



## Appeal Decisions

Inquiry held on 15-18 November 2022

Site visit made on 18 November 2022

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 January 2023**

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### **Appeal A Ref: APP/B5480/C/21/3277645 Plot 1, Grove Farm, Brentwood CM14 5NG**

- The appeal is made, under section 174 of the Town and Country Planning Act 1990 as amended, by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 1' shown edged in black from agricultural use to use for parking of HGV's including commercial vehicles, trailers, cars, caravans, and commercial storage of plant equipment and metal containers.
  - The requirements of the notice are i. Cease the use of land shown as Plot 1 on the attached plan edged in black for the parking of HGVs including commercial vehicles, trailers, cars, caravans, and commercial storage of plant equipment and metal containers; ii. Remove from the site all HGVs, commercial vehicles, trailers, cars, metal containers and all plant equipment; iii. Remove any rubble, debris from the site accumulated as a result of taking steps i. and ii. above; and iv. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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### **Appeal B Ref: APP/B5480/C/21/3277646 Plot 2, Grove Farm, Brentwood, CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 2' shown edged in black from agricultural use for parking of HGV's including commercial vehicles, cars, storage of metal containers, plant equipment and unauthorised development including installation of hardstanding and erection of metal palisade fencing.
  - The requirements of the notice are i. Cease the use of land shown as Plot 2 on the attached plan edged in black for the parking of HGVs including commercial vehicles, cars, storage of metal containers and plant equipment; ii. Remove from the site all HGVs, commercial vehicles, trailers, cars, metal containers and all plant equipment; iii. Remove all hard surfaces and metal palisade fencing; iv. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii. and iii. above; and v. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - 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 (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal C Ref: APP/B5480/C/21/3277647**  
**Plot 3, Grove Farm, Brentwood, CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 3' shown edged in black from agricultural use to storage of metal containers, HGV and commercial vehicles, use for vehicle repairs and plant maintenance. This site is used by Keheller Plant hire.
  - The requirements of the notice are i. Cease the use of land shown as Plot 3 on the attached plan edged in black for the storage of metal containers, HGVs and commercial vehicles and cease the use as vehicle repairs and plant maintenance; ii. Remove from the site all HGVs, commercial vehicles, trailers, cars, all plant equipment and containers; iii. Remove all rubble, debris from the site accumulated as a result of taking steps i. and ii. above; and iv. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirement is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal D Ref: APP/B5480/C/21/3277648**  
**Plot 4, Grove Farm, Brentwood, CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 4' shown hatched in black from agricultural use to use for the storage of building materials, rubble and unauthorised development in the form of an increase in land levels through the importation of building materials.
  - The requirements of the notice are i. Cease the use of land shown as Plot 4 on the attached plan hatched in black for the storage of building materials and rubble; ii. Remove all building materials and rubble imported on to the site and reduce the land levels to the levels before the unauthorised uses took place; iii. Remove all rubble and debris from the site accumulated as a result of taking steps i. and ii. above; and iv. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - 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 (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal E Ref: APP/B5480/C/21/3277649**  
**Plot 5, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
- The notice was issued on 20 May 2021.
- The breach of planning control as alleged in the notice is planning permission, the material change of use of the land shown hatched on the attached site plan 'B' known as 'Plot 5' shown hatched in black from agricultural to the use for the storage of building materials and rubble, soil, parking of HGV's and commercial vehicles, cars and storage of

plant equipment. Unauthorised development in the form of an increase of land levels through the importation of building materials.

- The requirements of the notice are i. Cease the use of land shown as Plot 5 on the attached plan hatched in black for the storage of building materials, rubble and soil, and cease the use for the parking of HGVs, commercial vehicles, cars and plant equipment; ii. Remove all building materials and rubble imported on to the site and reduce the land levels to the levels before the unauthorised uses took place; iii. Remove from the site all HGV and commercial vehicles, plant equipment and cars; iv. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii. and iii. above; and v. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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**Appeal F Ref: APP/B5480/C/21/3277651  
Plot 6, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 6' shown edged in black from agricultural use to a waste recycling centre, storage of building materials and rubble, storage of heavy plant machinery and equipment, and storage of metal containers and skips. Unauthorised development in the form of an increase in land levels and the erection of a new shed measuring 40m x 20m X 7m high and a shed measuring 18m x 12m deep x 6m high to store and recycle materials. Land levels increased by importation of building materials and soil.
  - The requirements of the notice are i. Cease the use of land shown as Plot 6 on the attached plan edged in black as a waste recycling centre and for the storage of building materials, rubble, soil or for the parking of HGVs, commercial vehicles, cars, plant equipment, skips and containers; ii. Remove all building materials and rubble imported on to the site and reduce land levels to the levels before the unauthorised uses took place; iii. Remove from the site all HGV and commercial vehicles, plant equipment, containers and skips; iv. Remove 2 buildings measuring approximately 40m x 20m x 7m high and existing shed measuring 18m x 12m deep x 6m high; v. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii., iii. And iv. above; and vi. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal G Ref: APP/B5480/C/21/3277654  
Plot 7, Grove Farm, Brentwood, CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 7' shown edged in black from agricultural use for the storage of heavy duty commercial haulage and plant
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machinery including plant equipment, the storage of metal containers. Unauthorised development through the erection of buildings.

