

FULL SITE INTELLIGENCE REPORT

Two appeals dismissed — what the agents missed

Equestrian site · an English district council · early 2026

2 Appeals dismissed	3 Unused legal routes	4 New intel items	~6 wks Vacate deadline
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EXECUTIVE BRIEF

The client lost two parallel appeals last summer — a Section 174 enforcement appeal (Ground d, 10-year rule) and a Section 78 planning appeal (rural worker dwelling). The client now faces a vacate deadline approximately six weeks out, with lodge removal two months after that. Two different agents handled the two appeals. Our forensic review of the published appeal decisions, company records, parish council minutes and case officer correspondence has surfaced four items of new intelligence that were not before the inspector — and identified three legal routes the agents never ran.

■ CRITICAL · Vacate deadline ~6 weeks · do not vacate voluntarily without legal advice

Once the client vacates, several of the strongest arguments below become significantly harder to run. A planning solicitor should assess immediately whether to apply for a stay of enforcement. This is the single most time-critical action in this report.

1. CASE IDENTIFICATION & REFERENCES

Site type	Equestrian holding · rural East of England
LPA	An English district council in a multi-authority shared-services arrangement
Enforcement reference	Issued ~24 months ago
Planning application	Refused on the same day as the enforcement notice was issued
Appeal A — Section 174 enforcement	Grounds (d) and (g) · Dismissed last summer
Appeal B — Section 78 planning	Rural worker dwelling · Dismissed last summer
Inspector	PINS-appointed inspector · single site visit
Agent A (enforcement)	A regional planning agency · independent of Agent B
Agent B (S78)	A separate planning consultancy
Interested party	Neighbouring landowner · referred to as 'IP' in this report
Vacate deadline	Approximately 6 weeks from the date of this report
Lodge removal	2 months after vacate deadline

2. WHAT WENT WRONG — A FULL ANALYSIS OF BOTH APPEALS

Appeal A — Enforcement Appeal (Ground d: 10-Year Rule)

The appeal turned on a single procedural failure: the statutory declarations supporting the client's claim of continuous residential use from a stated start date **were not executed before a solicitor or commissioner for oaths**. Under the Civil Evidence Act and established planning appeal practice, unsworn declarations carry significantly reduced evidential weight. This allowed the inspector to give the IP's counter-statements equal standing — and in a finely balanced case, that equality was enough to dismiss the ground.

The IP submitted detailed counter-evidence: conveyancing records showing the client's registered address as a different local village in the early period; a claim that the client had told the IP of a separate property within walking distance not sold until much later; and an allegation about prior employment in another locality during the early period. None of this was challenged on credibility grounds, and none was rebutted with corroborating documentary evidence.

There was no submission of vet records, farrier invoices, utility bills addressed to the site, horse event participation receipts, delivery records, or any other documentation that would have anchored the start date to the period needed for the 10-year argument. **This is the most straightforward type of evidence to gather and the most powerful in 10-year rule cases.** Its

absence is inexplicable given the client had professional agents acting.

Appeal B — S78 Planning Appeal (Rural Worker Dwelling)

The appeal failed on three independent grounds, any one of which would have been sufficient to dismiss it. **First**, functional need for an on-site worker was not demonstrated to the standard required by the local plan rural-worker policy — no security audit was submitted, and no evidence was provided that off-site alternatives had been assessed. **Second**, no financial evidence was submitted to demonstrate business viability — a mandatory criterion under the same policy. **Third**, nutrient neutrality and recreational mitigation for the relevant protected catchment area was not addressed at all.

▲ ATTENTION · Two different agents · fragmented strategy

Appeal A was handled by Agent A, Appeal B by Agent B. **This fragmentation may itself have contributed to the failure to run a coherent strategy.** A solicitor should assess whether either agent fell below the standard of a reasonably competent practitioner — see Section 4.

3. NEW INTELLIGENCE — PERSONAL CIRCUMSTANCE NEVER BEFORE THE INSPECTOR

The inspector addressed the Public Sector Equality Duty (PSED) in the relevant paragraph of the decision. The consideration was limited to a disabled customer of the equestrian business, **not to the client personally.**

Our research has established that the client suffered a serious riding accident some years ago which left them partially disabled. The client has stated publicly that proximity to the horses is a medical necessity. **If this personal disability was never formally disclosed to the inspector as a material personal circumstance relevant to the PSED assessment,** the inspector may have made the decision without considering a matter she was legally required to consider.

