Appeals No Case No Hacer Card File 4/00372/00

Appeal Decision

	ED	DP			SS
File					
Rec'd. 03 NOV 2000					
Comments:					

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

Inquiry held on 3 - 4 October 2000

by R L Muers BA DipSocAdmin DipSocWk Solicitor

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

Date
01 NOV 2000

Appeal A, Ref: APP/A1910/C/00/1038563
land at Bovingdon Airfield, Chesham Road, Bovingdon, Hertfordshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by W G K Scaffolding (London) Limited against the decision of Dacorum Borough Council to issue an enforcement notice ('Notice B')
- The Council's reference is 4/00520-1/00/EN.
- The notice was issued on 25 January 2000.
- The breach of planning control as alleged in the notice is: 'Without planning permission the erection of: (1) a structure composed of scaffold poles and corrugated sheeting; (2) the construction of a hard surface in connection with the use of the land edged red on the attached plan for the siting of temporary buildings and the storage of scaffolding and associated equipment; (3) the provision of lighting and CCTV cameras'.
- The requirements of the notice are: '(1) Dismantle the structure composed of scaffolding poles and corrugated sheeting; (2) Permanently remove all of the materials resulting from (1) above from the site; (3) Remove the lighting and CCTV cameras from the site; (4) Remove the hard surface from the site; (5) Restore the land to a grassed surface.'
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) (c) (d) (f) and (g) of the 1990 Act.

Summary of Decision: The notice is corrected and varied. Subject to that, the notice is upheld and the appeal is dismissed.

Appeal B, Ref: APP/A1910/C/00/1038564
land at Bovingdon Airfield, Chesham Road, Bovingdon, Hertfordshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by W G K Scaffolding (London) Limited against the decision of Dacorum Borough Council to issue an enforcement notice ('Notice A').
- The Council's reference is 4/00520-1/00/EN.
- The notice was issued on 25 January 2000.
- The breach of planning control as alleged in the notice is: 'Without planning permission, use of land outlined in red on the attached plan for the siting of portable buildings and the storage of scaffold poles, scaffold boards and associated equipment; together with the provision of lighting and CCTV cameras'.
- The requirements of the notice are: (1) Cease the use of the land for the siting of portable buildings, the storage of scaffold poles, scaffold boards and associated equipment, lighting and CCTV cameras; (2) Permanently remove all portable buildings, scaffold poles and associated equipment, lighting and CCTV cameras from the land'.
- The period for compliance with the requirements is three months.

- The appeal is proceeding on the grounds set out in section 174(2) (a) (c) (d) (f) and (g) of the 1990 Act.

Summary of Decision: The notice is corrected and varied. Subject to that, the notice is upheld and the appeal is dismissed.

Appeal C, Ref: APP/A1910/C/00/1038758
land at Bovingdon Airfield, Chesham Road, Bovingdon, Hertfordshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by W J and M Mash Limited against the decision of Dacorum Borough Council to issue an enforcement notice ('Notice A').
- The Council's reference is 4/00371-2/00/EN.
- The notice was issued on 25 January 2000.
- The breach of planning control as alleged in the notice is: 'Without planning permission, use of land outlined in red on the attached plan for the siting of portable buildings and the storage of scaffold poles, scaffold boards and associated equipment; together with the provision of lighting and CCTV cameras'.
- The requirements of the notice are: (1) Cease the use of the land for the siting of portable buildings, the storage of scaffold poles, scaffold boards and associated equipment, lighting and CCTV cameras; (2) Permanently remove all portable buildings, scaffold poles and associated equipment, lighting and CCTV cameras from the land'.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (c) (d) (f) and (g) of the 1990 Act. Since the prescribed fees have not been paid within the specified period, the deemed application for planning permission does not fall to be considered.

Summary of Decision: The notice is corrected and varied. Subject to that, the notice is upheld and the appeal is dismissed.