- The requirements of the notice are i. Cease the use of land shown as Plot 7 on the attached plan edged in black for the storage of heavy duty commercial haulage and plant machinery including plant equipment and the storage of metal containers; ii. Remove all heavy duty commercial haulage and plant machinery including plant equipment and metal containers; iii. Remove from the site all HGV and commercial vehicles, plant equipment; iv. Remove the shed used to store goods in connection with the haulage business; v. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii., iii. and iv. above; and vi. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal H Ref: APP/B5480/C/21/3277655  
Plot 8, Grove Farm, Brentwood, CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is MCU from agriculture to the parking of heavy duty commercial haulage vehicles, storage of cars and plant machinery, metal containers including other mechanical equipment.
  - The requirements of the notice are i. Cease the use of land shown as Plot 8 on the attached plan edged in black for the parking of heavy duty commercial haulage, cars and the storage of plant machinery including other mechanical equipment; ii. Remove all heavy duty commercial haulage and plant machinery including equipment, storage of metal containers; iii. Remove from the site all HGV commercial vehicles; iv. Remove all unauthorised buildings used to store goods/offices in connection with haulage business; v. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii., iii. and iv. above; and vi. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements is 6 months].
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal I Ref: APP/B5480/C/21/3277656  
Plot 9, Grove Farm, Brentwood, CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is MCU from agriculture to use for the storage of building materials, rubble, metal skips and HGV vehicles and unauthorised development in the form of increased land levels.
  - The requirements of the notice are i. Cease the use of land shown as Plot 9 on the attached plan edged in black for the storage of building materials, rubble, metal skips and HGV vehicles; ii. Remove from the site all building materials, rubble, metal skips, HGV vehicles and reduce the land levels to the levels before the unauthorised uses took place; iii. Remove all rubble, debris from the site accumulated as a result of taking steps i. and ii. above; and iv. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements is 6 months.
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- The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal J Ref: APP/B5480/C/21/3277657**  
**Plot 10, Grove Farm, Brentwood, CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 10' shown edged in black from agricultural use to use as a scaffolding business and storage of scaffolding pipes, storage of racks, boards and equipment associated with scaffolding materials and unauthorised development in the form of the erection and extension of buildings to store scaffolding materials.
  - The requirements of the notice are i. Cease the use of land shown as Plot 10 on the attached plan edged in black for use as a scaffolding business and storage of scaffolding pipes, boards and equipment associated with scaffolding materials; ii. Remove from the site all scaffolding pipes, boards, racks, storage buildings used in connection with scaffolding business and equipment associated with scaffolding business; iii. Remove all rubble, debris from the site accumulated as a result of taking steps i. and ii. above; and iv. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The periods for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal K Ref: APP/B5480/C/21/3277659**  
**Plot 11, Grove Farm, Brentwood, CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 11' shown hatched in black from agricultural use to use for the storage of metal skips, containers, HGV vehicles, building materials and rubble, and unauthorised development in the form of increased land levels.
  - The requirements of the notice are i. Cease the use of land shown as Plot 11 on the attached plan hatched in black for the use as storage of metal skips, containers, HGV vehicles, building materials and rubble; ii. Stop importing building material to increase land levels; iii. Remove from the site all metal skips, containers and HGV vehicles; iv. Remove all building materials, rubble imported on to the site and reduce the land levels to the levels before the unauthorised uses took place; v. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii., iii. And iv. above; and vi. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - 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 (d) of the Town and Country Planning Act 1990 as amended.
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**Appeal L Ref: APP/B5480/C/21/3277660**  
**Plot 12, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 12' shown edged in black from agricultural use to use for commercial vehicle repair and maintenance area, the parking of HGV vehicles and unauthorised development in the form of creation of hard surfacing.
  - The requirements of the notice are i. Cease the use of the land shown as Plot 12 on the attached plan edged in black from use as commercial vehicle repair and maintenance area; ii. Remove from the site All HGV motor vehicles; iii. Remove from the site all hard surfaces; iv. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii. and iii. above; and v. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - 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 (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal M Ref: APP/B5480/C/21/3277662**  
**Plot 13, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 13' shown edged in black from agricultural use to use for the storage of metal containers, skips, building materials and rubble, heavy duty plant equipment and parking of HGVs. Unauthorised development in the form of increased land levels.
  - The requirements of the notice are i. Cease the use of land shown as Plot 13 on the attached plan hatched in black for use as storage of metal containers, skips, HGV vehicles, building materials, rubble, plant Machinery and for the parking of HGVs; iii. Remove all rubble, debris from the site accumulated as a result of taking steps i. and ii. above; and iv. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - 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 (d) of the Town and Country Planning Act 1990 as amended.
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**Appeal N Ref: APP/B5480/C/21/3277663**  
**Plot 14, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
- The notice was issued on 20 May 2021.
- The breach of planning control as alleged in the notice is Without the benefit of planning permission, the material change of use of the land shown on the attached site plan 'B' known as 'Plot 14' shown edged in black from agricultural use to use as a scaffolders yard, storage of scaffolding poles, boards and equipment associated with a scaffolding

business. Unauthorised development in the form of installation of hard surfaces and the erection of buildings.

- The requirements of the notice are i. Cease the use of land shown as Plot 14 on the attached plan edged in black for use as a scaffolders yard, storage of scaffolding pipes, boards and equipment associated with the scaffolding business; ii. Remove from the site all scaffolding pipes, boards, racking, equipment associated with the scaffolding business, hard surfaces and buildings; iii. Remove all rubble, debris from the site accumulated as a result of taking steps i. and ii. above; and iv. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal O Ref: APP/B5480/C/21/3277665**  
**Plot 15, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is Without the benefit of planning permission, the material change of use of the land shown on the attached site plan 'B' known as 'Plot 15' shown edged in black from agricultural use to use for commercial vehicle repairs and maintenance. Unauthorised development in the form of erection of hard surfaces and the erection of a shed.
  - The requirements of the notice are i. Cease the use of land shown as Plot 15 on the attached plan edged in black for use commercial vehicle repairs and maintenance area; ii. Remove from the site all motor vehicles; iii. Remove all buildings from the land; iv. Remove all hard surfaces; iv. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii., iii. And iv. above; and vi. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal P Ref: APP/B5480/C/21/3277666**  
**Plot 16, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 16' shown edged in black from agricultural use to use as a scaffolding business and storage of scaffolding materials and equipment. Unauthorised development in the form of installation of hard surfaces, the erection of a shed and the erection of racks to store scaffolding poles and boards.
  - The requirements of the notice are i. Cease the use of land shown as Plot 16 on the attached plan edged in black for use as a scaffolders yard, storage of scaffolding pipes, boards and equipment associated with scaffolding business; ii. Remove from the site all scaffolding pipes, boards, racking, equipment associated with the scaffolding business, remove all hard surfaces and buildings; iii. Remove all rubble, debris from the site accumulated as a result of taking steps i. and ii. above; and iv. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements is 6 months.
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- The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal Q Ref: APP/B5480/C/21/3277667**  
**Plot 17, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 17' shown edged in black from agricultural use to use for storage of metal skips, HGV vehicles and industrial plant equipment. Unauthorised development in the form of the installation of hard surfaces.
  - The requirements of the notice are i. Cease the use of land shown as Plot 17 on the attached plan edged in black for use for the storage of metal skips, HGV vehicles and industrial plant equipment; ii. Remove from the site all metal skips, HGV vehicles and plant equipment; iii. Remove all hard surfaces; iv. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii. and iii. above; and v. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - 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 (d) of the Town and Country Planning Act 1990 as amended.
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**Appeal R Ref: APP/B5480/C/21/3277668**  
**Plot 18, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 18' shown edged in black from agricultural use to use as a skip-repairing centre.
  - The requirements of the notice are i. Cease the use of land shown as Plot 18 on the attached plan hatched in black for use as a skip repairing centre; ii. Remove from the site all metal skips and plant equipment; iii. Remove all rubble, debris from the site accumulated as a result of taking steps i. and ii. above; and iv. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal S Ref: APP/B5480/C/21/3277670**  
**Plot 19, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
- The notice was issued on 20 May 2021.
- The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 19' shown edged in black from agricultural to use as a scaffolding business, the storage of business, the storage of

scaffolding poles, boards and other equipment associated with a scaffolding business. Unauthorised development in the form of installation of hard surfaces.

