



Appeal Decision

by Ken McEntee

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

Decision date: 12 February 2020

Appeal ref: APP/C1570/C/19/3237955

Land at Winsey Farm, Camps End, Castle Camps, Cambridge, CB21 4TR

- 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 Carl O'Malley against an enforcement notice issued by Uttlesford District Council.
- The notice was issued on 20 August 2019.
- The breach of planning control as alleged in the notice is "Without the benefit of planning permission the construction of a large brick built garage".
- The requirements of the notice are: "Demolish the brick built garage. Remove from site all rubble and debris arising from demolition of the brick built garage".
- The period for compliance with the requirements of the notice is: "3 months from the date 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 appellant claims that 3 months is not enough time to demolish the garage as it would mean attempting to do so during the 3 wettest months of the year, October to December, which would cause problems for large vehicles using the access track. The appellant would also like to preserve as much of the bricks and materials as possible in order to be re-used. He requests that the compliance period 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 appellant will effectively have had some 8 months in which to carry out the required works, which will no longer need to be done in the months of October to December. 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