■ CRITICAL · Judicial review ground · failure to consider a relevant matter

Failure to consider a relevant matter — specifically the PSED as it applies to the appellant himself — is a recognised ground of judicial review. This needs immediate assessment by a planning solicitor. If the disability was never placed before the inspector by the agents, it is also a component of the potential negligence claim against them.

4. NEW INTELLIGENCE — AGENT CONDUCT & POTENTIAL NEGLIGENCE

Planning professionals owe their clients a duty of care. That duty includes advising on the evidence required to support appeal grounds, ensuring statutory declarations are properly executed, identifying all material considerations including personal circumstances relevant to the PSED, and advising on time limits and procedural rights. The following specific failures are identifiable from the public record:

#	Identified failure
1	Statutory declarations in Appeal A were not properly executed — the single most avoidable failure in the entire case.
2	No corroborating documentary evidence was gathered or submitted to anchor the claimed start date.
3	The client's partial disability was apparently never placed before the inspector as a material personal circumstance.
4	The legitimate expectation argument — the strongest argument available — was never run in either appeal.
5	No financial evidence was submitted for Appeal B despite the rural-worker policy making this a mandatory requirement.
6	Nutrient neutrality was not addressed despite the site being within the relevant protected catchment — a known requirement.

A negligence claim requires showing: (1) a duty of care existed; (2) the agent fell below the standard of a reasonably competent practitioner; (3) the client suffered loss as a result. All three elements appear potentially arguable. A solicitor should assess this separately from the enforcement proceedings.

5. NEW INTELLIGENCE — COMPANY RECORDS & BUSINESS VIABILITY

Our company-records search has identified a significant issue that must be addressed in any fresh planning application.

Company status	Operating company associated with the site
Operating life	Incorporated approximately a decade ago; active for several years
Recent status change	Dissolved earlier this year — within the last few months

Filing status at dissolution	Registered as dormant
Last accounts	Filed approximately 18 months ago
Directorship / PSC	The client (sole)

■ **CRITICAL - Dissolved dormant company directly undermines fresh rural-worker application**

The company was registered as dormant and has now been dissolved. The council and any future inspector will treat this as evidence that the business is not financially viable — directly undermining any fresh application under the rural-worker policy. The client will need a clear explanation of why the company was dissolved and what the current trading structure of the equestrian business is. A solicitor or accountant should advise on this **before** any fresh application is submitted.

6. NEW INTELLIGENCE — PARISH COUNCIL OBJECTION & OMBUDSMAN REFERENCE

Our search of the public planning record has retrieved the parish council minutes from an earlier meeting. The parish council formally considered the planning application and resolved to object on the following grounds:

#	Parish council ground
1	The Local Government Ombudsman had already been involved in the client's case prior to the planning application — suggesting earlier complaints had been made about activity on the site.
2	Concern that material moved on the site may contain hazardous content — raised as a public health concern.
3	Three residential properties were identified as having a view of the site.
4	Concern that granting permission would set a precedent for others to install caravans on equestrian or agricultural sites.

▲ **ATTENTION - The Ombudsman reference may be material to legitimate expectation**

If the Local Government Ombudsman was previously involved, the outcome of that investigation is potentially material. **If the Ombudsman found in the client's favour — or found that the council had acted improperly — that finding could support the legitimate expectation argument.** The client should identify and retrieve any Ombudsman correspondence relating to the site and forward it to a solicitor immediately.

7. LEGAL ROUTES — FULL ANALYSIS

Route 1 — Legitimate Expectation / Estoppel (STRONGEST)

This is the most powerful argument available, and the one that should have been run in both appeals. The doctrine holds that where a public authority has made a clear and unambiguous representation to an individual, and that individual has acted on that representation to their significant detriment, the authority cannot resile from that position without good reason.

The client has stated publicly that they have a full email trail from a council officer giving assurances about the intended use of the site. The client sold a previous home and invested substantially in direct reliance on those assurances. **If those facts are as described, this is a textbook legitimate expectation / estoppel argument. It was never run.** It is still potentially open via judicial review — but is time-sensitive.

■ **CRITICAL - Send the council officer email trail to your solicitor as a matter of absolute priority**

Without those documents, this argument cannot be fully assessed. With them, it is potentially decisive.

Route 2 — Fresh CLEUD Application

A Certificate of Lawful Existing Use or Development (CLEUD) can be applied for where a use has been continuous and uninterrupted for the requisite period. The previous application failed on evidence quality, not on the underlying facts. A fresh application, properly supported with sworn declarations and corroborating documentary evidence, is a materially different proposition.