- The requirements of the notice are i. Cease the use of land shown as Plot 19 on the attached plan hatched in black for use as scaffolding business; ii. Remove all scaffolding poles, boards and other equipment; iii. Remove all hard surfacing; iv. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii. and iii. above; and v. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal T Ref: APP/B5480/C/21/3277671**  
**Plot 20, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 20' shown edged in black from agricultural use to use as scaffolding business including the storage of scaffolding poles, boards and other equipment associated with a scaffolding business. Unauthorised development in the form of installation of hard surfaces, the erection of a shed used in connection with the scaffolding business and the erection of racks to store scaffolding poles and boards.
  - The requirements of the notice are i. Cease the use of land shown as Plot 20 on the attached plan hatched in black for use as scaffolding business; ii. Remove all scaffolding poles, boards and other equipment; iii. Remove all hard surfacing; iv. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii. and iii. above; and v. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
  - 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 (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal U Ref: APP/B5480/C/21/3277672**  
**Plot 21, Grove Farm, Brentwood CM14 5NG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Leslie Jones against an enforcement notice issued by London Borough of Havering.
  - The notice was issued on 20 May 2021.
  - The breach of planning control as alleged in the notice is the material change of use of the land shown on the attached site plan 'B' known as 'Plot 21' shown edged in black from agricultural use to use as scaffolding business including the storage of scaffolding poles, boards and other equipment associated with a scaffolding business. Unauthorised development in the form of installation of hard surfaces, the erection of a shed used in connection with the scaffolding business and the erection of racks to store scaffolding poles and boards.
  - The requirements of the notice are i. Cease the use of land shown as Plot 21 on the attached plan hatched in black for use as scaffolding business; ii. Remove all scaffolding poles, boards and other equipment; iii. Remove all hard surfacing; iv. Remove all rubble, debris from the site accumulated as a result of taking steps i., ii. and iii. above; and v. Restore the land to its condition, which existed before the unauthorised development and change of use were carried out.
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- 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 (g) of the Town and Country Planning Act 1990 as amended.
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## Decisions

Appeal A Ref: APP/B5480/C/21/3277645

1. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice.
2. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely 'the material change of use from agricultural use to use for parking of HGV's including commercial vehicles, trailers, cars, caravans, and commercial storage of plant equipment and metal containers' on Plot 1, Grove Farm, Brentwood as shown on the plan attached to this Decision and subject to the conditions set out in a schedule attached to this Decision.

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3. The appeal has been withdrawn.

Appeal C Ref: APP/B5480/C/21/3277647

4. The appeal has been withdrawn.

Appeal D Ref: APP/B5480/C/21/3277648

5. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice. Subject to the variation the enforcement notice is quashed (see paragraph 42 below).

Appeal E Ref: APP/B5480/C/21/3277649

6. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice. Subject to the variation the enforcement notice is quashed (see paragraph 42 below).

Appeal F Ref: APP/B5480/C/21/3277651

7. The enforcement notice is corrected by the deletion of the breach of planning control in section 3 of the notice and the substitution instead of 'the material change of use of the land from agricultural use to a waste recycling centre, storage of building materials and rubble, storage of heavy plant machinery and equipment, and storage of metal containers and skips, unauthorised development in the form of an increase in land levels by the importation of soil and the erection of a new shed measuring 40m x 20m x 7m high, a shed measuring 18m x 12m x 6m high to store and recycle materials, and offices'.
8. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice.
9. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out,

namely 'the material change of use of the land from agricultural use to a waste recycling centre, storage of building materials and rubble, storage of heavy plant machinery and equipment, and storage of metal containers and skips, unauthorised development in the form of an increase in land levels by the importation of soil and the erection of a new shed measuring 40m x 20m x 7m high, a shed measuring 18m x 12m x 6m high to store and recycle materials, and offices' on Plot 6, Grove Farm, Brentwood as shown on the plan attached to this Decision and subject to the conditions set out in a schedule attached to this Decision.

Appeal G Ref: APP/B5480/C/21/3277654

10. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice.

11. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the 'the material change of use of the land from agricultural use for the storage of heavy duty commercial haulage and plant machinery including plant equipment, the storage of metal containers/unauthorised development through the erection of buildings' on Plot 7, Grove Farm, Brentwood as shown on the plan attached to this Decision and subject to the conditions set out in a schedule attached to this Decision.

Appeal H Ref: APP/B5480/C/21/3277655

12. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice.

13. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the 'material change of use from agriculture to use for the storage of building materials, rubble, metal skips and HGV vehicles and unauthorised development in the form of increased land levels' on Plot 8, Grove Farm, Brentwood as shown on the plan attached to this Decision and subject to the conditions set out in a schedule attached to this Decision.

Appeal I Ref: APP/B5480/C/21/3277656

14. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice.

15. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the 'material change of use from agriculture to use for the storage of building materials, rubble, metal skips and HGV vehicles and unauthorised development in the form of increased land levels' on Plot 9, Grove Farm, Brentwood as shown on the plan attached to this Decision and subject to the conditions set out in a schedule attached to this Decision.

Appeal J Ref: APP/B5480/C/21/3277657

16. The enforcement notice is varied by:
- a. the substitution of the plan attached to this Decision for the plan attached to the notice; and
  - b. the deletion of the breach of planning control in section 3 of the notice and the substitution instead of 'the material change of use of the land from agricultural use to use for industrial storage for the storage of building materials, construction equipment, plant and heavy goods vehicles'.

17. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely 'the material change of use of the land from agricultural use to use for industrial storage for the storage of building materials, construction equipment, plant and heavy goods vehicles' at Plot 10, Grove Farm, Brentwood as shown on the plan attached to this Decision and subject to the conditions set out in a schedule attached to this Decision.

Appeal K Ref: APP/B5480/C/21/3277659

18. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice. Subject to the variation the appeal succeeds on ground (d) and the enforcement notice is quashed.

Appeal L Ref: APP/B5480/C/21/3277660

19. The enforcement notice is varied by:
- a. the substitution of the plan attached to this Decision for the plan attached to the notice; and
  - b. the deletion of the breach of planning control in section 3 of the notice and the substitution instead of 'the material change of use of the land from agriculture to use for open air storage of scaffolding materials'.

20. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely 'the material change of use of the land from agriculture to use for open air storage of scaffolding materials' at Plot 12, Grove Farm, Brentwood as shown on the plan attached to this Decision and subject to the conditions set out in a schedule attached to this Decision.

Appeal M Ref: APP/B5480/C/21/3277662

21. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice. Subject to the variation the appeal succeeds on ground (d) and the enforcement notice is quashed.

Appeal N Ref: APP/B5480/C/21/3277663

22. The enforcement notice is varied by:
- a. the substitution of the plan attached to this Decision for the plan attached to the notice; and
  - b. the deletion of the breach of planning control in section 3 of the notice and the substitution instead of 'the material change of use of the land from agriculture to use for the repair, storage and maintenance of commercial vehicles'.
23. Subject to the variations the appeal succeeds on ground (d) and the enforcement notice is quashed.

Appeal O Ref: APP/B5480/C/21/3277665

24. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice. Subject to the variation the appeal succeeds on ground (d) and the enforcement notice is quashed.

