. ENF/669/17, was issued on 16 March 2020.
- The breaches of planning control alleged in the notice are:
    i. Within the last 10 years, the unauthorised material change of use of the land shown edged in black on the plan attached to the notice as Plot 'C' to a *sui generis* use comprising the parking of motor vehicles, storage of portacabins for office use and storage of car parts.
    ii. Within the last 4 years, unauthorised development by the erection of 2 metre high metal palisade fencing, the creation of hard surfacing and the siting of metal containers.

The requirements of the notice are to:

i. Cease the use of the land shown as Plot C on the attached plan edged in black as sui generis use for storage of motor vehicles, storage of portacabins used as offices and storage of car parts in the open yard.
ii. Remove all metal palisade fencing.
iii. Remove all motor vehicles, spare parts and other equipment associated with motor trade business.
iv. Remove all portacabins and remove all metal containers.
v. Remove all hard surfacing.
vi. Remove from the site all building materials and debris associated with carrying out the above steps.

- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal D: ref. APP/B5480/C/20/3249236
Marricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

- 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 appeal is made by Dulcie Chambers against an enforcement notice issued by the Council of the London Borough of Havering.
- The enforcement notice, ref. ENF/669/17, was issued on 16 March 2020.
- The breach of planning control as alleged in the notice are:
    i. Within the last 10 years, the unauthorised material change of use of the land shown edged in black on the plan attached to the notice as Plot 'D' to a *sui generis* use comprising the storage of HGV motor vehicles, storage of heavy duty machinery, storage of portacabins for office use and storage of car parts.
    ii. Within the last 4 years, unauthorised development by the erection of 2 metre high metal palisade fencing, the creation of hard surfacing and the siting of metal containers.
- The requirements of the notice are to:
    i. Cease the use of the land shown as Plot D on the plan attached to the notice edged in black as a *sui generis* use for storage of HGV motor vehicles, storage of heavy duty machinery, storage of portacabins used as offices and storage of car parts in the open yard.
    ii. Remove all metal palisade fencing.

iii. Remove all HGV and motor vehicles, spare parts, industrial machinery and other equipment associated with motor trade business.
iv. Remove all portacabins and remove all metal containers.
v. Remove all hard surfacing.
vi. Remove from the site all building materials and debris associated with carrying out the above steps.

- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2))(d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal E: ref. APP/B5480/C/20/3249983
Marricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

- 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 appeal is made by Dulcie Chambers against an enforcement notice issued by the Council of the London Borough of Havering.
- The enforcement notice, numbered ref. ENF/669/17, was issued on 16 March 2020.
- The breach of planning control as alleged in the notice are:
  i. Within the last 10 years, the unauthorised material change of use of the land shown edged in black on the plan attached to the notice as Plot 'E' to *sui generis* uses comprising the storage of HGV motor vehicles, and the storage of machinery.
  ii. Within the last 4 years, unauthorised development by the erection of 2 metre high metal palisade/corrugated metal sheets fencing, the creation of hard surfacing and the siting of metal containers.
- The requirements of the notice are to:
  i. Cease the use of the land shown as Plot 'E' on the plan attached to the notice edged in black as sui generis use for parking of HGV motor vehicles, and the storage of machinery.
  ii. Remove from the site all HGV vehicles and machinery associated with the unlawful uses described in (i) and remove all metal containers.
  iii. Remove all metal palisade/corrugated sheet metal fencing.
  iv. Remove all hard surfacing.
  v. Remove from the site all building materials and debris associated with carrying out the above steps.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2))(d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Decisions

Appeal A

1. The appeal is dismissed.

Appeals B, C, D and E

2. I direct the enforcement notices be corrected by:

   SUBSTITUTION of the plan attached to the enforcement notices with the plan appended to this decision.

3. The appeals succeed to the limited extent on ground (g) and I direct that the four enforcement notices be varied by:

   OMISSION of *'2 months'* as the period for compliance with each notice.

   INSERTION of *'9 months'* as the period for compliance with each notice.