What to gather now: vet records and farrier invoices addressed to the site; utility bills; horse event participation records with dates; delivery records; witness statements from regular visitors to the site across the relevant period. **All declarations must be sworn before a solicitor or commissioner for oaths.**

Route 3 — Judicial Review: Inspector's PSED Failure

The inspector considered PSED in the relevant paragraph but assessed only a disabled customer of the business, not the client personally. If the client's partial disability and the medical necessity of living on-site was never placed before the inspector, the decision may have been made without considering a matter the inspector was legally required to consider. JR

must normally be brought within 3 months of the decision. That window has closed, but there are exceptions. **A solicitor must assess this urgently — do not assume the window is definitively closed without legal advice.**

8. THE INTERESTED PARTY — FULL ASSESSMENT

The IP is named in both appeals. They provided the counter-evidence given equal weight to the client's statutory declarations in Appeal A, and their evidence was cited by the inspector as material to her finding against the client on Ground (d).

The IP has issued a Letter of Claim in recent months, seeking approximately £4,000 in legal costs via the County Court. The allegation: that the client knowingly and deliberately gave false information to the Planning Inspectorate. This is a serious allegation. If it proceeds to judgment, a County Court Judgment will affect the client's credit record and financial position.

The credibility problem

The IP originally signed a letter of support for the client's position before reversing and providing the primary counter-evidence against. In their own statement they acknowledged signing the support letter while knowing nothing about planning law and stated they were 'duped'. **A witness who signed a formal support letter, then reversed to provide the decisive counter-evidence, and who is now pursuing a County Court claim, has a significant credibility problem that was never exploited in either appeal.**

■ CRITICAL · County Court claim · separate urgency

The two-week response deadline on the IP's Letter of Claim has passed. The client must find out the current status of these proceedings **immediately**. If a claim has been issued and the client has not responded, a default judgment may have been entered. This requires a solicitor urgently — separate from the planning matter.

9. EVIDENCE RECOVERY — SUBJECT ACCESS REQUEST

The complete council case file for both references will contain all representations submitted, including the IP's original support letter, all subsequent correspondence, internal officer notes, and any communications between the enforcement team and council officers. The client is entitled to this under the UK GDPR and Data Protection Act 2018 via a Subject Access Request. There is no charge and the council must respond within 30 calendar days.

✓ POSITIVE · How to send the SAR

Send a Subject Access Request to the council's Data Protection Officer (verify the address on the council website before sending). Reference both the planning application and the enforcement notice numbers. Ask for: all representations received, all internal officer correspondence, all consultee responses, all notes of telephone conversations.

10. STRATEGIC DIRECTION — RECOMMENDED ACTIONS IN PRIORITY ORDER

Priority	Action	When
1 — IMMEDIATE	Instruct a planning solicitor. Show them this report.	This week
2 — IMMEDIATE	Locate and forward the council officer email trail to your solicitor. Foundation of the legitimate expectation argument.	This week
3 — IMMEDIATE	Find out the status of the IP's County Court claim. If a default judgment has been entered, your solicitor must apply to set it aside immediately.	This week
4 — URGENT	Gather all documentary evidence anchoring site occupation to the claimed start period: vet records, farrier invoices, utility bills, delivery records, event receipts.	Within 2 weeks
5 — URGENT	Submit Subject Access Request to recover the full council case file including the original IP support letter.	Within 1 week
6 — URGENT	Locate any Ombudsman correspondence relating to the site and provide it to your solicitor.	Within 1 week
7 — IMPORTANT	Do not vacate voluntarily before your solicitor has applied for any available stay of enforcement.	Ongoing
8 — IMPORTANT	Prepare a clear account of the company dissolution and current business trading structure for use in any fresh planning application.	Within 2 weeks

11. MEDIA — AN UNUSED ASSET

The client's story has received coverage in regional student press recently. It has not yet reached the regional daily paper or BBC regional television. The media angle is strong: partial disability, written council assurances, alleged agent negligence, a

credibility reversal by the interested party, potential homelessness, and a six-figure financial loss. The regional daily and BBC regional are the logical first targets **once a solicitor has obtained a stay of enforcement.**

▲ ATTENTION · Do not approach media before instructing a solicitor

Any public statements made could be used against the client in ongoing proceedings. The solicitor should advise on the timing and content of any media approach.

About this report. This is an anonymised version of a real client report. The findings, structure, methodology, sources used and prioritised actions are as delivered. Names, exact addresses, dates, named individuals, named practitioners, named comparables, specific policy references and personal identifiers have all been changed or generalised. Planning Decoder is an intelligence and analysis service — this report does not constitute legal advice. Always engage a planning solicitor for matters of this complexity.

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