Appeal D, Ref: APP/A1910/C/00/1038759
land at Bovingdon Airfield, Chesham Road, Bovingdon, Hertfordshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by W J and M Mash Limited against the decision of Dacorum Borough Council to issue an enforcement notice ('Notice B').
- The Council's reference is 4/00371-2/00/EN.
- The notice was issued on 25 January 2000.
- The breach of planning control as alleged in the notice is: 'Without planning permission the erection of: (1) a structure composed of scaffold poles and corrugated sheeting; (2) the construction of a hard surface in connection with the use of the land edged red on the attached plan for the siting of temporary buildings and the storage of scaffolding and associated equipment; (3) the provision of lighting and CCTV cameras'.
- The requirements of the notice are: '(1) Dismantle the structure composed of scaffolding poles and corrugated sheeting; (2) Permanently remove all of the materials resulting from (1) above from the site; (3) Remove the lighting and CCTV cameras from the site; (4) Remove the hard surface from the site; (5) Restore the land to a grassed surface.'
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (c) (d) (f) and (g) of the 1990 Act. Since the prescribed fees have not been paid within the specified period, the deemed application for

planning permission does not fall to be considered.

Summary of Decision: The notice is corrected and varied. Subject to that, the notice is upheld and the appeal is dismissed.

Procedural Matters

1. W J and M Mash Limited did not appear at the inquiry and was not represented. A letter was received from this appellant's solicitors stating that the appellant would not be represented but making it clear that the appeals of W G K Scaffolding (London) Limited were supported.

Notice A – the nature of the use

2. The site is of about 0.385 hectares and is the only site occupied by W G K Scaffolding (London) Limited. This company specialises in the hiring, erection and dismantling of scaffolding. When scaffolding is not 'out on hire' it is kept on the appeal site, together with all the associated scaffolding boards, fastenings and equipment. On the site there is also an office, rest/changing room for staff, toilets, 'scaffold cutting and bending machine', and a small area used for minor maintenance of the appellant's vehicles and equipment.

3. It is quite true that a significant proportion of the site is used for 'storage' of various items connected with the business. It does not follow that the primary use of the site falls within Class B8 of the Use Classes Order. It does not appear to me that the office, rest room, toilets, vehicle maintenance, etc. are ancillary to, or part of, a main, overall storage use or purpose. All the uses and facilities mentioned are separate, necessary components of a use of land that could be described briefly as a scaffolding contractor's yard or 'operational base'. I observe in passing that the purpose of this operation is not to store scaffolding. It is to arrange for scaffolding to be 'out on hire', providing income.

4. Bearing in mind the above, when considering the ground (c) and (d) appeals, below, I shall not treat the use of the site as a simple 'storage' use, or as falling within Class B8.

Possible Correction of Notice A

5. I invited views as to whether this notice needs any correction to make clearer the connection of the 'storage use' with a scaffolding contractor's business. The appellant considered that the notice correctly describes the use to which the appeal site is put. The Local Planning Authority did not express a strong view on the point, but felt that the description of the use was generally adequate.

6. I have taken those views into account. I shall not alter the description of the use, except in two respects. Firstly, if the siting of portable buildings is alleged, the purpose of the siting ought to be made explicit in the notice. I shall add the words 'for the purposes of a scaffolding business' after 'portable buildings', in paragraphs 3 and 5 of the notice. Secondly, I shall delete from paragraph 3 the reference to 'provision of lighting and CCTV cameras'. It is potentially confusing to include these minor items of equipment within the description of a material change of use. Their removal can, nevertheless, properly remain part of the 'steps to be taken' set out in paragraph 5.

7. The parties were always aware of the character of the use of the site. The corrections I propose to make are relatively small and can be made without causing injustice to either party.

8. The Local Planning Authority suggested that the 'lorry bodies' on the site should be added to the notice, in both paragraph 3 and paragraph 5. That would be an extension of the scope of the notice and could make it more onerous. That correction will not be made.