   Furthermore, I direct that enforcement notice C be varied by:

   SUBSTITUTION of the word *'parking'* with the word *'storage'* in Allegation (i)

   I direct that enforcement notice E be varied by:

   SUBSTITUTION of the word *'parking'* with the word *'storage'* in Requirement (i);

   Subject to these corrections and variations all four appeals are dismissed and the enforcement notices upheld.

Preliminary matters

4. For reasons of convenience I have given the s.174 appeals the references B, C, D and E so that these coincide with the plot references in the notices.

5. The enforcement notice appeals originally included appeals under ground (a). These were withdrawn. However, the retrospective planning application subject of Appeal A is effectively for the same use and on the same area of the site as those enforced against. In terms of the order in which I have considered the appeals, I have followed the usual procedure of looking first at the 'legal' ground (d). I have then gone on to the s.78 appeal, which is to all intents and purposes similar to a ground (a) appeal, followed by consideration of grounds (f) and (g) in the s.174 appeals.

6. I have noted a number of drafting inconsistencies in the notices. Notably, in notice C Allegation (i) refers to the *parking* of vehicles, whereas Requirement (i) refers to *storage.* In notice E *storage* appears in the allegation, and *parking* in the requirement. It is apparent from the evidence that the use sought is for storage. I will vary these notices to reflect that.

7. The plans attached to the enforcement notices divide the relevant part of the site into areas B, C, D, and E. However, the appellant's site plan shows this part of the site divided into Plots 2-6. I saw on my visit that the actual layout of fencing on Plots B and C differs from the enforcement plan layout. This shows that area B comprises the appellant's Plot 6 and half of Plot 5, and Plot C comprises the appellant's Plot 4 and the other half of Plot 5, whereas the layout on the ground is that area B occupies Plots 5 and 6, and area C comprises Plot 4. I intend to correct the enforcement notice plans accordingly.

8. I do not consider any party will be caused significant injustice by correction of the plans or by the variations in wording

Background matters

9. The appeal site lies on the eastern side of Benskins Lane, a partly surfaced lane off the northern side of Church Road. It is in a mixed use for amongst other things residential, commercial equestrian activities, and a coach depot together with associated buildings.

10. In 2020 an application for a Certificate of existing lawful use or development (LDC) was granted for use of part of the overall site as an outdoor riding arena[1]. This is identified on the enforcement notice plans as area A, which lies to the west of area B and does not form any part of the land enforced against.

11. The appellant has submitted LDC applications for laying of hardstanding on two areas of the land. Area 1 includes the areas of land identified as C, D and E in the enforcement notices[2] as well as the piece between the lawful outdoor riding arena and area E. Area 2 includes the areas of land identified as area B in the enforcement notices[3] as well as a piece between the outdoor riding arena and area B. I have taken into account the evidence submitted relating to these areas. However, the applications themselves have yet to be determined and are not matters before me.

Appeals B, C, D and E on ground (d)

12. This ground is that at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated. The appellant accepts that the erection of security fencing on Plot B occurred less than 4 years ago, and the B8 uses of areas B and C have subsisted for less than 10 years. I have not considered these matters further.

13. In order to be immune from enforcement action operational development must have been substantially completed 4 or more years before the notices were issued. The changes of use must have subsisted continuously for 10 or more years before the notices were issued. In ground (d) appeals the burden of proof is on the appellant to show that this is the case on the balance of probabilities.

14. The courts have found that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make an appellant's version of events less than probable, there is no good reason to refuse the application, provided the appellant's evidence alone is sufficiently precise and unambiguous to justify the case on the balance of probability.

15. I have read the Statutory Declaration made by Mr Holmes, who states that in 1982 he was instructed by the then owner to deliver a large quantity of hardcore to the site. He did so, and says it was laid in the rectangular area to the east of the site, where the outdoor riding arena and the areas enforced against now are. I have referred to this as 'the rectangle'. He did not level the material, which was done by the others, but says that he visited regularly in 1982 to ensure the levelling job was running smoothly.

