



Appeal Decision

by Ken McEntee

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

Decision date: 29 January 2020

Appeal ref: APP/G4620/C/19/3234507

Land at Unit 6 (Oldbury Carpet Centre), Former ER1 Building, Bromford Road, Oldbury, West Midlands, B69 3DE

- 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 Harkeet Kaur against an enforcement notice issued by Sandwell Metropolitan Borough Council.
- The notice was issued on 22 July 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use of the Land from use classes B1, B2, B8 to use as class A1 (Retail) ("the Unauthorised use").
- The requirements of the notice are: "5.1. Cease the Unauthorised Use at the Land. 5.2. Remove from the Land all materials and debris arising from compliance with the aforementioned requirement of the Notice".
- The period for compliance with the requirements of the notice is: "**60 days** 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.

1. This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 28 January 2020.

Reasons for the decision

2. The basis of the appellant's case is that he would like the compliance period extended as he intends to submit a planning application for the material change of use. However, I note that over 5 months have elapsed since the appeal was submitted with enforcement action effectively suspended. It is reasonable to assume that in that time an application has been submitted and determined. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 7 months in which to comply with the requirements of the notice. In these circumstances, I see no good reason to extend the compliance period further and consider the 60 days 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