Appeal P Ref: APP/B5480/C/21/3277666

25. The enforcement notice is varied by:
- a. the substitution of the plan attached to this Decision for the plan attached to the notice; and
  - b. the deletion of the breach of planning control in section 3 of the notice and the substitution instead of 'the material change of use of the land from agriculture use to use for industrial storage for the storage of building materials, construction equipment, plant and heavy goods vehicles'.
26. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the 'the material change of use of the land from agriculture use to use for industrial storage for the storage of building materials, construction equipment, plant and heavy goods vehicles' at Plot 16, Grove Farm, Brentwood as shown on the plan attached to this Decision and subject to the conditions set out in a schedule attached to this Decision.

Appeal Q Ref: APP/B5480/C/21/3277667

27. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice. Subject to the variation the appeal succeeds on ground (d) and the enforcement notice is quashed.

Appeal R Ref: APP/B5480/C/21/3277668

28. The enforcement notice is varied by:
- a. the substitution of the plan attached to this notice for the plan attached to this Decision; and
  - b. the deletion of the breach of planning control in section 3 of the notice and the substitution instead of 'the material change of use of the land from agriculture use to use for general storage'.

29. Subject to the variations the appeal succeeds on ground (d) and the enforcement notice is quashed.

Appeal S Ref: APP/B5480/C/21/3277670

30. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice. Subject to the variation the appeal succeeds on ground (d) and the enforcement notice is quashed.

Appeal T Ref: APP/B5480/C/21/3277671

31. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice.

32. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely 'the material change of use of the land from agricultural use to use as scaffolding business including the storage of scaffolding poles, boards and other equipment associated with a scaffolding business/unauthorised development in the form of installation of hard surfaces, the erection of a shed used in connection with the scaffolding business and the erection of racks to store scaffolding poles and boards' at Plot 20, Grove Farm, Brentwood as shown on the plan attached to this Decision and subject to the conditions set out in a schedule attached to this Decision.

Appeal U Ref: APP/B5480/C/21/3277672

33. The enforcement notice is varied by the substitution of the plan attached to this Decision for the plan attached to the notice.

34. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the 'the material change of use of the land from agricultural use to use as scaffolding business including the storage of scaffolding poles, boards and other equipment associated with a scaffolding business/unauthorised development in the form of installation of hard surfaces, the erection of a shed used in connection with the scaffolding business and the erection of racks to store scaffolding poles and boards' on Plot 21, Grove Farm, Brentwood as shown on the plan attached to this Decision and subject to the conditions set out in a schedule attached to this Decision.

### **Preliminary Matters**

35. The grounds of appeal set out above in the last bullet point of the header for each Appeal were those advanced by the Appellant at the opening of the Inquiry.

Matters that occurred prior to the Inquiry

36. The Appellant withdrew ground (b) appeals in Appeals D, E, L, N and S on the understanding that Plan B attached to the enforcement notices is replaced by an agreed amended plan and that the alleged breaches of planning control are varied in accordance with wording agreed by the main parties.

37. The Council accepted that the ground (d) appeals in Appeals N, O, R and S should succeed. The enforcement notices for the four appeals, as varied by this Decision, have been quashed.

Matters that occurred at the Inquiry

38. The Appellant withdrew his ground (d) appeals in Appeals G, H, J and P. His ground (d) appeals therefore relate to Appeals I, K, M and Q.

39. The Appellant withdrew Appeals B and C. No action has been taken in relation to these Appeals.

40. The Appellant withdrew ground (b) appeals in Appeals J and P on the understanding that Plan B attached to the enforcement notices is replaced by an agreed amended plan and that the alleged breaches of planning control are varied in accordance with wording put forward by the Council.

41. The agreed amended plan has been further amended by agreement between the main parties at the Inquiry to combine Plots 4, 5 and 6 as a revised Plot 6 and to correct the alleged breach of planning control for that plot and in Appeal F. The agreed further amended plan has been substituted for the plan attached to the enforcement notice in all remaining appeals. The agreed wording for the corrected breach of planning control has been amended slightly, without prejudice to either party, in the interests of clarity.

42. The consequence of combining Plots 4, 5 and 6 as a revised Plot 6 is that the enforcement notices for Plots 4 and 5, which are the subjects of Appeals D and E, do not relate to any land. The enforcement notices for the two plots do not therefore have any effect and the notices in Appeals D and E have been quashed.

## **Background information**

The site and its surroundings

43. Grove Farm is to the north-east of Romford and to the south-west of Brentwood. About midway between the two towns is Junction 28 of the M25 motorway, where the motorway crosses over the A12 and where a roundabout provides vehicular access between the two highways. Grove Farm has a north-east boundary to the slip road onto the northbound M25 from the A12. Access into Grove Farm is off this slip road whilst egress from the site is onto the A12.

44. Close to the roundabout is a former farmhouse that is occupied by the Appellant and his family. The land that is the subject of the appeals is to the north-west of the house and to the west of the slip road. It is former farmland and is subdivided into plots that are occupied by a variety of construction related uses; the various uses being those that are the subjects of the enforcement notices.

45. Between the plots and the A12 is a wood and to the west, beyond Weald Brook, is land associated with Maylands Golf Course which is further to the west. Access to the golf course is off the A12 and on the east side of the access road is a pair of semi-detached two storey dwellings, Maylands Cottages. Ground levels fall gently from the M25 towards Weald Brook and then rise gently towards Maylands Cottages. Grove Farm is in the Metropolitan Green Belt.

## Development Consent Order for new link road

46. A Development Consent Order (DCO) has been granted for Highways England to construct a new link road off the northbound carriageway of the M25 to the A12. This road, which is now under construction, will circumnavigate Grove Farm. The DCO has required the compulsory purchase of Plots 2 and 3, amongst other land. To the north and west of Grove Farm the road will be in a slight cutting but to the south an element of the road will be elevated. The scheme includes tree planting alongside the new road, particularly to the west of Grove Farm.

### **Planning Policy**

47. The Development Plan includes the Havering Local Plan (HLP), which was adopted in November 2021, and the London Plan (LP), which was adopted in March 2021. HLP policy 26 seeks to promote high quality design and HLP policy 29 seeks to maintain and expand green spaces and natural features in Havering. LP policy D1 seeks to protect London's form and character and LP policy D3 seeks to optimise site capacity through the design-led approach. LP policy SI 9 states, amongst other things, that existing waste sites should be safeguarded and retained in waste management use, and the supporting text to the policy states that a waste site is defined as land with planning permission for a waste use or a permit from the Environment Agency for waste use.

### **Reasons**

The ground (d) appeals

48. The onus of proof in a ground (d) appeal is on the Appellant and he must provide sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the alleged changes of use of the land occurred more than ten years before the date of issue of the enforcement notices, and that the uses have subsisted uninterrupted during that period and without material change. For the ground (d) appeals to be successful the changes of use must therefore have occurred before 20 May 2011.