Notice A – ground (c); Section 173(11)

9. It was argued that there is a 'deemed' planning permission for this use of land, arising from the issue of an enforcement notice dated 18 September 1996. That notice alleged, in summary, use of land for a contractor's yard. The land affected was 'shown edged red and green'. The 'red' land included the current appeal site. However an appeal was made against the 1996 enforcement notice and the Inspector corrected the notice so that the 'red land', including the current appeal site, was excluded.

10. In connection with the present appeal, it was said that the 1996 notice did not require any steps to be taken in respect of the current appeal site. Therefore, by virtue of Section 173(11), in respect of the current appeal site, a permission came into being immediately the 1996 notice was issued. Later, the 1996 notice was suspended 'by appeals lodged in respect of other areas of land'. It was argued that this suspension of the notice could not remove the permission that had already been treated as issued under Section 173(11).

11. I do not accept the argument. First of all, Section 173(11)(b) refers to '*all* the requirements of the notice' being complied with (emphasis supplied). There is no dispute that on the date of the issue of the 1996 notice *all* the requirements had not been complied with. There were parts of the land on which they had not been complied with. It is not possible to split off pieces of an enforcement site and claim the benefit of Section 173(11), irrespective of what is occurring elsewhere on the site. In any event, where an appeal has been made against a notice, that notice is of 'no effect' pending the determination of the appeal. A permission under Section 173(11) is one, possible, effect of an enforcement notice. As an appeal had been made, before the notice came into effect, there could have been no Section 173(11) effect. When the notice did, eventually, come into effect, the current enforcement site had been excluded.

Notice A – grounds (c) and (d); material change of use

12. These two grounds of appeal are conveniently dealt with together. It is for the appellant to establish its case on these grounds of appeal on the balance of probability.

13. It was agreed that the enforcement site is the correct, current, planning unit.

14. Prior to the issue of the notices that are subject to these appeals, the Local Planning Authority had already taken, or purported to take, enforcement action in respect of the same, alleged breaches of planning control. A notice was issued on 15 October 1999, which was subsequently withdrawn and replaced by Notices A and B. The 'relevant date' for deciding whether enforcement action was taken within the statutory time limits (Section 171B) is therefore 15 October 1999, not 25 January 2000.

15. The appeal site was fenced off from the rest of the airfield in about 1977, by a company that displayed and sold leisure equipment. The Local Planning Authority took enforcement action and the company ceased to use the site. The fence remained in place, as did a concrete plinth that was the base for a portable building.

16. There is considerable dispute about the nature of the use of the appeal site between the date of the departure of the leisure equipment company and the early nineteen nineties.

17. For the appellant it was stated that between 1978 and 1985 the site was 'occupied by one or more businesses for commercial use...'. The evidence for this was very sketchy indeed. In cross-examination, the appellant's witness did give the names of two 'users'. Details of the dates of their use, its extent and precise nature were lacking. There was no supporting, contemporary, documentary evidence. The aerial photograph of 1980 shows very little sign of use for any particular purpose. I conclude that it has not been shown that in the period from 1978 to 1985 any material change of use of the appeal site occurred.

18. For the appellant it was stated that from 1985 to 1998 a firm called 'Chisholms' paid rent for the use of the appeal site, which was used by them in connection with their business. (On a recent letterhead, Chisholms described their business as: *Site Clearance, Landfill, Concrete Crushing, Recycled Topsoil and Aggregates, Plant Hire, Tipper Haulage & Grab Loading Lorries.)* The oral evidence at the inquiry, on behalf of the appellant, about the nature and extent of the use by Chisholms, before the early 1990s, was generalised and vague. There was little documentary evidence. A recent letter from someone closely associated with Chisholms supports the claim that the site was used for 'storage' of machinery from 1992 onwards, but leaves open the question of the extent to which the site was used prior to that date. Another letter, also recent, says that the firm moved its plant tyres and buckets out of the yard in 1998. It does not deal with the earlier period.

