

CYNGOR GWLEDIG LLANELLI
Adeiladau Vauxhall, Vauxhall, Llanelli, SA15 3BD
Ffôn: 01554 774103

PWYLLGOR CYSWLLT A CHYNLLUNIO

A gynhelir yn Siambr y Cyngor Ddydd Llun, 7 Awst, 2017 am 4.45 y.h.



CLERC y CYNGOR

1 Awst, 2017

AGENDA

1. Derbyn ymddiheuriadau am absenoldeb.
2. Derbyn Datganiad o Fuddiannau gan Aelodau mewn perthynas â'r busnes i'w drafod.
3. Ceisiadau Cynllunio - cytuno i ymateb y Cyngor mewn perthynas â'r ceisiadau cynllunio canlynol a dderbyniwyd gan Gyngor Sir Gâr:-
 - (1) S/35819 Plot wag ar Heol Y Mynydd, Bryn, Llanelli
 - (2) S/35820 Tir yn y ger 47 & 47A Terrace Bassett, Pwll, Llanelli
 - (3) S/35821 Llanelli Electricity Welfare Club, Heol Iscoed, Llanelli
 - (4) S/35822 33 Dyffryn y Swistir, Llanelli
 - (5) S/35841 Yscubor yn Fferm Ty Du, Felinfoel, Llanelli
 - (6) S/35842 14 Heol Penygraig, Llwynhendy, Llanelli
 - (7) S/35843 Gorwel, Felinfoel, Llanelli
 - (8) S/35877 Capel Nazareth, Parc Gitto, Llanelli
 - (9) S/35895 Garnwen, Pum Heol, Llanelli
 - (10) S/35896 Cynheidre Isaf, Pum Heol, Llanelli
4. Yr Arolygiaeth Gynllunio – Penderfyniad ar yr Apêl – Tir yng Cilwnog Fawr, Felinfoel, Llanelli, SA14 8LZ – yn dilyn Cofnod Rhif 501 (19 Ebrill, 2017), nodi er gwybodaeth gohebiaeth oddi wrth Yr Arolygiaeth Gynllunio o benderfyniad apêl. Mae'r apêl wedi'i ganiatáu yn rhannol.

Aelodau'r Pwyllgor:

Cyng: S. M. Caiach (Cadeirydd y Pwyllgor), A. J. Rogers (Is-Gadeirydd y Pwyllgor), H. J. Evans, (Cadeirydd y Cyngor), T. Devichand (Arweinydd y Cyngor), M. V. Davies, S. L. Davies, T. M. Donoghue, T. J. Jones, R. L. Najmi, J. S. Randall a E. Simmons.

LLANELLI RURAL COUNCIL
Vauxhall Buildings, Vauxhall, Llanelli, SA15 3BD
Tel: 01554 774103

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**PLANNING AND LIAISON COMMITTEE**

**To be held at the Council Chamber on Monday, 7 August, 2017 at 4.45 p.m.**

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CLERK to the COUNCIL

1 August, 2017

AGENDA

1. To receive apologies for absence.
2. To receive Members' Declarations of Interest in respect of the business to be transacted.
3. Planning Applications – to agree the Council's response in respect of the following planning applications received from Carmarthenshire County Council:-
 - (1) S/35819 Vacant plot at Heol Y Mynydd, Bryn, Llanelli
 - (2) S/35820 Land at and adjacent to 47 & 47A Bassett Terrace, Pwll, Llanelli
 - (3) S/35821 Llanelli Electricity Welfare Club, Iscoed Road, Llanelli
 - (4) S/35822 33 Swiss Valley, Llanelli
 - (5) S/35841 Barn at Ty Du Farm, Felinfoel, Llanelli
 - (6) S/35842 14 Penygraig Road, Llwynhendy, Llanelli
 - (7) S/35843 Gorwel, Felinfoel, Llanelli
 - (8) S/35877 Nazareth Chapel, Parc Gitto, Llanelli
 - (9) S/35895 Garnwen, Five Roads, Llanelli
 - (10) S/35896 Cynheidre Isaf, Five Roads, Llanelli
4. The Planning Inspectorate – Appeal Decision – Land at Cilwnwg Fawr, Felinfoel, Llanelli, SA14 8LZ – further to Minute No. 501 (19 April, 2017) to note for information correspondence from The Planning Inspectorate informing of an appeal decision. The appeal has been allowed in part.

Members of the Committee:

Cllrs. S. M. Caiach, (Chairman of Committee), A. J. Rogers (Vice-Chairman of Committee), H. J. Evans, (Chairman of Council), T. Devichand (Leader of Council), M. V. Davies, S. L. Davies, T. M. Donoghue, T. J. Jones, R. L. Najmi, J. S. Randall and E. Simmons.

Application No./ Development	Applicant/Location	Recommendation
S/35819 Dwellings	Mr. D Hunter Vacant plot at Heol Y Mynydd Bryn Llanelli (Bynea Ward)	OBJECTION on the following grounds: The planning application states that surface water will be disposed via the main sewer. This is not permitted for new development proposals as it is a planning policy requirement to separate the surface water from the foul water with only foul water entering the sewer system. The applicant should consider resubmitting the application incorporating a sustainable urban drainage system into the plans.

Consent is required for a proposed development of one pair of semi-detached dwelling houses including parking and turning area.

S/35820 Variation to Condition	Mr. C. O'Brien Land at and adjacent to 47 and 47A Bassett Terrace Pwll Llanelli (Hengoed Ward)	NO OBJECTION
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Consent is required for variation of Condition 2 on S/34976 to allow for alterations to ground floor facades with enlarged window displays, relocated entrance doorways, and installation of external seating decking to side and part rear elevations.

S/35821 Additional Features	Llanelli Electricity Welfare Club Iscoed Road Llanelli (Hengoed Ward)	NO OBJECTION
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Consent is required to install a newspaper drop-box to the front of the unit (west elevation), two new extract grilles (for WC 200 x 200mm and bakery 600 x 600mm) to the rear (east elevation) of the building and permission to install four supply and extract grilles (450 x 450mm) on the north elevation.