16. I note that a fishing lake was formed in the southern part of the rectangle – occupying somewhat over half its area - following grant of planning permission in 1995[4]. In her Statutory Declaration the appellant confirms that the entire rectangle was laid with hardcore in 1982 and was subsequently used as an outdoor riding arena from 1983 before becoming overgrown with vegetation.

[1] Decision notice ref. E0015.20, dated 24 July 2020.
[2] LDC application ref. E0016.20.
[3] LDC application ref. E0017.20.
[4] Decision notice ref. P0290.95.

17. She had bought the entire property in 2007, and in 2009 she instructed clearance of overgrown vegetation from the outdoor riding arena and infill of the lake, which was leaking. The bund along the eastern and parts of the northern and southern site boundaries was constructed with earth excavated when the fishing lake was constructed. The infill made use of material excavated when the lake had been dug and that had been stored on the site. She says that from 1 March 2010 this area was then used to expand the existing commercial storage business. The northern part of the rectangle was used as the outdoor riding arena.

18. In 2017, some 8 years after the lake was infilled the appellant says she wanted to reduce the outdoor riding area still further, to occupy the land that is now in that use and subject of the July 2020 LDC. The remaining part – what is now area B - was then cleared and has been used for commercial storage since that time.

19. Mr Lock, co-owner of the site with Miss Chambers, confirms in his Statutory Declaration that he undertook the works of infilling the lake and clearance of vegetation around it at the end of 2009.

20. Looking at aerial photographs, in 2007 the fishing lake can be seen in the southern part of the rectangle and, from the tracks that are visible, the north-western part possibly used as a riding arena – a slightly greater area than that now in that use. By 2010 the lake had been infilled and has a partly bare surface although a significant amount is overgrown. The northern half appears entirely overgrown, and no tracks are visible. By 2013 most of the rectangle is overgrown apart from a small worn area, and it looks little different from the nearby open field at the corner of Church Road and Benskins Lane. Nothing is stored on the land in the way of vehicles, materials or any other items. By 2016 the areas now identified as areas E and D have a significant number of vehicles and what are possibly sheds or portacabins in the western corner of area E.

21. Regarding the laying of hardcore, it is quite possible that large quantities were deposited on the site in 1982 and used as a base for the riding arena. However, it is improbable that hardcore would provide a suitable surface for an equestrian arena, and likely that a layer of soft material would have to be laid over any hardcore – similar to that on the present arena. Furthermore, much material must have been removed when the fishing lake was dug out. The appellant's evidence is that the spoil was kept on site in the form of the bunds around parts of the boundary, but also that these were of earth construction rather than hardcore. This suggests that any hardcore in that substantial area in the southern half of the rectangle had been replaced with earth. It follows that when hard surfacing was laid this constituted a new operation.

22. As regards the northern half of the rectangle this lay relatively undisturbed between 2007 and 2016. On the appellant's evidence the riding arena was reduced in size in 2017. Mr Lock states that the north-eastern part of the rectangle was cleared of vegetation down to the level of existing hardcore and used for storage from 2017. Again, it is highly likely to be the case that a stratum of soft material forming the riding surface on which the vegetation had grown needed to be removed to expose any hardcore. Furthermore, it is clear that the present storage areas are not surfaced in hardcore, but have finer material laid and compacted above whatever base is there. As a matter of fact

and degree, the removal of the softer material and laying of the hard surface must be considered as engineering operations in themselves, and the laying of hardcore without the final hard surface cannot be seen as substantial completion of the operational development.

23. According to Mr Lock the northern part was not cleared of vegetation until 2017. The laying of the hard surface must therefore have been in 2017 or later, less than 4 years before enforcement notices B and C were issued[5].

24. Similarly, although Mr Lock says that he infilled the pond and cleared the remainder of the southern area in 2009, there is virtually no evidence as to when the hard surfacing was laid. Apart from the aerial image of 2016 showing vehicles and other equipment on the southern half to the rectangle, there is little evidence of when the site became suitable for storage use. It is not at all clear when in 2016 that image was recorded, and it is not known whether it was before or after the critical date for operational development of 16 March in that year.