19. An aerial photograph of 1987 shows numerous items scattered over a part of the appeal site. One line of argument pursued on behalf of the appellant amounted to saying that if it is shown that there are items present on a site, they must be 'stored' there and a material change of use to a storage use must have occurred. I do not accept that the mere presence of items, mostly unidentified, *necessarily* shows that a material change of use of the planning unit to a Class B8 storage use has occurred. Objects may be present on a site for a variety of reasons and in connection with a variety of uses of the land.

20. The July 1990 aerial photograph shows far fewer items on the land. Most of the site is grassed over.

21. My attention was drawn to *Panton and Farmer v Secretary of State and Ano. [1999] JPL 461.* I accept that if a material change of use to a storage use had occurred by 1987, that use of land could continue, for planning purposes, even if there was a period of little or no use 'on the ground'. Although the evidence in favour of a material change of use to a storage use by 1987 is not substantial, I shall assume, for present purposes, and in favour of the appellant, that such a change of use did indeed take place. I make it very clear that there is no worthwhile evidence for any such change prior to the date of the 1987 photograph. However, as will be explained, that change of use never resulted in a 'lawful use' of the land.

22. In my judgement, the witness at the inquiry who was in the best position to monitor the use of the appeal site, and who provided by far the most detailed and convincing account of what took place there over the years, was the occupier of Whelpley Ash Farm. This property is on Chesham Road, immediately opposite the appeal site.

23. I note first that he recalls no 'regular activity' at the site in the 1980s and into the early 1990s. In summary, his impression was that items on the site had been dumped there.

24. What is very clear to me is that over a period, beginning in the early 1990s, a marked change took place in the character of the use of the appeal site. There is evidence that Chisholms relocated their 'office function' from the old control tower, elsewhere on the airfield, to a building ('the old generator house') adjacent to the appeal site. Subsequently, the use of the land around the old generator house, then of the appeal site itself, changed in nature. This change can be seen in the aerial photographs of 1994 and the council's photographs of 1995. It is reflected in the correspondence between the occupier of the Whelpley Ash Farm, or his agents, and the council during 1994-5, and also in the 'nuisance diary' that was kept during 1995. Among other things, this diary records the operation or movement of heavy plant and lorries in connection with Chisholm's use of the appeal site. Taken together, these contemporary records demonstrate convincingly that the appeal site was, by some date in 1994-95, being used as a contractor's yard.

25. Although 'storage' no doubt took place, it is quite apparent that this new use was not, as a whole, a storage use. By 1994-95 there had been a material change of use, from any 'storage' use there might have been, to the new use as a contractor's yard. The storage use could not, by that date, have become a 'lawful' use of land.

26. I observe here, although it is not critical to the analysis, that it may well be that for a time the appeal site was incorporated in a different planning unit, as a consequence of Chisholms using the appeal site in conjunction with the old generator house. If that is so, it only emphasises the extent to which there was a distinct departure in the planning history in the first years of the 1990s.

27. Under threat of enforcement action from the council, Chisholms moved the 'yard' away from the appeal site at the end of 1995 or the beginning of 1996. That is confirmed by contemporary site inspection notes made by council officers and the evidence of the nearby occupier.

28. I accept that Chisholms may well have left some items of equipment behind. That does not mean that the yard use 'continued' in planning terms, since it is apparent that a definite decision was taken to transfer the yard function elsewhere. Even supposing that function did 'continue' on the *Panton and Farmer* principle and even if, which I do not necessarily accept, the scaffolding business is not materially different, the original change of use to a 'yard' took place well within the 10-year period. In point of fact, the appellant was at pains to argue that the continued use of the appeal site by Chisholms, after 1996, was 'storage'. For reasons already explained the current use is not a primary 'storage' use and is materially different from a storage use.