Application No./ Development	Applicant/Location	Recommendation
S/35822 Extensions	Mr. S. Suntharamoorthy 33 Swiss Valley Llanelli (Swiss Valley Ward)	<p>NO OBJECTION provided:</p> <ol style="list-style-type: none"> 1. The drainage generated from the additional development did not increase the hydraulic load on the public sewer. 2. The general scale and massing of the proposed extensions when added to the original dwelling did not result in a disproportionate increase in the size of the original dwelling and that it did not over develop the property. 3. The development being compatible with the original dwelling in terms of scale and design and that it did not represent an incongruous form of development that would be unacceptably harmful to the character and appearance of the dwelling and surrounding residential area. 4. There is no detrimental impact on the amenity and privacy of neighbouring dwellings.
<p>Consent is required for a proposed two storey rear and side extensions, front porch extension, new front vehicular turning area and provision of new roof with increased pitch (resubmission of S/34978 withdrawn 13.03.17).</p>		
S/35841 Change of Use	Mrs. T. Jones Barn at Ty Du Farm Felinfoel Llanelli (Hengoed Ward)	<p>NO OBJECTION provided:</p> <ol style="list-style-type: none"> 1. The recommendations contained in the accompanying 'Bat report' are complied with in full. 2. The building being deemed suitable for adaptation. 3. The drainage generated from the additional development does not increase the hydraulic load on the public sewer.
<p>Consent is required for change of use of barn to holiday let (resubmission of S/34087).</p>		

Application No./ Development	Applicant/Location	Recommendation
S/35842 Extension & Garage	Mr. J. Jenkins 14 Penygraig Road Llwynhendy Llanelli (Bynea Ward)	NO OBJECTION provided: 1. The drainage generated from the development does not increase the hydraulic load on the public sewer. 2. There is no detrimental impact on the amenity and privacy of neighbouring dwellings associated with the construction of the rear balcony.

Consent is required for a proposed single storey rear extension, first floor rear balcony and detached garage.

S/35843 Extensions	Mr. & Mrs A. & L. Matuschke Gorwel Felinfoel Llanelli (Swiss Valley Ward)	NO OBJECTION provided: 1. The drainage generated from the development does not increase the hydraulic load on the public sewer. 2. The proposals not having a detrimental impact on the original character of the dwelling. 3. The proposals are not considered to be an incongruous form of development in comparison to the surrounding street scene.
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Consent is required for a proposed first floor roof extension with new dormer windows, two storey rear extension and single storey side extension.

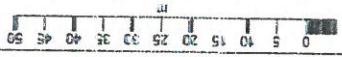
S/35877 Change of use	Ms A Jones Nazareth Chapel Parc Gitto Llanelli (Bynea Ward)	NO OBJECTION provided the drainage generated from the development does not increase the hydraulic load on the public sewer.
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Consent is required for change of use from vestry place of worship to a residential dwelling.

Application No./ Development	Applicant/Location	Recommendation
S/35895 Garage	Miss N. Gibbon Garnwen Five Roads Llanelli (Glyn Ward)	NO OBJECTION
Consent was required for a replacement detached garage.		
S/35896 Renovation	Mr. T. Klar Cynheidre Isaf Five Roads Llanelli (Glyn Ward)	NO OBJECTION provided the drainage generated from the development does not increase the hydraulic load on the public sewer.
Consent was required for a change of use and renovation of an existing outbuilding to a holiday let.		

Plot at heol Y Mynydd

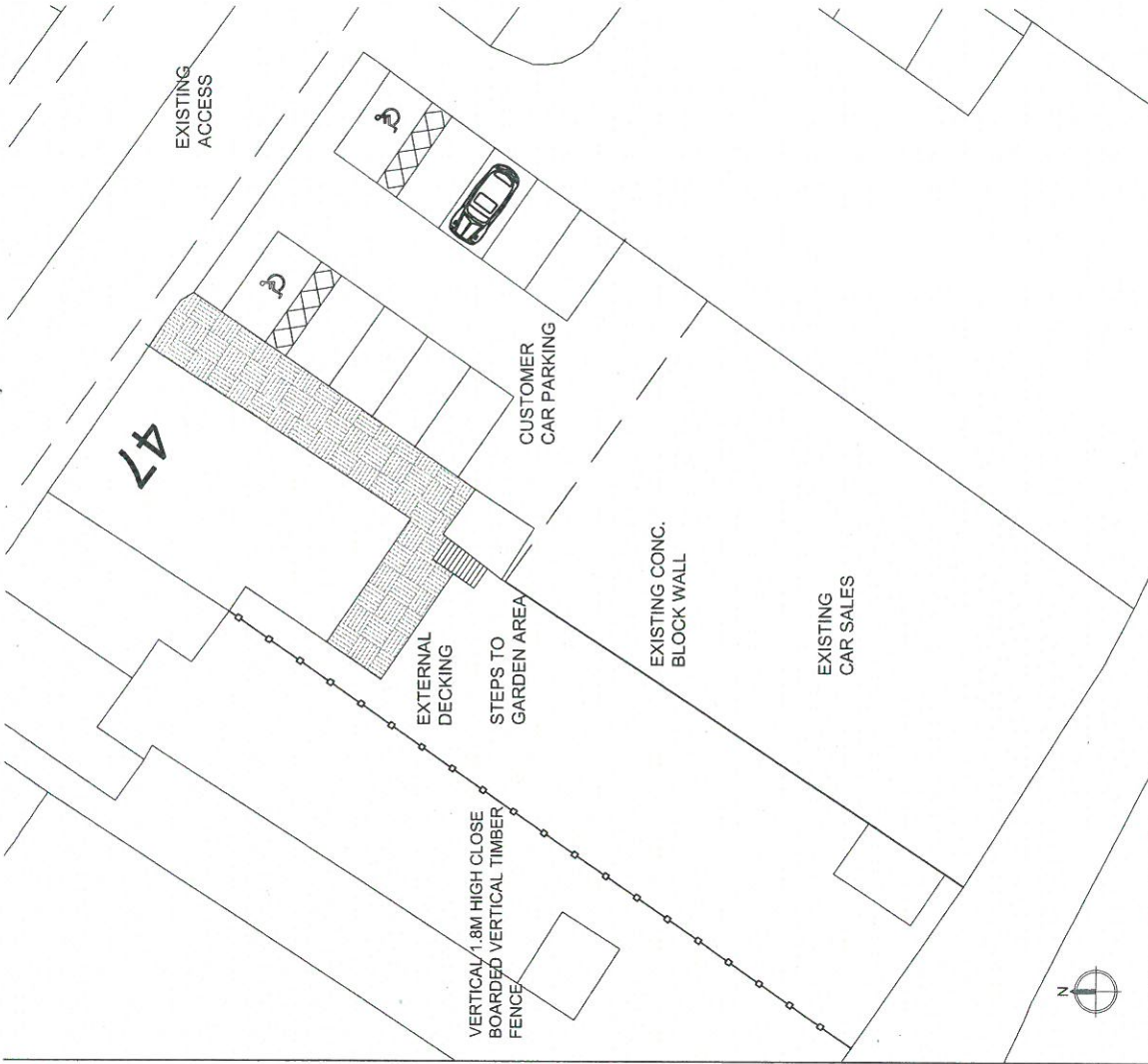
Mr David Hunter
 Plot at Heol Y Mynydd
 Bryn
 Llanelli
 Carmar
 SA14 9UB