49. The ground (d) appeals for Plots 11, 13 and 17 can be taken together because they have been used by the Appellant in connection with his demolition contracting business. Plot 9 has been occupied by a variety of businesses and will be considered separately.

50. It is worth commenting on the Council's case with regard to the ground (d) appeals. The proof of evidence of the Council's sole witness, Mr Bhopal, does not contain any evidence, and simply relies on the statement that the appeals should be dismissed "...on the basis that the Appellant has failed to substantiate its case". The Council has therefore relied, completely, on the advocacy of Mr Streeten in making a case against the Appellant. His closing statement, made following cross-examination of the Appellant and other witnesses, is the written case against the Appellant for the purposes of assessing the ground (d) appeals.

Plots 11, 13 and 17

51. The Council's case is, principally, on two points. Firstly, there was, indeed, disagreement between two of the Appellant's expert witnesses on whether the uses that are the breaches of planning control can be classified as Class B8 uses or *sui generis* uses. It matters not. It matters, rather, whether the alleged uses have

subsisted without material change and continuously for the crucial ten year period. Secondly, Mr Streeton reports in his closing statement that, under cross-examination, Mr Jones claimed that during the ten year period the plots had been "...in use for the deposit or processing of waste".

52. Mr Jones operates a demolition contracting business and he has used the plots, and others, as a permanent base for that business since the late 1980s. Demolished building materials are brought to the plots for sorting and temporary storage before being sold on, as and when quantities of particular materials become viable or when there is a need for specific reclaimed materials. It is inevitable that the process of sorting demolished materials will produce waste. The processes carried out on the plots has produced waste but this is entirely ancillary to the principal uses of the plots as alleged in the breaches of planning control.

53. With regard to the deposit of waste on the plots the Council has provided no evidence to indicate that this has been a principal use of the plots during the relevant ten year period. The waste produced during the sorting processes may have been deposited on the plots but, as stated in Mr Streeton's closing statement, "All parties agree that...(the plots) were, at the time of service of the ENs...in use for...unauthorised development in the form of increased land levels". If waste has been deposited on the land during the relevant ten year period and this has resulted in increased land levels then this use is consistent with, for plots 11 and 13, the breach of planning control.

54. There is nothing in the statutory declarations of Mr Jones or his wife to indicate that the deposit or processing of waste has been, at any time, a principal use of Plots 11, 13 and 17, as opposed to an ancillary use of the land. Evidence given by the Appellant at the Inquiry does not affect this finding.

55. Mrs Jones states in her statutory declaration that, with regard to Plot 13, "Between 2016 and 2022 Pure Scaffolding occupied a small portion of the plot for storage". Neither she nor Mr Jones, under cross-examination, could accurately indicate which small portion of the plot was being used by Pure Scaffolding. They did, in fact, indicate entirely different small portions of the plot and were wholly unclear on the extent of the use. It is also unclear what the use amounted to and, in this regard, there is no reason not to accept the written evidence of Mrs Jones that the use was "...for storage". This is consistent with the breach of planning control and the use of a small portion of Plot 13 by Pure Scaffolding during the latter half of the relevant ten year period did not constitute a material change in the use of the land.

56. The uses of Plots 11,13 and 17 as set out in the breaches of planning control have subsisted continuously and without material change, as a matter of planning judgement, for the ten year period before 20 May 2021.

Plot 9

57. Evidence, both written and aural, given in support of the ground (d) appeal is confused. Mr Jones mentioned, in cross-examination, that the plot has been used during the relevant ten year period and by a variety of users as a scaffolders yard, for the repair of lorries, and in connection with his son's skip hire business that is a principal use of the revised Plot 6. The latter use might be regarded to be a storage use and therefore consistent with the breach of planning control for Plot 9, but the first two uses are materially different, probably sui generis, uses. There

was, probably more than one, material change in the use of the plot during the relevant ten year period. The use of Plot 9 as set out in the breach of planning control has not subsisted continuously and without material change, as a matter of planning judgement, for the ten year period before 20 May 2021.

#### Conclusion in the ground (d) appeals

58. The Appellant has provided sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the alleged changes of use of Plots 11, 13 and 17 occurred more than ten years before the date of issue of the enforcement notices, and that the uses have subsisted during that period uninterrupted and without material change. The opposite conclusion is reached for Plot 9. The ground (d) appeals succeed in Appeals K, M and Q but the ground (d) appeal in Appeal I fails.

#### The ground (a) appeals

59. Ground (d) appeals have been successful in Appeals K, M, N, O, Q, R and S. The ground (a) appeals therefore relate to Appeals A, F, G, H, I, J, L, P, T and U.

60. The environmental baseline for consideration of the ground (a) appeals includes the lawful uses at Grove Farm that have been established through the appeal process, the uses of Plots 11, 13, 14, 15, 17, 18 and 19, and the DCO road scheme that is currently under construction. In terms of built development the baseline includes buildings on Plots 15, 18 and 19 and also buildings on Plot 16 which, unlike the use of the plot, is accepted by the Council to be lawful.

61. It is accepted that the changes of use of the ten plots that are the subjects of the ground (a) appeals is inappropriate development in the Green Belt. In this regard paragraph 150 of the National Planning Policy Framework (NPPF) states that material changes in the use of land, amongst other forms of development, are not inappropriate development in the Green Belt if they preserve its openness and do not conflict with the purposes of including land in the Green Belt.

62. The main issues in the ground (a) appeals are; first, the degree to which the unlawful uses of the land undermine the spatial and visual openness of the Green Belt and conflict with the purposes of including land in the Green Belt; second, their effect on the character and visual amenity of the area; and third, other considerations to be weighed against the harm caused by reason of inappropriateness and any other harm in the planning balance to be reached.

63. The unlawful use of land at Grove Farm that has the greatest impact is the use of the amended Plot 6, because it is the biggest plot, because it is the northernmost plot and the plot furthest away from the former farmhouse, and because it contains two significant buildings. Furthermore, Plot 6 is, unlike any other plot, partly in use as a waste recycling centre. The ground (a) appeal in Appeal F will therefore be considered first followed by consideration, collectively, of the ground (a) appeals in Appeals A, G, H, I, J, L, P, T and U.

64. It is worth commenting on the disparity between the evidence presented on behalf of the main parties. Mr Bhopal, the Council's sole witness, has no qualifications in planning or any other related subject and has no development control experience. His experience has been gained in enforcement roles at London Boroughs. The Appellant's three expert witnesses, on the other hand, all have relevant qualifications and are members of relevant professional

organisations. Furthermore, Mr Bhopal's proof of evidence included virtually no evidence and the Council's case is almost wholly made in Mr Streeten's closing statement and based on his cross-examination of the Appellant's witnesses.

65. The main parties have agreed two conditions, both in the interests of visual amenity, to be imposed on any planning permission granted in this Decision. The conditions have been amended in the interests of clarity and precision and to meet the tests set out in the National Planning Practice Guidance (NPPG).

