



Appeal Decision

by Ken McEntee

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

Decision date: 25 February 2020

Appeal ref: APP/X1118/C/19/3237986

Land at Chesil Cliff House, Croyde, Braunton, Devon, EX33 1JH

- 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 Edward Short against an enforcement notice issued by North Devon District Council.
- The notice was issued on 29 August 2019.
- The breach of planning control as alleged in the notice is "Within the last 4 years unauthorised development consisting of the erection of a fence".
- The requirements of the notice are: "1. Remove the fence and associated frame from adjacent to the highway (Croyde Road)) whose approximate position is shown blue on the attached location plan. 2. Remove all rubbish and debris resulting from complying with step 1 above from the land outlined in red on the attached location plan".
- The period for compliance with the requirements of the notice is: "3 months from the date when 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 main basis of the appellant's case is that more time is required to comply with the notice in order to allow for the completion of the approved development. His agents contend that it is essential for the unauthorised fence to stay in place for health and safety reasons until completion of the works and requests that the compliance period be extended to 18 months for this purpose. They assert that although works had to cease due to financial difficulties, the appellant now has the finance to complete the project. However, while I acknowledge that it is essential for a perimeter fence to be in place while development is being carried out for health and safety reasons, I also note from the evidence before me that works have still not re-commenced on the site, despite the agents' assurances that they would. I cannot justify extending the compliance period further while the appellant decides he is ready to continue with the development. To do so, would be tantamount to granting a temporary planning permission, which is not before me to consider under an appeal made on ground (g). In any event, there does not appear to be any reason why the appellant cannot simply erect an alternative fence that would be acceptable to the Council and still meet health and safety requirements.

2. In these circumstances, I see no good reason to extend the compliance period further and consider the 3 months given 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