OS MasterMap 1250/2500/10000
 scale
 17 January 2017, ID:
 BM1-00591529
 maps.blackwell.co.uk
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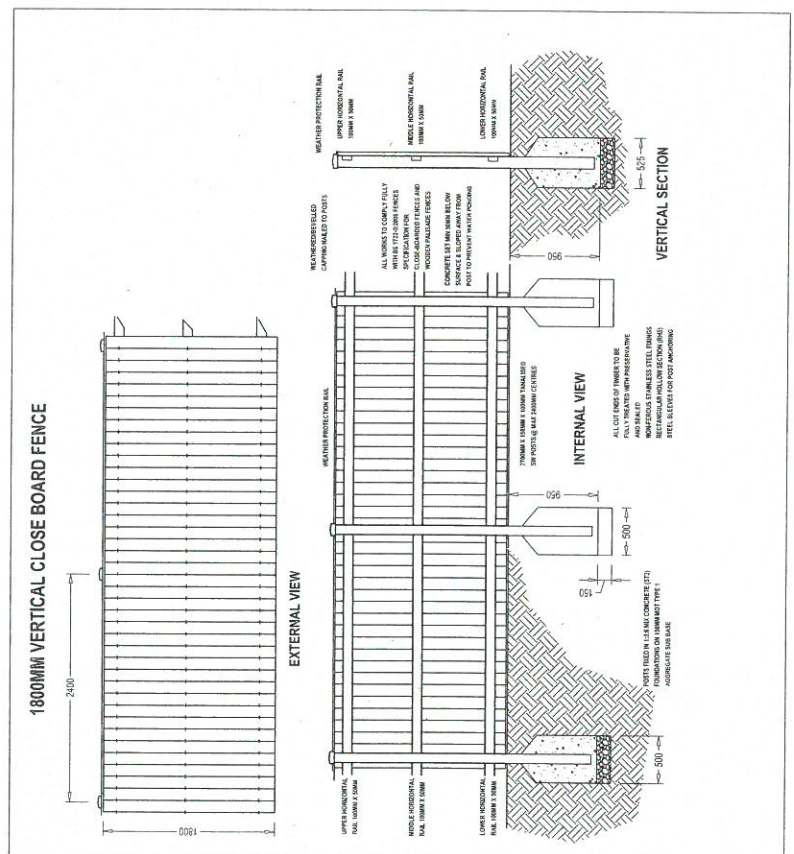
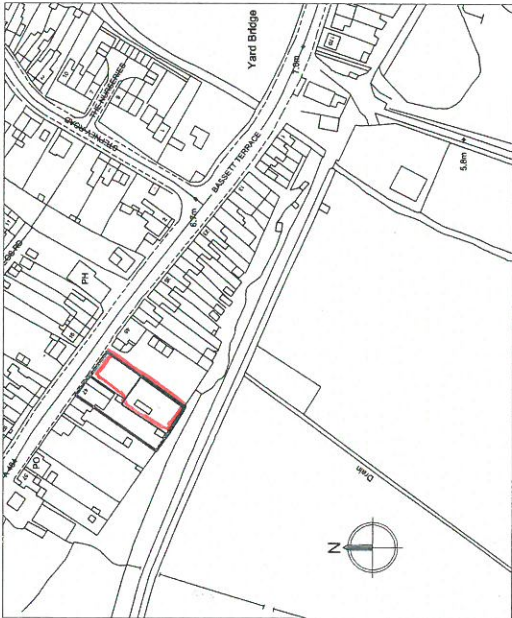
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PROPOSED CHANGE OF USE OF FORMER GROUND FLOOR SHOP TO AN EXTENSION OF ADJOINING HOT-FOOD TAKE-AWAY TO FORM RESTAURANT
 47 BASSETT TERRACE, PWLL, LLANELLI, SA15 4DU
 SCALE 1 : 500 250 @ A3 DRAWING NO. 54/RB/GEN/PL0029R



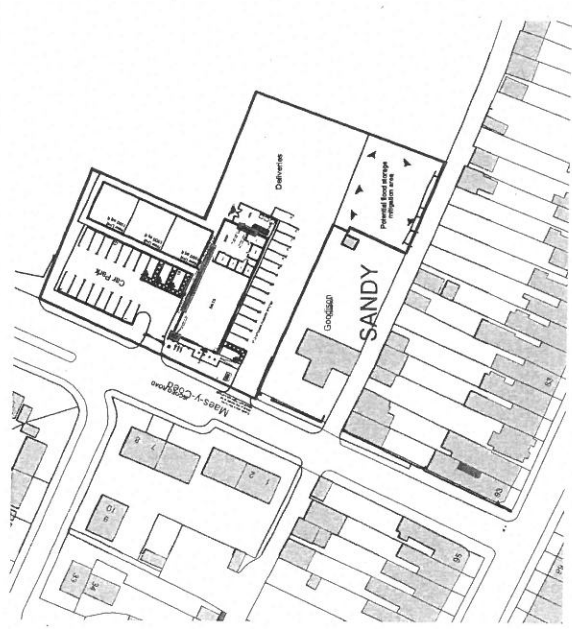
CHARTERED TOWN PLANNING AND DEVELOPMENT CONSULTANCY
 UNIT 2, CROSS HANDS BUSINESS WORKSHOPS, HEOL PARC MAWR,
 CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
 TEL : 01554 527111



Rev	Description	Date

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inspire design
 19 Ty Neth Court, Marazion Quay, F15 8W, Truro TR2 2JX
 01872 320000
 SANDY ROAD, LANELL, SA51 4BR



ITEM No. 3 (3)



inspire design

19 Ty Neth Court, Marazion Quay, F15 8W, Truro TR2 2JX
 01872 320000
 SANDY ROAD, LANELL, SA51 4BR

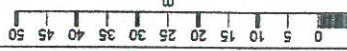
SITE LOCATION PLAN



Scale	1:1250 @ A3
Date	16/07/17
Project No.	162916
Client	AP
Sheet No.	20

33 Swiss Valley, Llanelli

33 Swiss Valley
Llanelli
Carmarthenshire
SA14 8BS



OS MasterMap 1250/2500/10000 scale
12 December 2016, ID: BW1-00584114
maps.blackwell.co.uk
1:1250 scale print at A4, Centre: 252094 E, 203134 N
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Ty-Du farm



Site location plan

1 1:1250

	No.	Description	Date
PROJECT Ty Du farm, Feinfoot, Llanelli		CLIENT Ty Du farm, Feinfoot, Llanelli	PROJECT NUMBER 13/06/046
CODE TDF006		STATUS Planning	SCALE (S.A.) 1:1250
SURVEY DESCRIPTION Planning		ALIENY Llanelli Co.	CREATOR NUMBER TDF006
			SHEET D

