



Appeal Decision

by Ken McEntee

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

Decision date: 3 January 2020

Appeal ref: APP/X2220/C/19/3230114

Land on the south side of Coombe Road, Dover, Kent

- 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 Daniel Funnell against an enforcement notice issued by Dover District Council.
- The notice was issued on 4 April 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 storage, maintenance and distribution of shipping containers, facilitating operational development consisting of the siting of portable buildings, lighting and the laying of a hard surface".
- The requirements of the notice are: "1 Cease use of the land for storage, maintenance and distribution of shipping containers. 2 Remove all shipping containers from the land and relocate to an authorised storage place. 3 Remove structures marked A and B in the approximate position on the attached plan from the land and relocate to an authorised place of storage. 4 Remove from the land all portable buildings, structures, lighting, equipment, machinery and other paraphernalia used in connection with the use of the land for the storage, maintenance and distribution of shipping containers".
- The period for compliance with the requirements of the notice is: 3 calendar 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 appellant's case is that he would like more time to comply with the notice as the owner has a rolling 6-month contract and he contends that the 3-month compliance period would cause the business to close its operation and would not allow enough time for the business to relocate. He therefore requests that the compliance period be extended to 6 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 appellant will effectively have had some 8 months to comply with the requirements of the notice, which is 2 months more than that requested. It is reasonable to assume therefore that the 3-month compliance period will not impact on the business or its contractual obligations and the appellant's ability to seek out a suitable site to relocate. 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

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

K McEntee