25. In a case like this I would expect an appellant to put in evidence of such things as dates when surfacing materials and fencing components were delivered and when works were carried out supported by documentation such as quotations, orders, invoices and receipts. I find the evidence presented is far from precise. In some instances, such as the nature of the lake infill, it is ambiguous. Overall, on the balance of probabilities, I do not consider it has been shown that substantial completion of hardcore surfaces on areas B, C, D and E occurred four years or more before the notices were issued on 16 March 2020.

26. The fencing of areas C, D and E cannot be seen in the aerial photograph of 2016. As noted above, the actual date of that photograph is not stated, and it cannot be judged whether it was before or after 16 March of that year. Furthermore, I have seen no evidence of any substance to show that the fencing existed before that date.

27. As to the change of use to B8 storage, the appellant accepts that this has not achieved immunity for area B. There is no storage use apparent in the other three areas in any of the aerial photographs until 2016. I have seen a business rates evaluation dated October 2009, which refers to an outdoor arena/grassed paddock of 6424 square metres, which corresponds with the area of the rectangle. However, this does not indicate any storage use, but appears to be the rate to be levied on the commercial equestrian business. It has not been demonstrated on the balance of probabilities that the B8 use of areas C, D and E has subsisted continuously for a period of 10 or more years before issue of the notices.

28. I note also that it is apparent from the appellant's descriptions of the history of the site that the areas of hardstanding were a necessary pre-requisite for the start of the commercial storage activities. Although this has not been argued, it appears to me this could be seen as ancillary operational development that facilitates an unlawful use. In such cases the courts have found that the immunity period of 10 years for material changes of use should apply, rather than the 4-year period for operational development.

[5] These cover what is effectively the northern part of the rectangle.

29. I conclude that on the balance of probabilities the areas of hardstanding and surrounding fencing on the appeal site were not substantially completed 4 or more years prior to issue of the enforcement notices, and that B8 storage uses have not subsisted continuously for 10 or more years prior to that date. The appeals on ground (d) therefore fail.

Appeal A

30. The s.78 appeal site comprises the Plots 2 to 6 that are included in the four enforcement notices. Marricotts lies within the Metropolitan Green Belt and is outside any area designated for development. Paragraph 133 of the National Planning Policy Framework (NPPF) – 'Protecting Green Belt land' sets out the great importance the Government attaches to Green Belts; that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping the land permanently open, and that the essential characteristics of Green belts are their openness and permanence.

31. NPPF paragraphs 143 and 144 state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.

32. NPPF paragraph 145 states that the construction of new buildings in the Green Belt should be regarded as inappropriate but sets out a number of exceptions including such things as buildings for agriculture or forestry, and appropriate facilities for outdoor sport and recreation.

33. NPPF paragraph 146 sets out other forms of development – such as engineering operations - that are not inappropriate in the Green Belt, provided they preserve openness and do not conflict with the purposes of including land within it.

34. The appellant accepts that the appeal site is not required for the equestrian use associated to the site, and that the Class B8 use and associated laying of hardstanding do not fall within any of the forms of development that might be regarded as appropriate as set out in NPPF paragraphs 145 and 146. Having inspected the site and considered the circumstances and I concur with this analysis.

35. In the light of the foregoing I consider the main issues to be:
    - The effect of the development upon Green Belt interests in the light of prevailing national and local planning policy.
    - The effect of the development on the character and appearance of the area.
    - Whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

36. The Marricotts site as a whole is extensively developed with a house and a flat, coach depot, extensive stables, the riding arena and a sizeable industrial type shed, and the land accommodates a considerable variety of uses. Other sites along Benskins Lane include dwellings on deep plots, a small housing

development, light industrial sheds, a car breakers, kennels and gypsy/traveller sites. However, there are also extensive green spaces particularly towards the southern and northern ends, where there are large open fields, and there are green spaces interspersed with the developed sites. Of the gypsy/traveller sites on Benskins Lane I understand at least one has temporary planning permission, but the others may be unauthorised.