The ground (a) appeal in Appeal F

The first issue

66. The two buildings on Plot 6, given their physical dimensions as set out in the varied breach of planning control, undermine the spatial openness of the Green Belt. The degree to which they undermine spatial openness was debated at the Inquiry and it is not unsurprising that the main parties hold different views. The buildings are not, as described by Mr Streeten in his closing submissions, "very large"; they are in fact small compared to some agricultural buildings that are commonly found in the countryside and that are not inappropriate development in the Green Belt. However, their impact on spatial openness is not inconsiderable.

67. The main parties did not suggest that the two buildings on Plot 6, and the use of the land, are visible from anywhere other than the access road to the golf course to the west of the site and from Maylands Cottages; though the use of the land and the buildings may be fleetingly glimpsed from vehicles on the M25 and, in the future, from the slip road that is under construction. The access road and the cottages are about 600 metres from Grove Farm and the buildings and the use of the land are seen against a backdrop of the elevated M25 motorway. Given these factors the harm caused to the visual openness of the Green Belt is considered to be, as a matter of judgement, only moderate.

68. The Appellant accepts that the unlawful uses of land at Grove Farm, with regard to the five purposes of including land in the Green Belt, set out in paragraph 138 of the NPPF, conflicts with the purpose of safeguarding the countryside from encroachment. The conflict, though, must be considered in the light of encroachment into the countryside resulting from the established lawful uses. Mr Thomas, for the Appellant, accepted at the Inquiry that there is also some conflict with the purpose that seeks to assist urban regeneration by encouraging the recycling of derelict and other urban land, because the unlawful use of Plot 6 could be accommodated on such land rather than at Grove Farm.

69. Commercial development at the southern extremity of Brentwood, on the east side of the A12 only, does extend close to the M25. But there is a significant gap between Grove Farm and this development, albeit a gap that is occupied by the M25, and there is a significant gap, of close to 1km, between Grove Farm and the northernmost suburb of Romford, Harold Hill. The use of Plot 6 does not, in this regard, conflict with the purpose of the Green Belt that seeks to prevent neighbouring towns merging into one another.

70. The unlawful use of Plot 6 and the two buildings on the land have a considerable impact on the spatial openness, and a moderate impact on the visual openness, of the Green Belt. The use of the land also undermines two of the purposes of including land in the Green Belt.

#### The second issue

71. Grove Farm is located in the Brentwood Wooded Hills Local Character Area (BWHLCA). Whilst the wider area is generally characteristic of the BWHLCA the immediate area around Grove Farm is dominated by highways and by the traffic associated with those highways. Grove Farm itself will become, in time, further dominated by these factors once the DCO road scheme has been completed and brought into use. Grove Farm is in a Countryside Conservation Area (CCA) as designated in the HLP. The designation is not relevant, however, because there is no explanation or assessment of the CCA or any policy relating to it in the HLP, other than a policy relating to biodiversity which is not relevant.

72. In the view from the access road to the golf course and Maylands Cottages development on Plot 6 is seen against a backdrop of the motorway. Not just the motorway itself but the moving traffic on it. A particular feature of this traffic is the considerable number of container lorries travelling in both directions. The constant movement of traffic and the steady stream of container lorries draws the eye of a viewer. Traffic noise is also a feature of the area, which is not tranquil. Also in the view from the access road and the cottages is a high voltage power line, which crosses Grove Farm from south-east to north-west, and the lawful buildings on Plots 15, 16, 18 and 19 and the lawful land uses on Plots 11 and 13.

73. Further traffic will be introduced into the view once the DCO road scheme is brought into use though this will partially be, in time, screened by a tree belt that will be planted alongside and to the west of the road. This planting will also partially screen the lawful uses and buildings close to the wood between Grove Farm and the A12. The main parties have agreed conditions in the event that planning permission is granted. One of these would require the prior approval and implementation of a Landscaping Plan which would include wider woodland buffer planting and a tree buffer along the north and west boundaries of Grove Farm. The other condition would prevent materials being stacked more than 5 metres high and containers and portable buildings being stacked more than two high.

74. A tree buffer along the north and west boundaries of Grove Farm would, in time, adequately screen the land use of Plot 6 but would not screen the upper parts of the two buildings. However, the buildings are no different in appearance to ordinary agricultural buildings and, given also the backdrop of the motorway and moving traffic and other features such as the power lines, they are neither visually intrusive or harmful to the character of the area. The use of Plot 6 as a waste recycling centre and for storage uses and the buildings on the land, taking the agreed conditions into account, do not adversely affect the visual amenity or character of the area. In this regard there is no conflict with, contrary to Mr Streeten's view, HLP policy 26 or with London Plan (LP) policies D1 and D3.

#### The third issue

75. Development on Plot 6 does not preserve the openness of the Green Belt and undermines two of the five purposes of including land in the Green Belt. The material change in the use of the land is thus inappropriate development which is, by definition and with regard to NPPF paragraph 147, harmful to the Green Belt and should not be approved except in very special circumstances

76. LP policy SI 9 supports the retention of the waste recycling centre because a permit has been granted by the Environment Agency for the waste use. Paragraph

9.9.1 of the LP states that "...these sites cover a wide range of waste activities and perform a valuable service to London, its people and economy". Mr Bhopal agreed in cross-examination that the loss of the waste site as required by the notice would itself constitute a breach of local planning policy. LP policy SI 8 also provides support for the waste recycling centre by requiring that 100% of London's waste should be managed within London by 2026, and the Greater London Authority's London Environmental Strategy of May 2018 has set a target for 50% of local authority waste within London to be recycled by 2030. The retention of the waste recycling centre on Plot 6 would contribute to meeting these challenging targets.

77. Table 9.2 under LP policy SI 8 sets percentage apportionments of household, commercial and industrial waste for each London Borough. The London Borough of Havering is expected to accept 4.5% of the capital's waste; the 8<sup>th</sup> highest of the 33 London Boroughs. Furthermore, the waste recycling centre on Plot 6 is on the Mayor of London's Waste Map as an existing permitted waste facility and all others that process construction, demolition and excavation waste in the Borough are in the southern part close to the River Thames and along the A13 corridor. The waste recycling centre at Grove Farm is at the northern end of the Borough, on the A12 corridor and oriented towards the Thames Gateway industrial submarket. The London Industrial Demand Study of 2017, which does identify that there was a net surplus of land for waste management at that time, only includes municipal, commercial and industrial waste and does not include construction and demolition waste, which is not accepted at ordinary waste centres. The retention of the waste recycling centre on Plot 6 has policy support and is afforded substantial weight.