Jasmine Jenkins
14 Penygraig Road
Llwynhendy
Llanelli
SA14 9PA



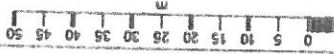
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scale
23 June 2017. ID: BW1-00634182
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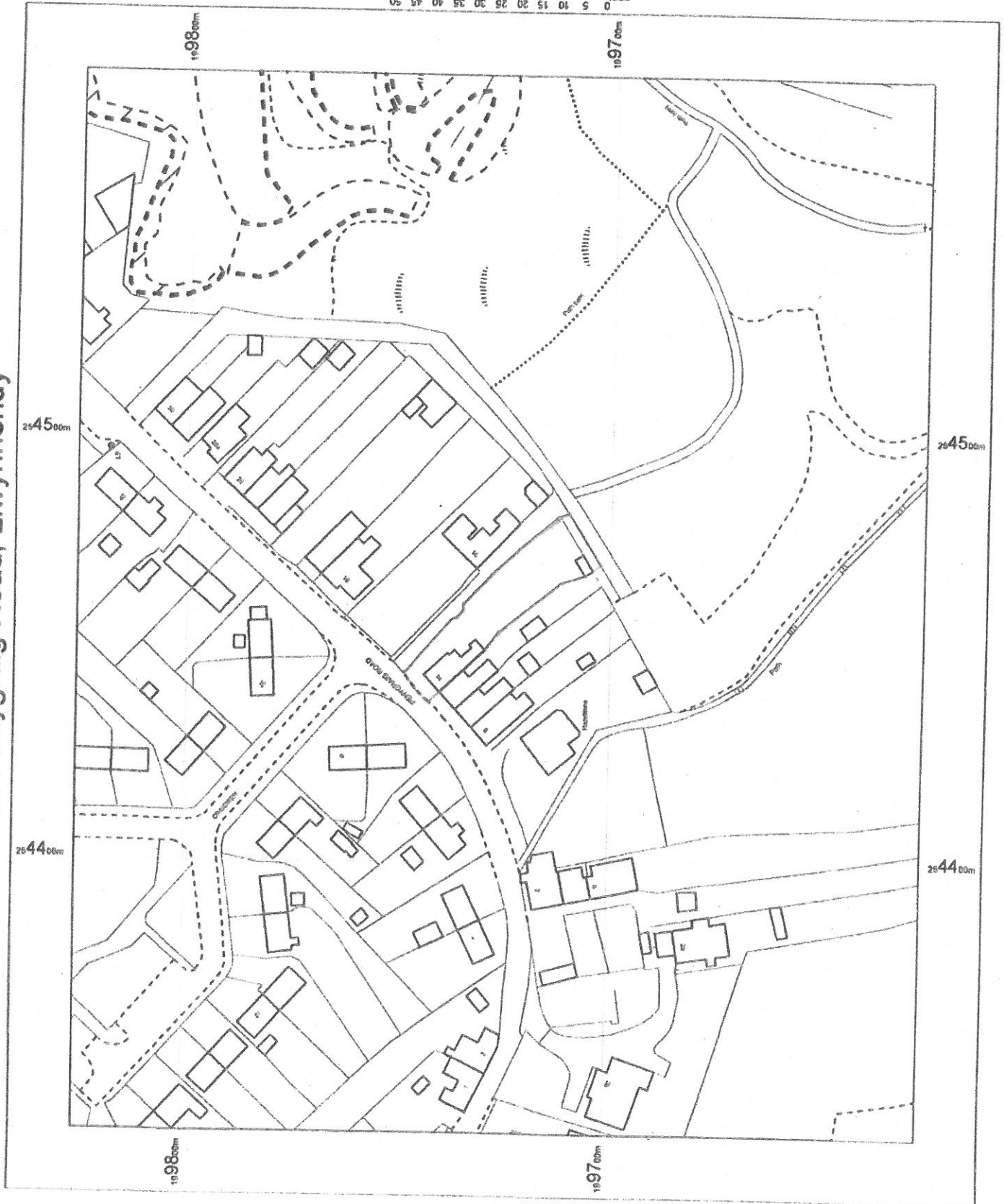
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14 PENYGRAIG ROAD, LLWYNHENDY

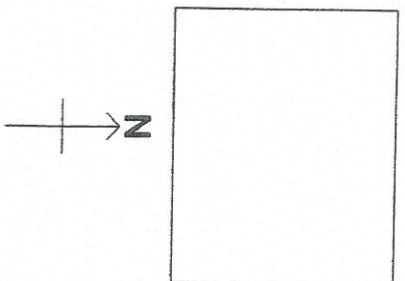




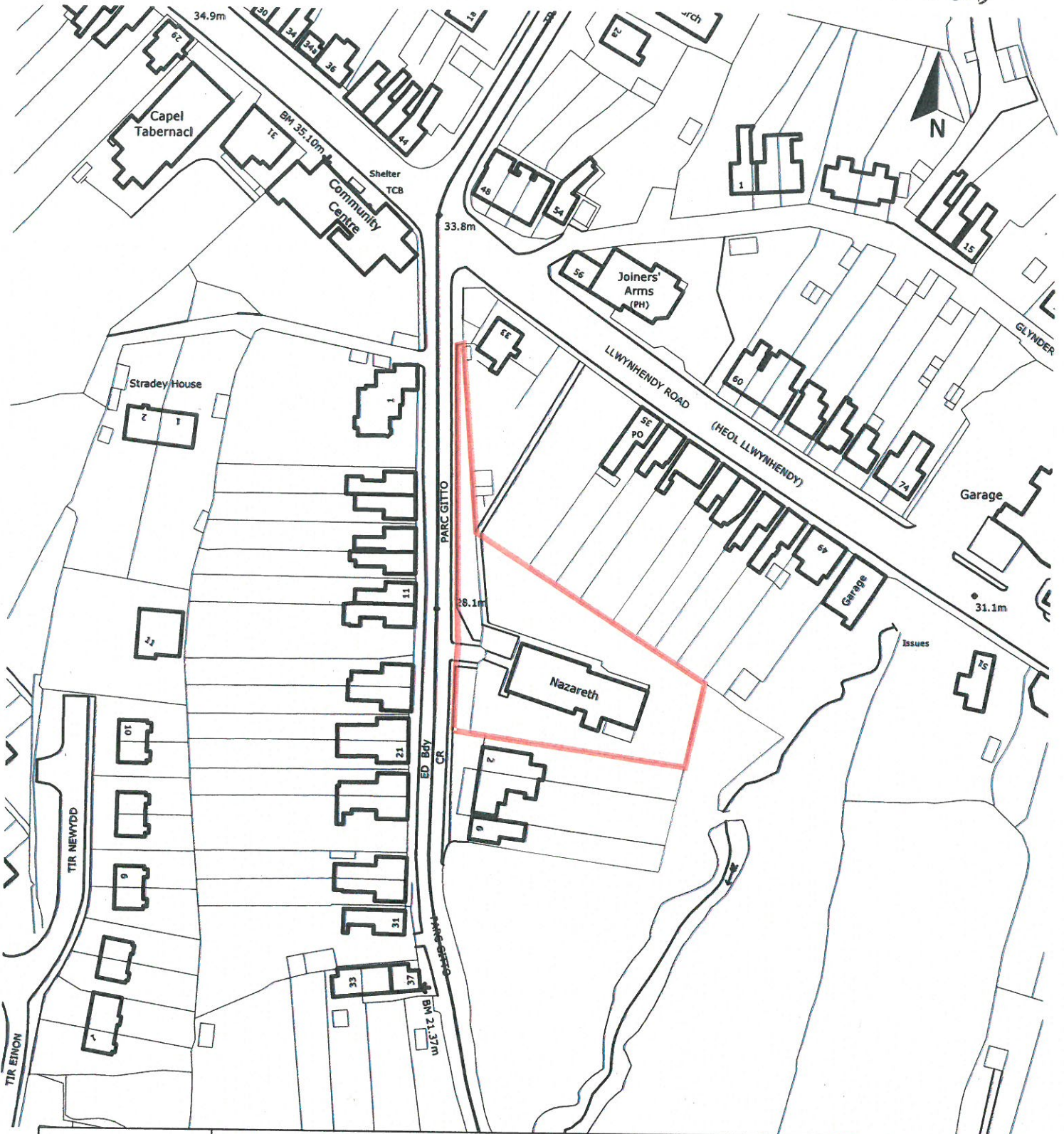
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 Tuesday, July 4, 2017, ID: BW1-00637129
 maps.blackwell.co.uk




