



Appeal Decision

by **Ken McEntee**

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

Decision date: 27 April 2017

Appeal ref: APP/P2114/C/16/3160500

Land off Stickworth Farm Cottage, Herringford, Newport, Isle of Wight, PO30 3AP

- 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 David Spurgin against an enforcement notice issued by the Isle of Wight Council.
- The notice was issued on 22 September 2016.
- The breach of planning control as alleged in the notice is "Without planning permission, the unauthorised erection of a pole barn on the land in the approximate position marked X on the attached plan B".
- The requirements of the notice are "To dismantle the open front pole barn located in the approximate position marked 'X' on plan B from the Land" and "To remove all resultant material from the land"
- The period for compliance with the requirements of the notice is "**2 Months after 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 Inspectorate's letter of 9 February 2017 confirmed that because the fee was not paid within the specified period, the deemed application for planning permission had lapsed. The planning merits of the development cannot therefore be considered. I shall accordingly deal only with the appeal on ground (g).
2. The appellant requests that the compliance period be extended to 6 months in order for the barn to provide shelter for livestock over the winter period. As some 6 months have elapsed since the appeal was submitted, with enforcement action suspended, the appellant has already had the 6 months period he desires, which has covered the winter period. Therefore, as the compliance period will begin again from the date of this decision, the appellant will effectively have had more than 8 months in which to comply with the notice.
3. In these circumstances, I see no good reason to justify extending the compliance period further and consider 2 months to be sufficient to carry out the necessary works to comply with 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