

Appeal Decision

Site visit made on 13 March 2017

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 March 2017

Appeal Ref: APP/N4205/C/16/3159481

Land behind 2 Doris Avenue, Bolton BL2 6DB

- 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 Samuel Bancroft against an enforcement notice issued by Bolton Metropolitan Borough Council.
 - The enforcement notice was issued on 4 August 2016.
 - The breach of planning control as alleged in the notice is the erection of two buildings.
 - The requirements of the notice are (i) Permanently remove from the land the stables building; (ii) Permanently remove from the land the barn building; and (iii) Permanently remove from the land all debris and building materials resulting from compliance with steps (i) and (ii) above.
 - The period for compliance with the requirements is 90 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended. The prescribed fees have not been paid within the specified period so the application for planning permission deemed to have been made under section 177(5) of the Act as amended cannot be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Reasons

2. For the ground (d) appeal to succeed the Appellant must have submitted precise and unambiguous evidence to justify a conclusion that the two buildings were substantially complete four years before the date of issue of the enforcement notice. In his appeal the Appellant claims that "The stable block has been in situation for over four years. I have photographic evidence and numerous witness statements confirming this which will be submitted with my witness statement".

3. The Appellant has not submitted any witness statements, even from himself, or any photographic evidence. In the absence of any evidence, even any imprecise and ambiguous evidence, it is not possible to reach the aforementioned conclusion. Photographic evidence submitted by the Council suggests, in fact, that neither building was substantially complete four years before the date of the notice. In these circumstances the ground (d) appeal must fail.

John Braithwaite

Inspector