1:1250 scale print at A4, Centre: 253223 E,
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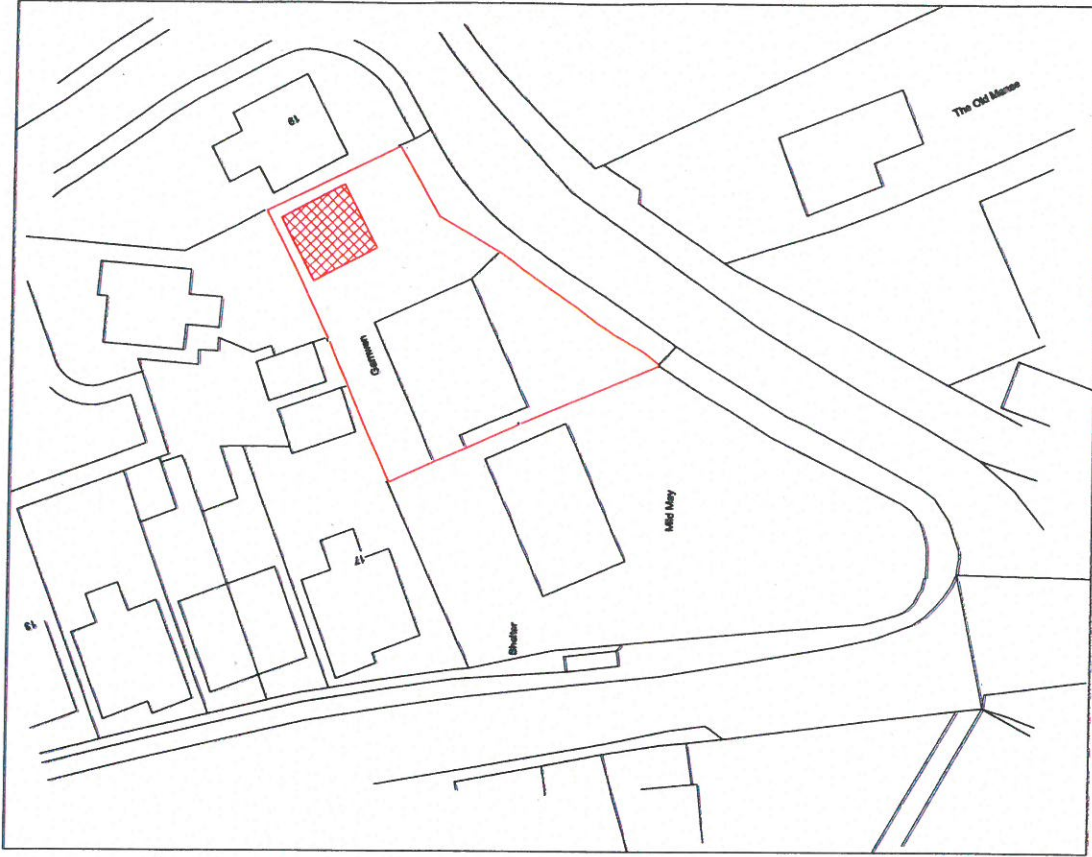


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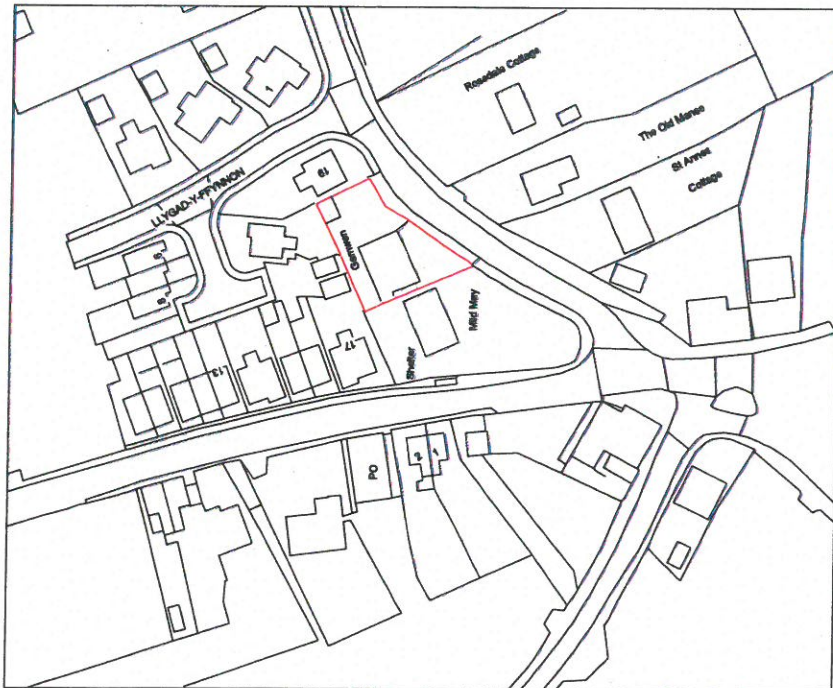


