
Appeal Decision

by Ken McEntee

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

Decision date: 10 September 2019

Appeal ref: APP/Z3635/C/18/3219560

Land at the rear of The Thornes, Long Lane, Stanwell, Surry, TW19 7AU

- 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 Jagraj Sran against an enforcement notice issued by Spelthorne Borough Council.
- The notice was issued on 4 December 2018.
- The breach of planning control as alleged in the notice is "Without planning permission, the making of a material change of use of the land comprising (1) The use of the site for airport car parking".
- The requirement of the notice is; Cease the use of the site for parking of motor vehicles.
- The period for compliance with the requirements of the notice is "3 months of it taking 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 basis of the appellant's case is that more time is required to comply with the notice in order to submit a planning application. He does not suggest a period of time he considers to be suitable.
2. However, there is no evidence before me to demonstrate a planning application has been submitted and whether one will be submitted in the future can only be considered as a matter of speculation at this stage. I cannot justify extending the compliance period in these circumstances. In any event, I note that some 9 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 appellant will effectively have had some 12 months to submit a planning application and for it to be determined. I consider this period to be more than adequate and the stated harm caused by the unauthorised use to the Green Belt and residents of neighbouring properties.
3. In these circumstances, I see no good reason to extend the compliance period further and consider the 3 months given in the notice to be adequate. 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