

Cllr Yolande Watson
Kerne Bridge
Yolande.Watson@herefordshire.gov.uk

Our Ref: 201503

Please ask for: Mr Scott Low

Direct Line/extension 01432 261814

29 June 2020

Dear Cllr Watson,

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

APPLICATION NO & SITE ADDRESS:	201503 - Land lying to the north of Little Kiln House, Little Doward, Whitchurch, HR9 6DT
DESCRIPTION:	Enforcement Appeal
APPELLANT:	Mr Paul Hughes
APPEAL REFERENCE:	APP/W1850/C/20/3252466
ENFORCEMENT NO:	EN/2020/003094/ZZ
APPEAL START DATE:	19 June 2020
WEBSITE LINK:	https://www.herefordshire.gov.uk

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.

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 enforcement notice plan for residential purposes.

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 (b)** – that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- ***Ground (d)** – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.
- ***Ground (e)** – the notice was not properly served on everyone with an interest in the land.
- ***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>. If you do not have access to the internet, you can send your comments to: Mr Ben White - Room 3B, 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 31 July 2020. 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 unless they are withdrawn by **31 July 2020**.

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/directory_record/5931/planning_applications_privacy_notice

Yours sincerely,

Mrs Wendy Schenke
Technical Support Officer