29. To summarise, there is no lawful use of the appeal site either for storage or for the current use.

30. At one stage a council officer thought there might be a lawful use of the site. That never became a firm conclusion of the Local Planning Authority. It does not affect my own conclusions. Planning permission was required for the present use of the appeal site, that was not obtained. The appeals on grounds (c) and (d) in respect of Notice A must fail.

Notice B – appeal on ground (c) – 'The racking'

31. What was termed by the appellant the 'racking' is an object 54.7 metres long, 17.1 metres wide, 4.5 metres high at the front and 2.43 metres high at the rear. It is made of scaffolding

and corrugated sheeting and rests on the ground on scaffold boards. It was assembled over a lengthy period of time during the first months of 1999.

32. In considering whether the assembly of this object was 'development' I have had regard to the various cases cited by the parties, including *Parkes v Secretary of State and Ano. [1978] 1 WLR 1308; James v Brecon County Council (1963) P & CR, 20; Cheshire County Council v Woodford [1962] 2QB 126; R v Swansea City Council, ex p. Elitestone 66 P & CR 422; Skerritts of Nottingham Limited v Secretary of State and Ano (No 2)[2000] 2 PLR 102.*

33. Size, permanence and physical attachment are all relevant. As can be seen from the dimensions quoted above, this is certainly a very large object. By the date of issue of the enforcement notice, it had not been substantially completed for a whole year. That said, it is still on the site and I would expect that, if the business were to continue on the appeal site, the object would remain indefinitely. It was assembled, on site, from scaffolding. If it were to be moved off the site it would have to be largely dismantled. In all the circumstances I consider that the object has a considerable degree of permanence.

34. On the other hand it does not have foundations. For the appellant, some emphasis was placed on this point. It was said that for 'operational development' to have occurred there must have been a change in the 'physical character' of the land. I consider that the lack of foundations has to be taken into account, but it is not decisive. To my mind, this object is so large and 'permanent' that, in reality, and as a matter of fact and degree, the physical character of the land has been changed.

35. I do not think the comparison with scaffolding erected around buildings, undergoing repair, is useful. That scaffolding is, generally, not freestanding. It is more in the nature of an attachment, usually temporary, to the existing building.

36. It is true that this object was not erected by a builder, but it was erected by skilled scaffolders. Taking all the circumstances into account, I conclude that the object is a 'building'. Its construction was development within the meaning of the Act for which planning permission was required. In the case of this structure the appeal on ground (c) fails.

37. I do not consider that the 'provision' of the cameras and lights that I saw, taken in isolation, amounts to 'development'. They should not be separately specified in Notice B. To that very limited extent the appeal on ground (c) succeeds. (As already mentioned, that does not mean that these items have to be excluded from the requirements in Notice A.)

Notice B – appeal on ground (d) – the hard surface

38. There was evidence that there was some 'hard surface' or 'hoggin' on part of the site more than 4 years prior to issue of the notice. However, the appellant carried out works on the site consisting of scraping away some of the surface, laying a geo-textile membrane and then resurfacing the majority of the site with tarmac 'scalpings'. This was a separate act of operational development that required planning permission and which took place within 4 years of the relevant date. The appeal on ground (d) fails. The requirements of the notice can be varied to make clear that any of the 'old' hard surface that remains need not be removed.

Notices A and B – appeals on ground (a) and the Deemed Applications

39. It will be convenient to deal with these appeals together as far as possible. The parties agreed that the developments are 'inappropriate' in terms of Green Belt policy. Therefore in my opinion the main issue is whether there are very special circumstances that would justify an exception to policy.

40. As this is 'inappropriate' development it is, by definition, harmful to the Green Belt. In this case, the harm is significant. The development is an encroachment into the countryside in a locality where, on the evidence and from what I saw on my site inspection, the Green Belt is in any event under some pressure. The site is adjacent to the Chesham Road and can be seen from that road. Furthermore, both the use of the land and the operational development are out of place in a rural area. The scaffolding structure is particularly obtrusive and unattractive in appearance. None of the suggested conditions could deal adequately with these difficulties.

