The Planning Inspectorate

Appeal Decision

by Ken McEntee

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

Decision date : 3 October 2019

Appeal ref: APP/U1105/C/19/3225493
Land at Churston, Harcombe Road, Axminster, Devon, EX13 5TB

- 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 Ms Patricia Shuker against an enforcement notice issued by East Devon District Council.
- The notice was issued on 19 February 2019.
- The breach of planning control as alleged in the notice is "Without the benefit of planning permission the construction of a detached garage positioned between the front of the dwelling and the highway shown edged blue on the attached plan".
- The requirements of the notice are: "1. Permanently remove from the land the detached garage shown blue on the attached plan. 2. Permanently remove, to an authorised place of disposal, all materials associated with compliance with step 1 above".
- The period for compliance with the requirements of the notice is:"Within THREE months of this Enforcement Notice 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 appellant contends that more time is required to comply with the requirements of the notice in order for builders to be sourced and the work to be fitted in with their schedule. She suggests the compliance period be extended to 9 months. However, I note that more than 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 the 9 months she desires to comply with the requirements of the notice.

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.

Formal Decision

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

K McEntee