



Appeal Decision

by Ken McEntee

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

Decision date: 23 January 2020

Appeal refs: APP/F0114/C/19/3235358, 3235359 and 3235360 Land at Manor Farm, Farm Lane, Wellow, Bath, BA2 8QU

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mrs Alice Crocker, Mr Ashley Horler and Mr Haydn Crocker against an enforcement notice issued by Bath & North East Council.
- The notice was issued on 15 August 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of an area of raised decking and an outbuilding".
- The requirements of the notice are: "(a) Dismantle the decking and outbuilding outlined in blue on the attached plan and in photo sheet 1, in their entirety including structural supports down to ground level and remove all resultant materials from the land".
- The period for compliance with the requirements of the notice is: "3 months from the date this notice takes effect".
- The appeals are 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 appeals are dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The main basis of the appellants case is that they would like to continue living in the unauthorised structure while they save for a mortgage, otherwise they have to rely on the housing list. Therefore, they request that the time for compliance be extended to 1 year. I appreciate the appellants' reasons for wanting to remain at the property but to allow the unauthorised development and use to continue for a further year would be tantamount to granting a temporary planning permission, which is not within my powers to do as an appeal has not been made on ground (a). In an appeal on ground (g) I can only consider whether the period for compliance with the requirements of the notice is too short. I note that over 5 months have elapsed since the appeals were submitted with enforcement action effectively suspended. Therefore, 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 comply with the notice. I consider this period to be both reasonable and proportionate and provides an appropriate balance between the needs of the appellants to seek out alternative accommodation and the need to bring the stated harm caused by the unauthorised development to the Green Belt to an end.

2. In these circumstances, I am not satisfied there is good reason to extend the compliance period further and consider the 3 months given in the notice to be adequate. The ground (g) appeals fail accordingly.

Formal decision

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

K McEntee