41. The Bovingdon Airfield Policy Statement is a part of the current development plan. Among other matters it states that, whenever expedient, enforcement and other appropriate action will be taken to attempt to remove all current unauthorised uses. There is nothing in the deposit draft of the new Local Plan to indicate any intention to weaken Green Belt policies in this area.

42. Given this background, 'special circumstances' would, in my judgement, need to be thoroughly convincing if a planning permission were to be justified.

43. As discussed above, there is no 'fallback' position to be taken into account. There have indeed been unauthorised uses in the past. That is not a sound basis for now granting permission for the current, unauthorised use. I attach very little weight to the argument that this use assists the 'fifth purpose' of including land in the Green Belt; (PPG2 1.5 refers). It was not intended that urban regeneration should be promoted by moving 'urban uses' into the Green Belt.

44. The appellant is a well-established local company that, no doubt, provides a valued service to its customers. It employs about 20 people, and the current site is convenient for many of them. The firm had to leave its previous site in Watford due to a redevelopment scheme. I accept that the firm did attempt to find an alternative, authorised site and I also accept that it is difficult to find suitable locations for a scaffolding business. In considering this aspect of the case I have taken account of PPG4 and PPG18. From the evidence I heard, relocation of this business to an acceptable site is likely to be hard. I do not agree that the evidence shows that it will be impossible, especially if there is a widened 'area of search'. Whilst one must sympathise with the firm, it appears that the appellant did not check thoroughly the planning position, or take professional advice, before moving onto the appeal site.

45. The fact that the local authority is not aware of an alternative site and that the development plan does not, specifically, provide for this kind of use must be taken into account. That said, my assessment is that none of the factors that were mentioned, taken either individually or collectively, would justify a permanent planning permission when weighed against the adverse effects of a very obvious breach of Green Belt policy.

46. I note that there were indications that the Local Planning Authority might not have taken into account, explicitly, all the 'special circumstances' when deciding whether it was

expedient to issue the notices. If that was so, that might be unfortunate, but it does not affect the merits of the present situation. As indicated, I consider that there are ample grounds to find that the developments are unacceptable, even if full weight is given to the difficulty in finding alternative sites, the employment implications and the planning history. The appeals on ground (a) both fail.

Notices A and B – Appeals on ground (f)

47. *Notice A* This ground of appeal is considered in the light of the proposed corrections to the notice. There is no 'lawful use' to be protected. The lighting and CCTV cameras are 'part and parcel' of the unauthorised use, and can be included in step (2) of the requirements. These requirements are no more than what is necessary to remedy the breach.

48. *Notice B* There was evidence that there was some 'hard surface' on part of the site prior to the works carried out by the appellant. That 'original' hard surface need not be removed, as it had been in place for 4 years before the relevant date. The same point applies to the concrete plinth. The lighting and CCTV cameras are dealt with by Notice A and can be omitted. It is unclear whether and to what extent some or all of the site was previously 'grassed'. I shall delete that requirement.

49. Subject to variations to take account of the points mentioned, the appeals on ground (f) fail.

Notices A and B – ground (g)

50. In order to allow extra time for the firm to search for new premises, the time for compliance should be extended. Two years would be excessive, bearing in mind the harm that is being caused by the development. The periods for compliance will be extended to 1 year.

51. I have considered all the other matters raised at the inquiry and in writing but they are not sufficient to outweigh the reasons that have led to my decisions.

Formal Decisions

Notice A – (appeals B and C)

52. In exercise of the powers transferred to me, I direct that the enforcement notice be corrected in paragraph 3 as follows:

(i) by adding, after the words 'portable buildings', the words 'for the purposes of a scaffolding business';

(ii) by deleting the words 'together with the provision of lighting and CCTV cameras'.

