

Mr K Shilton  
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Our Ref: 204604

Please ask for: Mr Scott Low

Direct Line/extension 01432 261814

9 February 2021

Dear Mr Shilton,

**TOWN AND COUNTRY PLANNING ACT 1990  
APPEAL UNDER SECTION 174**

<b>APPLICATION NO &amp; SITE ADDRESS:</b>	<b>204604 - Old Kiln Farm, Little Doward, Whitchurch, HR9 6DT</b>
<b>DESCRIPTION:</b>	<b>Enforcement Appeal - 1</b>
<b>APPELLANT:</b>	<b>Mr Paul Hughes</b>
<b>APPEAL REFERENCE:</b>	<b>APP/W1850/C/20/3265993</b>
<b>ENFORCEMENT NO:</b>	<b>EN/2020/003144/ZZ</b>
<b>APPEAL START DATE:</b>	<b>5 February 2021</b>
<b>WEBSITE LINK:</b>	<b><a href="https://www.herefordshire.gov.uk">https://www.herefordshire.gov.uk</a></b>

I refer to the above details. An appeal has been made to the Secretary of State against an **Enforcement Notice** issued by Herefordshire Council. The appeal will be determined on the basis of **written representations** and a site visit by an Inspector.

**A description of the alleged breach of planning control:**

Without planning permission the unauthorised material change of use of the Land from agricultural to a mixed use for agriculture and to site a caravan marked with an "X" on the location plan for residential purposes and the use of part of the building marked with a "Y" on the location plan for residential purposes ancillary to the siting of the caravan.

**The enforcement notice was issued for the following reasons:**

It appears to the Council that the above breach of planning control has occurred within the last ten years and is therefore not immune from enforcement action.

The siting of a caravan for a residential purpose is a material change of use of the land. This material change of use does not benefit from planning permission and is therefore unauthorised.

The continued siting of a caravan for a residential purpose in this specific rural location, and in the absence of any evidence demonstrating that there is an essential functional need for the caravan, represents an unjustified and unsustainable form of residential development. This is contrary to policy RA3 of the Herefordshire Local Plan – Core Strategy.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

**The appellant has appealed against the notice on the following grounds:**

**Ground (f)** – the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.

**Ground (g)** – that the time given to comply with the notice is too short.

If you wish to make comments or check the progress of the appeal you can do so online at <https://www.gov.uk/appeal-planning-inspectorate> or email Ms Rebecca Gray at [teame2@PlanningInspectorate.gov.uk](mailto:teame2@PlanningInspectorate.gov.uk). If you do not have access to the internet, you can send your comments to: Ms Rebecca Gray - Room 3C Hawk, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN.

All documents will be published to the Council's website. Appeal documentation can be viewed on the Council's website by using the following link <https://www.herefordshire.gov.uk>.

The Council will also be producing a Statement of Case, however the deadline for submission to the Planning Inspectorate is the same as that for any comments you may wish to make. It may not therefore be possible to read the Council's Statement prior to making your comments.

**All representations must be received by 19 March 2021.** Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

Guidance on communicating with the Planning Inspectorate electronically can be found at: <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>. You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or by contacting Herefordshire Council.

When the appeal has been determined the decision will be published on the Council's website and online at <https://www.gov.uk/appeal-planning-inspectorate>.

All personal data held is processed in accordance with data protection law. For further information please see our website [https://www.herefordshire.gov.uk/info/200142/planning\\_services/62/apply\\_for\\_planning\\_permission/3](https://www.herefordshire.gov.uk/info/200142/planning_services/62/apply_for_planning_permission/3)

Yours sincerely,

**Tracy Carroll**  
**Technical Support Officer**