
Appeal Decision

Site visit made on 24 May 2017

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 06 June 2017

Appeal Ref: APP/M3455/C/16/3163641

Land at Ricardo House, 55 Ricardo Street, Longton, Stoke On Trent, ST3 4EX

- 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 Mr Mark Perry of ADM Plumbing Contractors Ltd against an enforcement notice issued by Stoke-on-Trent City Council.
 - The enforcement notice was issued on 19 October 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of a residential property (use class C3) to include for the operation of a business (use class B1).
 - The requirements of the notice are:
 1. Cease the use of the land for office (use class B1) purposes.
 2. Remove the building, located in the position indicated on the attached plan, from the land.
 - The period for compliance with the requirements is 6 months from the date when 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.
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Summary of Decision

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

The appeal on ground (g)

2. An appeal on this ground, which is the sole ground of appeal made by the appellant, is that the time given to comply with the notice is too short.
 3. The notice was issued in response to concerns as to the use of 55 Ricardo Street which is a residential property, for separate business purposes which has given rise to complaints of nuisance from visitors to the business and associated parking problems.
 4. The appellant requests an extended period for compliance with the enforcement notice to a period of 12 months in order to find suitable premises to relocate the business. Correspondence from local estate agents has identified two sites, at Phoenix Park and at Trentham Lakes, which the appellant considers acceptable. He therefore intends to relocate as and when these properties come on stream and become a "bricks and mortar" reality.
 5. The Council believes the premises at Phoenix Park are now completed and ready for occupation, and as such the appellant would be able to relocate to
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this site within the set compliance period of 6 months. It is further claimed that there are other vacant office units available for rent.

6. From the list supplied of commercial properties to let within a 10 mile radius of the appeal site, there would appear to be a wide range of available and potentially suitable premises to which the business might be relocated. There are no specialist requirements related to technology or equipment that are put forward that might require an extended period of time to relocate.
7. I appreciate that the business has grown considerably since it began and that the rear garden of the appeal site was not intended to become the centre of operations. Nevertheless I am in no doubt from what I have read and seen of the site, that the reasons for the issue of the enforcement notice are sound. These include that uncontrolled use of the land for office purposes has the potential to cause significant adverse harm to living conditions for nearby residents in terms of noise nuisance and general disturbance. Further, despite the small number of vehicles regularly parked on the premises, there may be other sporadic visits to the site from off-site employees and contractors. In the absence of further detail on this matter I cannot be confident that the use would not be likely to give rise to highway safety concerns at this location.
8. Balancing these considerations I consider that the extended period sought is not justified on the information supplied. The appeal on this ground must therefore fail.

Overall Conclusion

9. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Formal decision

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

Grahame Kean

INSPECTOR