
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/D2320/C/19/3223808

Land at 34 Pear Tree Road, Croston, Leyland, Lancs, PR26 9HX

- 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 Huber against an enforcement notice issued by Chorley Borough Council.
- The notice was issued on 1 February 2019.
- The breach of planning control as alleged in the notice is "The Land is being used unlawfully as dog kennels and for dog breeding. This amounts to an unauthorised material change in the use of the Land from residential dwelling and curtilage to a mixed use of residential, dog kennels and for dog breeding".
- The requirement of the notice is; "Cease the unauthorised use of the Land as a dog kennels and for breeding".
- 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 basis of the appellant's case is that more time is required to comply with the notice in order to find a suitable home to accommodate himself and his dogs. He requests the time period be extended to 12 months.
2. However, I note that some 6 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 8 months in which to seek out alternative accommodation. I consider this period to be both proportionate and reasonable and provides an appropriate balance between the needs of the appellant and his business and the need to bring to an end the stated harm caused by the unauthorised use to neighbouring occupiers and the surrounding area.
3. In these circumstances, I am not convinced there is good reason to extend the compliance period further and consider the 2 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