78. Mr Bhopal sought to suggest, in examination-in-chief, that there are alternative sites within the Borough, on allocated industrial land, that could be suitable locations for the waste transfer centre. But he only vaguely mentioned a couple of locations and has not submitted any evidence, to support this claim, that could be properly assessed and challenged by the Appellant's witnesses. A waste recycling centre is a specific use of land that is not readily compatible with neighbouring, even industrial, uses. The Appellant was criticised in Mr Streeten's closing statement for not providing any evidence to justify his view that there were no suitable alternative sites for the waste recycling centre. But it is inherently difficult to prove a negative and it is for the Council to put forward evidence that there are indeed alternative sites for the facility. The Council has not brought forward any evidence to counter the Appellant's view that there is no suitable alternative location for the facility in such an advantageous location close to the M25 and with direct links to the Thames Gateway.

79. The waste recycling centre, incorporating RJ Skip Hire, employs 22 people and contributes to employment in, and the economy of, Havering Borough. There is a need for maintaining existing waste recycling sites to meet the needs of the building economy in London and there are obvious benefits to the business from its location with almost direct access to the M25 and to the A12. Mr Bhopal, in cross-examination, agreed that these benefits should be afforded substantial weight.

Other matters

80. A matter not raised by the Council in evidence but mentioned, on several occasions, by Mr Streeten during the Inquiry, is his assertion that granting planning permission for the development on Plot 6 would initiate or contribute to the 'death by a thousand cuts' of the Green Belt. But this assertion does not take account of the industrial uses at Grove Farm that have been accepted to be lawful

by the Council and have been found to be lawful by conclusions reached in this decision. It also doesn't take account of the effect of the DCO road scheme that will encircle Grove Farm and cut it off from other parts of the Green Belt. Grove Farm will become an 'island' partly in lawful industrial use. Allowing further industrial development will not alter the circumstances pertaining to Grove Farm, which are exceptional, and the matter raised by Mr Streeten is, as a matter of planning judgement, afforded no weight.

81. Another matter raised is that of, with regard to the use of land at Grove Farm, intentional unauthorised development. This matter, with regard to the protection of the Green Belt, was the subject of a Written Ministerial Statement (WMS) made on 17 December 2015. As stated by Mr Streeten in his closing statement, and taken from the WMS, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. The Appellant has not cited personal circumstances or unmet need as material considerations that support his case and the matter of intentional unauthorised development is not afforded any weight.

#### Planning Balance and Overall Conclusion

82. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is at the heart of the planning balance.

83. The material change in the use of Plot 6 and the unauthorised development on it is inappropriate development in the Green Belt. The use of the land and the two buildings on it have a considerable impact on the spatial openness, and a moderate impact on the visual openness, of the Green Belt, and the use of the land also undermines two of the purposes of including land in the Green Belt. This harm is tempered by the fact that adjoining and nearby lawful uses also cause the same harm. The use of Plot 6 as a waste recycling centre and for storage uses, and the buildings on the land, do not adversely affect the visual amenity or character of the area. There is no conflict with HLP policy 26 or with LP policies D1 and D3.

84. Paragraph 137 of the NPPF states that the Government attaches great weight to Green Belts, in paragraph 147 it is stated that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and in paragraph 148 it is stated that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

85. The other considerations to be weighed against the harm caused by inappropriateness and to the openness and purposes of the Green Belt are the substantial weight given to, and the policy support for, the retention of the waste recycling centre and to the economic benefits for Havering Borough and for the City of London. These other considerations, as a matter of planning judgement, do clearly outweigh the harm caused. With regard to Section 38(6) of the 2004 Act the development of Plot 6 does not conflict with the development plan.

86. Planning permission has thus been granted for 'the material change of use of the land from agricultural use to a waste recycling centre, storage of building materials and rubble, storage of heavy plant machinery and equipment, and

storage of metal containers and skips, and unauthorised development in the form of an increase in land levels by the importation of soil and the erection of a new shed measuring 40m x 20m x 7m high, a shed measuring 18m x 12m x 6m high to store and recycle materials, and offices' on Plot 6, Grove Farm, Brentwood subject to the conditions set out in a schedule attached to this Decision. The ground (g) appeal does not need to be considered.

The ground (a) appeals in Appeals A, G, H, I, J, L, P, T and U

87. The land referred to in these ground (a) appeals is all of the nine plots. The environmental baseline for consideration of the ground (a) appeals includes the lawful uses at Grove Farm that have been established through the appeal process, the uses of Plots 6, 11, 13, 14, 15, 17, 18 and 19, and the DCO road scheme that is currently under construction. In terms of built development the baseline includes buildings on Plots 6, 15, 18 and 19 and also buildings on Plot 16 which, unlike the use of the plot, is accepted by the Council to be lawful.

88. It is accepted that the changes of use of the nine plots that are the subjects of the ground (a) appeals is inappropriate development in the Green Belt. In this regard paragraph 150 of the National Planning Policy Framework (NPPF) states that material changes in the use of land, amongst other forms of development, are not inappropriate development in the Green Belt if they preserve its openness and do not conflict with the purposes of including land in the Green Belt.

89. The main issues in the ground (a) appeals are; first, the degree to which the unlawful uses of the land undermine the spatial and visual openness of the Green Belt and conflict with the purposes of including land in the Green Belt; second, their effect on the character and visual amenity of the area; and third, other considerations to be weighed against the harm caused by reason of inappropriateness and any other harm in the planning balance to be reached.

The first issue

90. As previously mentioned, storage on the plots, which are in general industrial and construction related uses, would be restricted to a height of 5 metres by an agreed condition. This would limit harm to the spatial openness of the Green Belt. The main parties have not suggested that use of the land or the storage on it would be visible from anywhere other than the access road to the golf course to the west of the site and from Maylands Cottages; though the use of the land and the storage on it may be fleetingly glimpsed from vehicles on the M25 and, in the future, from the slip road that is under construction. The access road and the cottages are about 600 metres from Grove Farm and the buildings and the use of the land are seen against a backdrop of the elevated M25 motorway. Also, storage and activity on the land is screened by lawful uses on Plots 11 and 13 and would be by landscaping that would be required by an agreed condition. Given these factors the harm caused to the visual openness of the Green Belt is considered to be, as a matter of judgement, minimal.

91. The Appellant accepts that the unlawful uses of land at Grove Farm, with regard to the five purposes of including land in the Green Belt, set out in paragraph 138 of the NPPF, conflicts with the purpose of safeguarding the countryside from encroachment. The conflict, though, must be considered in the light of encroachment into the countryside resulting from the established lawful uses. Mr Thomas, for the Appellant, accepted at the Inquiry that there is also some conflict

with the purpose that seeks to assist urban regeneration by encouraging the recycling of derelict and other urban land, because the unlawful use of the land could be accommodated on such land rather than at Grove Farm.

92. Commercial development at the southern extremity of Brentwood, on the east side of the A12 only, does extend close to the M25. But there is a significant gap between Grove Farm and this development, albeit a gap that is occupied by the M25, and there is a significant gap, of close to 1km, between Grove Farm and the northernmost suburb of Romford, Harold Hill. The use of the land does not, in this regard, conflict with the purpose of the Green Belt that seeks to prevent neighbouring towns merging into one another.

