



Appeal Decision

by Ken McEntee

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

Decision date 25th September 2019

Appeal ref: APP/W1525/C/19/3226111

Land opposite Barrow Farm, Blackmore Road, Highwood, Chelmsford, Essex, CM1 3QR

- 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 & Mrs Michael Mitchell (Radical Bikes Community Interest Company) against an enforcement notice issued by Chelmsford City Council.
- The notice was issued on 4 March 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use of the land for the siting of a caravan used for residential purposes".
- The requirement of the notice are: "i. Cease the use of the land for the siting of a caravan used for residential purposes; ii. Remove from the land the caravan shown outlined in blue at the approximate location on the attached plan. ii. Remove from the land the mesh fencing and timber fence panels enclosing ground immediately adjacent to the caravan, the timber clad lean-to-store, plant pots, wheelie bins, tables and chairs and any other item associated with the residential use of the caravan home".
- The period for compliance with the requirements of the notice is: Three months of the date on which 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 appellants' case is that more time is required to comply with the notice in order to set up alternative adequate security measures on the site and to find an alternative site for Radical Bikes. They therefore suggest the period for compliance be extended to 12 months. However, I note that some 5 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 some 8 months in which to arrange for alternative security measures, to find an alternative site for storage of Radical Bikes and to comply with the requirements of the notice. I consider this period to be both reasonable and proportionate and provides an appropriate balance between the needs of the appellants and the need to bring to an end the stated harm caused by the unauthorised use to the openness of the Green Belt.

2. 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

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

K McEntee