



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 24 June 2016

Appeal ref: APP/E0915/C/16/3144559

Land at The Centurion Inn, Walton, Brampton, Cumbria CA2 2DH

- 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 brought by Mr Austen Davies against an enforcement notice issued by Carlisle City Council.
- The notice was issued on 12 January 2016.
- The breach of planning control as alleged in the notice is "Change of use of the land from use as a former public house with ancillary living accommodation on part of the first floor occupied in association with the management of the public house to use as residential accommodation on the ground floor and part of the first floor together with self-contained residential unit on the first floor unrelated to the authorised use as a public house".
- The requirements of the notice are: "a) Stop using that area on the ground floor of the Centurion Inn shown edged red on Plan A as a residential dwelling. b). Stop using that area on the first floor of the Centurion Inn shown edged in blue on Plan A as a residential dwelling. c) Stop using that part of the first floor of the Centurion Inn shown edged and hatched red on Plan A as a self-contained residential dwelling unrelated to the authorised use as a public house. d) Reinstatement of the bar area to create a fully functional and operational public house".
- The period for compliance with the notice is "**Six calendar months** from the date this notice takes effect".
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appellant requests that the compliance period be extended to 1 year in order to allow time for a planning application to be submitted, a subsequent appeal to be submitted if refused and for the works to be carried out if the appeal is unsuccessful. However, there is no evidence before me of such an application having been submitted and whether an application will be submitted in the future can only be considered as a matter of speculation at this stage. It would not be reasonable to extend the period for compliance further simply to allow for the possibility of a new application being submitted followed by an appeal. In theory, such a situation could go on indefinitely, with further revised applications and subsequent appeals being submitted while

enforcement action is put on hold. In any event, it would not be acceptable to extend the compliance period to 1 year as suggested by the appellant as that would be tantamount to a temporary planning permission.

2. I am aware that the breach of planning control has persisted for at least 2 years now and I am also mindful that some 4 months have elapsed with enforcement action effectively suspended. I consider that the stated harm to the surrounding area caused by the unauthorised development should not be allowed to continue. On the evidence before me, I am not satisfied there is any justifiable reason to extend the compliance period further and consider the 6 months given is sufficient to meet the requirements of the notice. The ground (g) appeal fails accordingly.
3. The appellant complains about the Council's conduct in responding to enquiries or offering pre-application advice. However, this is not something before me to consider in determination of the appeal. Any complaints concerning the Council's conduct or their adopted procedures in determining planning applications should be addressed through their established complaints procedure in the context of local government accountability.

Formal decision

4. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

K McEntee