Notes 	REVISIONS Rev Comment By Date	Client: Andrea Jones			
		Project Title: Renovation			
		Project Address 1: Nazareth Chapel, Parc Gitto, Llwynhendy			A4
		Project Address 2: Carmarthenshire, SA14 9LA			Checked by DLD
		Drawing Title: Location Plan			Approved by DLD
		Date: 19.05.2017	Scale: 1:1250	Drawn By: AV	Ref: RC147
				Drawing No: 001	Rev: =
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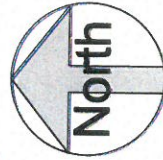
ITEM No. 3(9)




2 Block plan
1 : 500



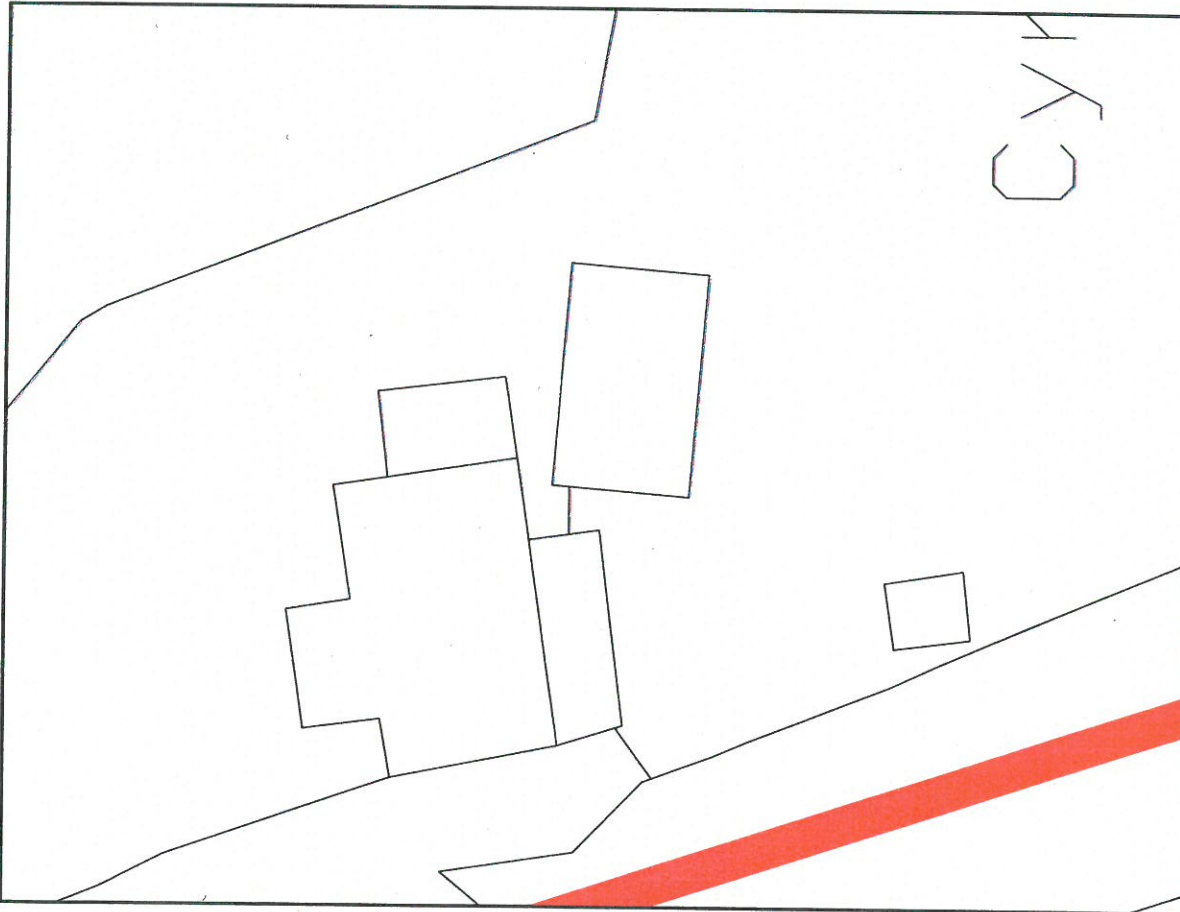
1 Site location plan
1 : 1250



OS0100031673

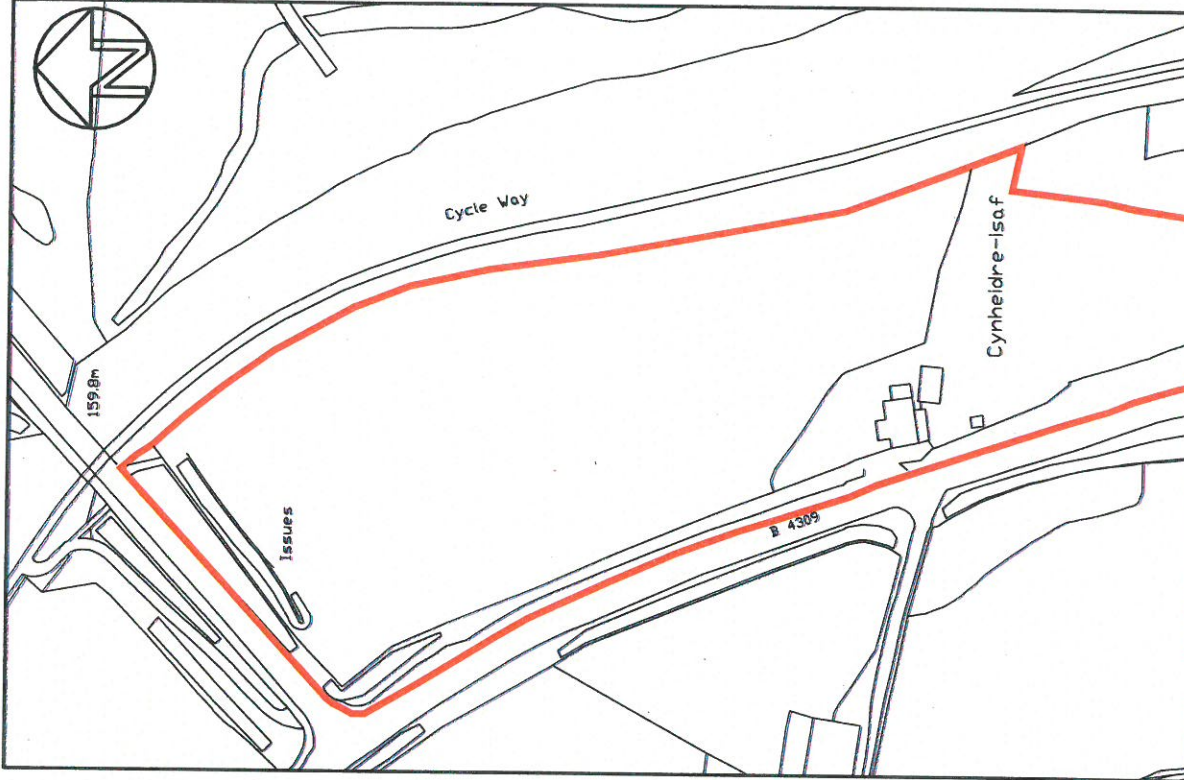
<p>9 Pine Tree close Burry port Carmarthenshire SA16 0TF TEL: 01554833725 07837594671</p>				<p>Proposed campervan storage Garage.</p>		<p>PROJECT Garwren, Horeb road, Five roads, LLanelli, SA15 5YY</p>		<p>CLIENT</p>	
CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE	Date	Project number	Project Number	Scale (6 A3)	Author	Checked by
			Planning	04/07/2017			As Indicated		
				DRAWING NUMBER		REV		B	
				GH003					
				Site location and block plan					