37. Overall, Benskins Lane has a mixed character that is both rural and urban/light industrial and is set within predominantly rural and agricultural surroundings. In my view the introduction of extended hardstanding and metal fencing on the Marricotts site, and the presence of such things as the numerous vehicles, plant, shelters, scaffolding racks and portacabins has caused a significant reduction in the open quality of this site, both spatially and visually. This is particularly so given its earlier condition when it was an equestrian arena and fishing lake, and subsequently a largely overgrown piece of land.

38. Such openness as the Benskins Lane area possesses is in my opinion remarkably delicate, and even a slight reduction in openness has a significantly harmful effect. While this land must be regarded as previously developed, it cannot be said the development does not have a greater impact on openness than the pre-existing situation as described in the previous paragraph. The fact that there are earth bunds around parts of the boundary may make parts of the site less visible from various viewpoints but does not exclude the site from the Green Belt. In my opinion the character of this part of the Marricotts site has been changed by introduction of these very urban commercial uses as compared with the land as it existed previously. To my mind this development is an example of the sprawl of a large built-up area that one of the Green Belt objectives seeks to check.

39. I have considered the effect of the development on likely traffic generation and parking arrangements, and on the amenity of local residents. The appellant submits that vehicle movements have not intensified as compared with the situation when the site operated as a commercial equestrian centre, but that the type of vehicles has changed. Whereas there were previously numerous individual car and horse box movements during competitions and events, the current situation is that within areas B and C vehicles arrive on a car transporter and are then stored for a period before removal. This use does not therefore generate daily vehicle movements.

40. There are no data available about the traffic that must still be generated - notably by the continuing equestrian use and the coach depot. Nevertheless, the overall picture is of fewer movements by larger vehicles. I do not consider this is likely to cause significant harm in terms of highway conditions. Furthermore, although I understand there have been complaints about traffic noise, the site is quite distant from any dwellings, and there are none on the only vehicular approach to the appeal site from Church Road and along Benskins Lane. I do not consider there is significant harm to the amenity of nearby residential occupants in terms of noise or disturbance. As to the possibility of there being problems with parking on the site, it appears to me there is adequate space on the site as a whole to accommodate any additional parking needed by employees on the appeal site.

41. Nevertheless, overall the development must be regarded as inappropriate within the Green Belt, as is acknowledged by the appellant. This is by definition harmful to Green Belt interests. This has resulted in a reduction in openness, a harmful change to the character of the land, and is contrary to one of the Green Belt objectives. The development does not accord with the development plan or the advice of the NPPF. This is particularly so with respect to London Plan Policies 7.16 and 7.4. These seek to protect Green Belt interests and to protect local character. I note in particular that this latter policy includes the aim that in areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. I do not consider the appeal development serves that aim.

42. Policies CP14 and DC45 of the Havering Local Development Framework Core Strategy and Development Control Policies DPD of 2008 (the DPD) are also particularly relevant. These define Green Belt boundaries in the Borough and seek to promote Green Belt objectives in line with NPPF advice. Policy DC61 seeks to ensure that development maintains, enhances or improves the character and appearance of the local area. Although the DPD pre-dates the NPPF I consider it reflects the national advice.

43. However, this is not the end of the matter and I must look at other considerations that might amount to the very special circumstances that taken together could outweigh the harm I have found.

44. The appellant argues there are existing commercial B8 storage uses on the site. However, these are not specified as to type or extent. In any case the existence of such a component of use does not indicate that it can be expanded to the detriment of Green Belt interests. This matter carries no weight.

45. As regards the claimed reduction in traffic movements, the size of any reduction is unclear, and in my view has not been adequately evidenced. In the circumstances this must be regarded as a neutral factor. I accept that bicycle storage could be arranged by provision of racks, and that an electric car-charging point could be installed. These would be improvements, albeit very minor, that favour the scheme. However, it is not necessary to carry out the appeal development in order to make these improvements, and they carry small weight.

46. I accept that improvements could be made in terms of landscaping and encouragement of wildlife. However, this could be achieved without the development that has occurred, which in itself has caused harm to the landscape of the site.

