



Appeal Decision

by Ken McEntee

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

Decision date: 19 February 2020

Appeal ref: APP/X0415/C/19/3240805

Land at Elm Farm, Boveney Road, Dorney, Windsor, Bucks, SL4 6QD

- 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 Robert Harris against an enforcement notice issued by South Bucks District Council.
- The notice was issued on 1 October 2019.
- The breach of planning control as alleged in the notice is "Without planning permission the extension of an outbuilding by the addition of a first floor to create a two storey building, capable of occupation as a dwellinghouse, in the approximate location shown edged in blue on the Plan ("the Unauthorised Development").
- The requirements of the notice are: "5.1 Demolish the Unauthorised Development comprising the first floor of the outbuilding on the Land, the parts to be demolished are shown coloured pink on the attached drawing number PJSA-03-01, which drawing was submitted as part of the application reference PL/18/2581/FA as the 'proposed plans and elevations'; 5.2 Make good all the elevations and external surfaces exposed as a result of the compliance with step 5.1 above, to restore the outbuilding to its original appearance, in accordance with the details of the outbuilding shown on the left hand side of the attached plan marked "Appendix 2", which was approved as part of application 83/00113. The roof should be restored to an eaves height of 2.2 metres and ridge height of 3.8 metres and with a pitch as shown on Appendix 2: and 5.3 Remove from the Land all debris and materials arising as a result of compliance with steps 5.1 and 5.2 above."
- The period for compliance with the requirements of the notice is: "6 months from 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 appellant contends that the time period of 6 months is too short to allow him to find alternative accommodation. He requests that the period be extended to at least 9 months. I note that more than 3 months have elapsed since the appeal was submitted with enforcement action effectively suspended. Therefore, as the compliance period will begin again from the date of this decision, the appellant will effectively have had the 9 months he desires in which to comply with the requirements of the notice. I consider this period to be both reasonable and proportionate and provides an appropriate balance between the needs of the appellant to seek out alternative accommodation and to bring the stated harm caused by the unauthorised development to the Green Belt to an end. In these circumstances, I see no good reason to extend the compliance period further and

consider the 6 months given 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