PROPOSED SITE PLANS



Site Block Plan 1:200

CYNHEIDRE ISAF, FIVE ROADS



Site Location Plan 1:1250

Notes
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Reference	Description	Date

PLANNING

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 info@prime-arch.co.uk
 www.primeweb.co.uk

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Client:
Mr & Mrs Klar

Project Title:
Change Of Use & Renovation Of An Outbuilding Into A Holiday Let

Drawing Title:
Proposed Block Plan & Site Location Plan

Scale:	Issue:
1:2500 & 1:1250 @ A3	July 2017
Job No:	Drawing No:
618	04

LLANELLI RURAL COMMUNITY COUNCIL	
DATE	18 JUL 2017
FILE REF.	
PASSED TO	<i>PBL</i>

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/05/17

gan Alwyn B Nixon BSc MRTPI**Arolygydd a benodir gan Weinidogion Cymru****Dyddiad: 13.07.2017****Appeal Decision**

Site visit made on 17/05/17

by Alwyn B Nixon BSc MRTPI**an Inspector appointed by the Welsh Ministers****Date: 13.07.2017****Appeal Ref: APP/M6825/C/17/3172112****Site address: Land at Cilwnwg Fawr, Felinfoel, Llanelli, Carmarthenshire, SA14 8LZ**

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Ms C L Hughes against an enforcement notice issued by Carmarthenshire County Council.
- The enforcement notice, numbered S/ENF/07899, was issued on 28 February 2017.
- The breach of planning control as alleged in the notice is unauthorised engineering works and creation of track.
- The requirements of the notice are (i) permanently remove all imported materials used to create the track; (ii) after removal of imported materials, soil and seed the affected area, reverting the land back to pasture.
- The periods for compliance with the requirements are (i) 3 months and (ii) by 28 June 2017.
- The appeal is proceeding on the grounds set out in section 174(2) (b), (f), (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Decision

1. The appeal is allowed on ground (g) only, and the enforcement notice is varied by the deletion of the compliance period of 3 months/28 June 2017 as set out in section 6 of the notice and the substitution of 6 months as the period for compliance. Subject to this variation the enforcement notice is upheld.

The appeal on ground (b)

2. The essence of a ground (b) appeal is that the matters alleged in the notice have not occurred as a matter of fact. In relation to ground (b) the onus is on the appellant to produce evidence to prove his or her case on the balance of probability. The notice relates to a rough hard surfaced track leading through fields from an access point on an unclassified lane north of the farm buildings ("the top access"). The track has a total linear length of about 760m. It is conveniently summarised as comprising an initial section of roughly 400m between the lane and an intersection with a farm track leading directly from the Cilwnwg Fawr farmstead; from here the track which is the subject of the notice has two arms, one running westwards for approximately 160m and the other continuing southwards for about 200m.

3. In short the appellant maintains that the track in question has long been in existence to serve the original agricultural holding, having been created by a previous owner. It is stated that the track has evolved over many years preceding and during the appellant's ownership of the land and prior to the four year period in question; therefore there has been no creation of a track as stated in the notice. It is also said that the Council has not stipulated what engineering operations are alleged to have occurred.
4. The appellant purchased the land and buildings comprising Cilwnwg Fawr in two stages in 2007. I do not doubt that at that time there was a gated top access point into the fields, which would have provided access for agricultural vehicles and machinery, and that the appellant relied on this for access to the land initially purchased in 2007. I also accept, based on the aerial photograph variously labelled as 2009-10 by the Council and 1 January 2010 by the appellant ("the 2010 photograph"), that there was some form of agricultural track along part of the north-eastern edge of the top field. This photograph also shows an agricultural track extending in a westerly direction from Cilwnwg Fawr, including along the line of the westwards arm referred to in paragraph 2 above. However, in the 2010 photograph the pre-existing elements on the enforcement notice land appear in essence to be informal sections of trackway created largely from the repeated passage of agricultural vehicles along field edges rather than the formally constructed rough-surfaced tracks which now exist. From comparison of the 2010 photograph with the July 2013 aerial photograph (at the Council's Appendix 6), it is plain that between the dates of the two photographs significant works took place resulting in a far more substantial and continuous length of formal track running for the 400m or so from the top access gate to the intersection with the pre-existing farm track leading directly north-westwards from Cilwnwg Fawr.
5. Whilst I accept that some rudimentary elements of agricultural track probably previously subsisted along limited parts of the present track network at which the notice is directed, the evidence indicates that until recently there was no substantial, coherent and continuous track as is now present. The appellant's claim that where the pre-existing track cuts diagonally through the second field it is not visible in the 2010 image because the field "had recently been ploughed and re-seeded, therefore not showing the dirt track" reinforces my sense that prior to the recent development works earlier track lengths, where they did exist, may have lacked permanence and were probably formed largely by the repeated passage and re-passage of farm vehicles through the fields rather than by any formal act of construction. Moreover, the vegetation pattern and colouration in the Council's somewhat clearer, coloured version of the 2010 image (which from the visible condition of vegetation, and notwithstanding the 1 January date annotation, plainly was created around the middle of summer) puts doubt in my mind about the accuracy of the statement that when the photograph was taken the second field had recently been ploughed and re-seeded.
6. The appellant says that in 2012 she engaged a contractor to do work on the track. The work referred to was evidently done in May and June 2012. However neither the appellant's statutory declaration nor that made by the contractor are completely clear as to the extent of this work or precisely which lengths it related to. My site inspection confirmed that substantial further works to upgrade and extend the access track network, comprising the westerly and southerly arms from the intersection point with the old farm track from Cilwnwg Fawr, have been carried out since the time of the July 2013 image.

