



Appeal Decision

by Ken McEntee

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

Decision date: 12 September 2016

Appeal ref: APP/R1038/C/16/3148936

Land at 71 High Street, Killamarsh, Sheffield, Yorkshire S21 1BJ

- 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 T Jones against an enforcement notice issued by North East Derbyshire District Council.
- The notice was issued on 30 March 2016.
- The breach of planning control as alleged in the notice is "Without planning permission the material change of use of the land from a church (use class D1) to use as a gymnasium for one-to-one personal fitness training and group fitness training (use class D2)".
- The requirements of the notice are: "i). Cease use of the premises as a gymnasium for one-to-one personal fitness training and group fitness training. ii). Remove all equipment from the premises for use in connection with a gymnasium for one-to-one personal fitness training and group fitness training".
- The period for compliance with the notice is "**3 months** from the date on which 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 6 months as he has contractual obligations with the owner and clients. He contends that it will take some time to find alternative premises and is keen to avoid the business having to close down altogether.
2. I note the appellant's request and understand his concerns to keep the continuity of the business. However, as some 5 months have elapsed since the appeal was submitted, with enforcement action effectively suspended, and the compliance period will begin again from the date of this decision, the appellant will effectively have had some 8 months in which to comply with the notice, which is 2 months more than that requested. It is reasonable to assume that since submitting the appeal the appellant will have been taking steps to seek out alternative premises in which the business can continue.

3. In these circumstances, I am not satisfied there is any justifiable reason to extend the compliance period further and consider the 3 months given is sufficient to meet the requirements of the notice. The ground (g) appeal fails accordingly.

Formal decision

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

K McEntee