



Appeal Decision

by Ken McEntee

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

Decision date: 11 April 2018

Appeal refs: APP/M0655/C/17/3181497 & 3181498

Land lying to the south of Manchester Road, Woolston, Warrington, Lancs.

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mr Derek Keith Ensall and Mrs Lilah Gertrude Ensall against an enforcement notice issued by Warrington Borough Council.
- The notice was issued on 30 June 2017.
- The breach of planning control as alleged in the notice is "Without planning permission, a material change of use of the land to a protest encampment, and the erection of associated buildings and structures".
- The requirements of the notice are "a) Cease the use of the land as a protest encampment. b) Remove and not return all the associated buildings and structures from the land shown edged red on the attached plan, including but not limited to building materials, domestic paraphernalia, tents and touring caravans."
- The period for compliance with the requirements of the notice is "2 calendar months from the date on which this notice takes effect".

Summary of decision: The appeals are dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The reason given by the appellants for requiring more time to comply with the notice is in order to pursue legal action to recover possession of the site and for the protesters to vacate it. They request the compliance period be extended to 10 months in order for this to happen. I am mindful that some 8 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellants will effectively have had the 10 months they desire in which to pursue legal action and to carry out the necessary steps to comply with the requirements of the notice.
2. In these circumstances, I see no good reason to extend the compliance period further. The ground (g) appeals fail accordingly.

Formal decision

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

K McEntee