



Appeal Decision

by Ken McEntee

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

Decision date: 2 February 2017

Appeal ref: APP/M2372/C/16/3157066

Land at Florence Mill, Whalley New Road, Blackburn, BB1 9SR

- 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 EP Properties Ltd against an enforcement notice issued by the Blackburn with Darwen Borough Council.
- The notice was issued on 6 July 2016.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use of the land from vacant land to land used for vehicle storage and vehicle sales".
- The requirement of the notice is "(i) Cease the unauthorised use of the land for vehicle storage and/or the use of the land for vehicle sales use and permanently remove from the site all vehicles and associated cabin".
- The period for compliance with the requirements of the notice is "03 months from the date on which this notice takes effect".
- The appeal is proceeding on the ground 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 appellants request that the compliance period be extended to 6 months in order to allow time for a planning application for the unauthorised works to be submitted and determined and a subsequent appeal to be submitted if refused. They also intend on doing the same, should they wish to seek an alternative site to continue their business. However, I cannot justify extending the compliance period simply to allow for the possibility of submission of an application and subsequent appeal. Whether any applications or appeals will be submitted in the future can only be considered as a matter of speculation at this stage. 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. I am also mindful that over 5 months have elapsed since the appeal was submitted with enforcement action suspended. As the compliance period will begin again from the date of this decision, the appellants will effectively have had more than 8 months in which to comply with the notice.

2. Therefore, in these circumstances, I see no reason to justify extending the compliance period further and consider 3 months to be sufficient to carry out the necessary works to comply with the notice. The ground (g) appeal fails accordingly.

Formal decision

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

K McEntee