7. I note also the other recent changes that have taken place in the ownership and use of land at Cilwnwg Fawr alongside the access track works at which the notice is directed. Following the appellant's acquisition of Cilwnwg Fawr a series of small parcels within the holding have been sold off to other parties, for their individual use and enjoyment. Whilst I do not have precise details of the uses or intended uses of these plots, it is plain that a primary purpose of the track network now created is to provide access to the new plots for their owners, in a manner which avoids passage and re-passage through the Cilwnwg Fawr farmstead. This contrasts fundamentally with the previous nature and extent of vehicular access within the land area concerned, which appears to have been more intermittent and lower key, directed simply at access to the individual field parcels within the holding as and when required by agricultural operations.
8. Drawing all of the foregoing together, and having regard in particular to the aerial photography evidence concerning the physical extent of what was present on the ground prior to the works that have recently taken place, I conclude that the breach of control as alleged in the notice has taken place, as a matter of fact and degree. Although the precise nature of the unauthorised engineering works is not stipulated, this is plainly a generic descriptive phrase employed in order to cover the full extent of the works carried out. I am satisfied, having seen the ground regrading which has occurred in places, particularly along the westerly arm of the track, in order to form the present trackway, that the inclusion of the reference to engineering works as part of the description of the alleged breach is appropriate. I do not consider that the inclusion of the phrase introduces uncertainty or ambiguity as to the matters at which the notice is directed.
9. Evidence has not been produced which shows, on the balance of probability, that the length of track identified in the notice pre-dated recent events and that the works which have occurred amount only to maintenance or upkeep of an existing track. Rather, it seems to me on the evidence that any pre-existing lengths of track on some parts of the land comprised within the notice were of such a lesser order of construction, extent and continuity that the works which have recently been carried out amount, as a matter of fact and degree and when taken in the round, to the creation of a new track rather than the mere improvement of a pre-existing one.
10. Consequently the appeal on ground (b) does not succeed.

Other matters raised

11. I have had regard to all of the other points and arguments put forward on the appellant's behalf. It is claimed that such works as have taken place are in any event permitted under Schedule 2 Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This is more properly an argument on ground (c), namely that the works, if they have taken place, do not constitute a breach of control. I do not accept this argument in any event. Firstly, whilst development permitted under this class includes any excavation or engineering operations on agricultural land comprised in an agricultural unit of 5ha or more in area, this applies only to works which are reasonably necessary for the purposes of agriculture within that unit. In this case the works have not properly demonstrated reasonable agricultural necessity in relation to the unit to which the notice land belongs; rather, a main purpose for the track's creation appears to have been to provide access to plots that have been sold off to other parties and so no longer form part of the agricultural unit. In any event, where such reasonably necessary development consists of the formation or alteration of a private way, development is

permitted by the Order subject to the condition that before the development is begun a prior notification process with the local planning authority must be followed in relation to the siting and means of construction of the private way. This has not happened here.

12. It is also argued that in any event the development in question took place more than four years before the notice was issued. This is properly an argument for ground (d). Nonetheless, I have considered the point. However, ultimately I do not consider that this point succeeds on the evidence provided. Although some of the works to form the current track may well have been carried out prior to the relevant date of 28 February 2013, as attested to in the statutory declarations of the appellant and her contractor, I view the development identified by the notice primarily as an operation designed to provide means of access to the various plots of land sold off by the appellant that has taken place over an extended period and in successive stages. The July 2013 aerial image shows that although some of the access track had been constructed by that date, the extensive works to form the southerly and westerly arms of the access ways had not. Taking the unauthorised development as a whole, the evidence indicates that it was not substantially completed by the relevant date of four years before the issue of the notice. In the light of this I consider that, at the time the enforcement notice was issued, it was not too late to take enforcement action against the matters stated in the notice.
13. A number of other points are made on behalf of the appellant concerning the planning merits of the development, its claimed consistency with the development policy framework for the area and the functional justification for the scheme. However, these are matters which are not material to my decision, as no appeal has been made on ground (a) and there is no deemed application for planning permission.

The ground (f) appeal

14. The basis of ground (f) is that the steps required by the notice exceed what is necessary to remedy any breach which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. In this case the requirements of the notice are, first, to permanently remove all imported materials used to create the track; and second, to soil and seed the area, reverting the land back to pasture.
15. In appealing on this ground the appellant's principal argument is that seeking the removal of the track should not be required, because there has always been a track access through the land on the route identified by the notice, and to seek its removal is excessive and will significantly affect the running of the farm holding.
16. I reject this as a meaningful ground (f) argument. The "lesser steps" put forward are, in effect, that no action at all should be taken, and that the track should simply be allowed to remain. If accepted, this would amount to deleting the requirements of the notice in their entirety, without putting lesser requirements in their place. In such a form the notice would have no practical substance or effect.
17. The various other points deployed in relation to the ground (f) appeal are arguments that properly relate to other grounds. I have made my findings under ground (b) above as to the extent to which the evidence shows that, as a matter of fact and degree, a track existed along parts of this route prior to the development to which the notice relates. Whilst properly a matter for ground (a), which has not been pursued in this case, there is no firm evidence (as opposed to mere assertion) before me which

demonstrates that the track which has been created is reasonably necessary to the effective agricultural operation of the Cilwnwg Fawr holding and that its removal would significantly jeopardise this. Rather, the systematic disposal of individual small plots of land to others during the same period as the track's creation and its location in relation to these plots strongly suggests that a main purpose of the track is to provide access to these plots, which are no longer part of the holding. Whilst it is claimed that a track similar to this could be created under the provisions of the General Permitted Development Order 1995 (as amended), that would depend on whether such a track would be reasonably necessary for the purposes of agriculture within that unit.

18. In the light of the above, the appeal on ground (f) fails.

The ground (g) appeal

19. The basis of ground (g) is that the time given for compliance is too short. Having regard to the extent of the notice's requirements, the overall length of track involved, and the need to take account of likely weather patterns and appropriate seasons for seeding, I agree with the appellant that a period of 3 months is too short to enable the steps specified to be carried out properly. The appeal on ground (g) therefore succeeds, and I shall amend the time for compliance set out at section 6 of the notice to 6 months from the date of this decision.

20. I do not accept the appellant's contention that the steps required by the notice cannot be undertaken without a track access through the land similar to that which currently exists. Whilst the action required will require some forethought and an organised approach, I see no basis for concluding that the steps required are inherently impractical.

Overall Conclusion

21. For the reasons given, and having taken into account all matters raised, the appeal succeeds on ground (g) only. The enforcement notice is therefore upheld, subject to the amendment to the period for compliance, as set out in the formal decision above.

Alwyn B Nixon

Inspector