I also direct that the notice be varied in paragraph 5 as follows:

(i) by adding, after the words 'portable buildings' in sub-paragraph (1) the words 'for the purposes of a scaffolding business';

(ii) by deleting the words 'lighting and CCTV cameras' in sub-paragraph (1). *[Note: those words remain in paragraph 5(2)]*

I further direct that the notice be varied in paragraph 6 by deleting the words '3 months' and substituting the words '1 year'.

53. Subject to these corrections and variations I dismiss the appeals uphold the notice and refuse planning permission on the application deemed to have been made under section 177(5) of the Act as amended.

Notice B – (Appeals A and D)

54. In exercise of the powers transferred to me, I direct that the enforcement notice be corrected in paragraph 3 by deleting the words: '(3) the provision of lighting and CCTV cameras'.

I also direct the notice be varied in paragraph 5 as follows:

(i) by deleting step (3) *('Remove the lighting...')* and step (5) *('Restore the land...');*

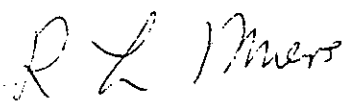
(ii) by renumbering step (4) as step (3) and rewording it as follows: 'Remove the hard surface from the land (not including (a) the concrete plinth on the south-west side of the land and (b) any material, beneath the geo-textile membrane, that has been on the land for 4 years prior to 15 October 1999).

I further direct that the notice be varied in paragraph 6 by deleting the words 'three months' and substituting the words '1 year'.

55. Subject to these corrections and variations I dismiss the appeal, uphold the notice and refuse planning permission on the application deemed to have been made under section 177(5) of the Act as amended.

Information

56. Particulars of the right of appeal against these decisions to the High Court are enclosed for those concerned.



INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Robert Fookes, of Counsel	instructed by Matthew Arnold & Baldwin, Solicitors, of Watford, Hertfordshire
He called	
Mr D Bromley FRICS	Partner with Faulkners, 49 High Street, Kings Langley
Mr D Mash	Director of W J and M Mash Limited, owners of the appeal site
Mr R G Garrett	Director of W G K Scaffolding (London) Limited

FOR THE LOCAL PLANNING AUTHORITY:

Miss Alice Robinson, of Counsel	instructed by the Solicitor to Dacorum Borough Council
She called	
Mrs A Davies MRTPI	Head of Planning Enforcement, Dacorum BC

INTERESTED PERSON:

Mr K Pilling	Whelpley Ash Farm, Whelpley Hill, Chesham

DOCUMENTS

Document	1	List of persons present at the Inquiry.
Document	2	Letter from solicitors to W J and M Mash Limited
Document	3	Appendices to Mr Bromley's proof
Document	4	Appendices to Mrs Davies' proof
Document	5	Appendices to Mr Pilling's proof
App	1	Letter from Matthew Arnold & Baldwin dated 2 October 2000
Lpa	1	Letter of 10 July 1995 from Mr Mash
Lpa	2	Letter of 12 October 1995 to Mr Mash
Lpa	3-4	Site visit notes, 13 October 1995
Lpa	5	Letter of 20 July 1995 to Mr Mash
Lpa	6-7	Photographs taken at site visit of 13 October 1995
Lpa	8	Unemployment statistics, Hertfordshire
Lpa	9	Extracts from council's scheme of delegation and from Local Government Act 1972
Document	6	Bundle of decided cases submitted by the parties: *Parkes v Secretary of State and Ano. [1978] 1 WLR 1308; James v Brecon County Council (1963) P & CR, 20; Panton and Farmer v Secretary of State and Vale of White Horse District Council [1999] JPL 461; Cheshire County Council v Woodford [1962] 2QB 126; R v Swansea City Council, ex p. Elitestone 66 P & CR 422; Hartley v Minister of Housing and Local Government and Ano. [1970] 1QB 413; Skerritts of Nottingham Limited v Secretary of State and Ano (No 2)[2000] 2 PLR 102; Hughes v Secretary of State and Ano. [2000] JPL 826.*

PLANS

Plan	A	Copy of the Plan attached to the enforcement notices