47. It is claimed that 17 people are full-time employed on the four storage areas. Little or no detail is provided as to their activities. However, it is clear that these operations – principally storing damaged cars for insurance companies, and providing scaffolding and builders' plant – are by no means dependent upon being in this particular area, and there is little evidence that they are so limited to choice of sites that there are no realistic alternatives.

48. I accept that is important for the appellant to generate enough income to ensure business viability but have seen no evidence to support this assertion – notably the financial situation of the operation before and after the

development took place. Nor have I seen any evidence of the need to diversify from the previous commercial uses to include B8 storage. As to income for the Local Authority, the evidence shows the appeal site already attracted business rates, and there is nothing available to show how this has been affected by the development.

49. I appreciate there are a number of gypsy/traveller sites nearby. However, the presence of commercial tenants on the appeal site is unlikely to influence the location or duration of gypsy/traveller sites, over which the Council have control. Furthermore, there is no demonstrable need to retain commercial tenants in this area. I also appreciate there are several commercial/industrial users of sites on Benskins Lane. I do not know the planning status of these, but as I note above this area is in a delicate balance, where changes can have a significant effect on openness. The fact that other uses exist nearby cannot justify and increase in such uses.

50. Overall, the provision of a charging point and bicycle storage, and improvements in landscaping carry no weight. The claimed reduction in traffic movements is unproven and is of neutral weight, as are the claimed increase in business rates, income for the appellant, the existence of and retention of commercial uses, and diversification of equestrian uses.

51. I consider the retention of employment on the appeal site carries medium weight. However, this is not sufficient to outweigh the harm to the openness of the Green Belt and to character of the area. Taken together these considerations are not sufficient to amount to the very special circumstances necessary to justify the development. The appeal against the Council's decision to refuse retrospective planning permission therefore fails.

Appeals B, C, D and E on ground (f)

52. This ground is that that the steps required by the notices exceed what is necessary to remedy the breach of planning control, and that lesser steps would overcome the council's objections.

53. It is argued that there is overwhelming evidence of immunity for enforcement action; that there are numerous other businesses on nearby properties, and that the appellant has no wish to have a piece of the open yard with no defined use. However, these are arguments for planning permission to be granted rather than lesser steps that might satisfy the requirements of the notices. The appeals on ground (f) therefore fail.

Appeals B, C, D and E on ground (g)

54. This ground is that the compliance period falls short of what should reasonably be allowed.

55. It is argued that as a result of the Covid-19 pandemic businesses have been in lockdown for long periods. Several of the tenants' incomes have fallen and they are unable to pay rents. The 2-month compliance period does not allow enough time for these tenants to get back on their feet and re-start trading and allow them to get the income needed to find other suitable premises and meet the necessary costs of relocation.

56. I very much concur that the exigencies of several lockdowns have resulted in businesses struggling to remain afloat. The difficulties in trading combined with those of relocating at this time are taxing. In these circumstances the 2-month compliance period would be unreasonably short, and I consider that 9 months should be allowed at which time it might be expected that the pandemic should be under control.

57. I note also, that under the provisions of s.173A(1)(b) of the Act a Council may extend a compliance period. Should the appellant be able to provide properly documented evidence to justify such an extension I can see no reason the Council should not do so.

58. The appeals therefore succeed to the limited extent on ground (g), and I shall vary the notices accordingly.

Conclusions

59. For the reasons given above I conclude that the s.174 appeals should not succeed except to the limited extent on ground (g). I shall uphold the enforcement notices with a correction to the plans and variations. The s.78 appeal is dismissed.

Stephen Brown

INSPECTOR

The Planning Inspectorate

Plan

This is the plan referred to in my decision dated: 09 February 2021

by Stephen Brown MA(Cantab) DipArch RIBA

Land at: Marricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

References: APP/B5480/C/20/3249235, APP/B5480/C/20/3249977, APP/B5480/C/20/3249236 & APP/B5480/C/20/3249983.

Scale: DO NOT SCALE.