93. The unlawful uses of the land have a limited impact on the spatial openness, and a minimal impact on the visual openness, of the Green Belt. The use of the land also undermines two of the purposes of including land in the Green Belt.

The second issue

94. Taking into account the reasoning in, and the positive conclusion of, the second issue in the ground (a) appeal in Appeal F this issue can be considered briefly. With the aforementioned conditions in place and with regard to the environmental context set out above development on the land, in the view from the access road to the golf course and Maylands Cottages, would not adversely affect the visual amenity or character of the area. In this regard there is no conflict with HLP policy 26 or with LP policies D1 and D3.

The third issue

95. Development on the land does not preserve the openness of the Green Belt and undermines two of the five purposes of including land in the Green Belt. The material change in the use of the land is thus inappropriate development which is, by definition and with regard to NPPF paragraph 147, harmful to the Green Belt and should not be approved except in very special circumstances

96. Mr Bhopal sought to suggest, in examination-in-chief, that there are alternative sites within the Borough, on allocated industrial land, that could be suitable locations for the industrial and construction related uses. But he only vaguely mentioned a couple of locations and has not submitted any evidence, to support this claim, that could be properly assessed and challenged by the Appellant's witnesses. The Appellant was criticised in Mr Streeten's closing statement for not providing any evidence to justify his view that there were no suitable alternative sites for the uses of the land. But it is inherently difficult to prove a negative and it is for the Council to put forward evidence that there are indeed alternative sites for the facility.

97. The land is virtually surrounded by lawful uses of land accepted by the Council, by uses found lawful in this decision and by land for which planning permission has been granted for a waste recycling centre also in this decision. As a matter of common sense granting planning permission for the land for a variety of industrial and construction related uses would constitute the efficient use of land, irrespective of its location in the Green Belt. This matter is afforded substantial weight.

98. The construction and industrial related uses of the land provide employment for a significant number of employees (it is not possible to judge how many once

employment generated by lawful uses has been taken into account). Furthermore, the uses of the land contributes to employment in, and to the economy of, Havering Borough. These benefits of the uses of the land extend lawful uses in a location ideally suited to the uses which have direct access to the trunk road and motorway network. Mr Bhopal, in cross-examination, agreed that these benefits should be afforded substantial weight.

Other matters

99. Mr Streeten's arguments relating to 'death by a thousand cuts' and to intentional unauthorised development have been considered above in relation to the ground (a) appeal in Appeal F. The same conclusions can be reached on these matters in relation to the ground (a) appeals in Appeals A, G, H, I, J, L, P, T and U.

Planning Balance and Overall Conclusion

100. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is at the heart of the planning balance.

101. The material changes in the use of the land is inappropriate development in the Green Belt. The use of the land have a limited impact on the spatial openness, and a minimal impact on the visual openness, of the Green Belt, and the use of the land also undermines two of the purposes of including land in the Green Belt. But the uses of the land do not adversely affect the visual amenity or character of the area. There is no conflict with HLP policy 26 or with LP policies D1 and D3.

102. The other considerations to be weighed against the harm caused by inappropriateness and to the openness and purposes of the Green Belt is the substantial weight given to the economic benefits for Havering Borough and for the City of London, and to the efficient use of land in a sustainable location. These other considerations, as a matter of planning judgement, do clearly outweigh the harm caused. With regard to Section 38(6) of the 2004 Act the development of the land does not conflict with the development plan.

103. Planning permission has thus been granted for the material changes of use of the land, as detailed above, on Plots 1, 7, 8, 9, 10, 12, 16, 20 and 21, Grove Farm, Brentwood subject to the conditions set out in a schedule attached to this Decision. The ground (g) appeals do not need to be considered.

***John Braithwaite***

Inspector

## **Schedule of Conditions**

1. The use of the land shall cease and all structures (except those on Plot 16), equipment and materials brought on to the land for the purpose of the use shall be removed within 6 months of the date of failure to meet any of the requirements set out in a. to d. below:

- a. Within 6 months of the date of this Decision:
  - i. The Appellant shall submit a Landscaping Plan, to include wider woodland buffer planting and tree buffer planting on the north and west boundaries of Grove Farm, for the approval of the local planning authority. The approved scheme shall be implemented within 12 months of the Landscaping Plan being approved or when the land is returned to the Appellant by Highways England, whichever is later. Any trees or plants which within a period of 5 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
  - ii. The Appellant shall implement the Drainage Strategy included in the Ardent Report dated October 2022.
  - iii. The Appellant shall submit to the local planning authority an Access Management Plan showing means of access to and from the Plots at Grove Farm.
  - iv. The Appellant shall submit to the local planning authority a scheme for the painting of built structures.
  - v. The Appellant shall submit to the local planning authority a scheme for the provision of ecological impact mitigation measures.
- b. If within 11 months of the date of this Decision the local planning authority refuses to approve a submitted scheme or fails to give a decision on a submitted scheme within the prescribed period, an appeal shall be made to, and validated by, the Secretary of State.
- c. If an appeal is made in pursuance of b. above that appeal shall have been determined and the submitted scheme shall have been approved by the Secretary of State.
- d. The approved schemes shall have been carried out in accordance with timetables to be agreed with the local planning authority.

Schemes implemented in accordance with requirements of this condition shall be thereafter maintained.

In the event of a legal challenge to this Decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition shall be suspended until the legal challenge has been determined.

2. No materials shall be stacked, stored or deposited on the land above a height of 5 metres measured from ground level. No container or portable building shall be stacked on the land more than two containers or portable buildings high.

## APPEARANCES

### FOR THE APPELLANT:

Mr M Fraser	Barrister
He called	
Mr K Jones	Appellant's wife
Mr L Jones	Appellant
Mr R Jones	Appellant's son
Ms Y McDonagh	Former tenant at Grove Farm
Mr F Kelleher	Tenant at Grove Farm
Mr T Furse CMLI MCIHort ISA	Director of Furse Landscape Architects Ltd
Mr R Brooke BSc MSc MIED MRTPI	Director and Head of Economics at Savills UK
Mr B Thomas BA(Hons) MSC MRTPI	Director at Savills UK

### FOR THE LOCAL PLANNING AUTHORITY:

Mr C Streeten	Barrister
He called	
Mr O Bhopal	Principal Planning Enforcement and Appeals Officer at LB of Havering

## DOCUMENTS

- 1 Opening submissions on behalf of the Council.
- 2 Opening Statement on behalf of the Appellant.
- 3 Plan of and sections through DCO road scheme.
- 4 Agreed proposed planning conditions.
- 5 Agreed varied breach of planning control for revised Plot 6.
- 6 Closing submissions on behalf of the Council.
- 7 Closing submissions on behalf of the Appellant.



## Plan

This is the plan referred to in my decision dated: 23 January 2023

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

**Land at Grove Farm, Brentwood CM14 5NG**

**Reference: APP/B5480/C/21/3277645-49, 51, 54-57, 59, 60, 62, 63, 65-68 and 70-72**

Scale: not to scale

