



Appeal Decision

by Ken McEntee

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

Decision date: 2 April 2020

Appeal ref: APP/D1780/C/19/3239189

Land at 7 Saxholm Dale, Southampton, Hants, S16 7GZ

- 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 Mrs Fiammetta Mazzola against an enforcement notice issued by Southampton City Council.
- The notice was issued on 13 September 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the change of use of the single storey side extension known as The Annexe, as a separate self-contained unit of accommodation".
- The requirements of the notice are: "Cease the use of the single storey side extension known as The Annexe, as a separate self-contained unit of accommodation. Revert the use back to a use ancillary to the main dwellinghouse".
- The period for compliance with the requirements of the notice is "3 months 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 allowed the enforcement notice is varied.

Reasons for the decision

1. The appellant's agent contends that the time period for compliance with the notice is too short as there is a tenancy agreement in place that does not expire until 2 June 2020. She also points out that a 2-month notice period is required after the expiration of the tenancy agreement and has provided a copy of the agreement. The appellant therefore requests that the compliance period be extended to 16 August 2020.
2. However, I see no reason to extend the compliance period to 16 August 2020 as suggested by the appellant as the tenancy agreement expires on 2 June 2020, after which an extra 2 months is required for notice of eviction to be served, which means an extension of the compliance period is only required until 1 August 2020. If the appeal is dismissed, the period for compliance will expire at the beginning of July as it will begin again from the date of this decision. As this is only 1 month short of the 1 August 2020 and in view of the appellants' reasons for requesting the extension, I consider it reasonable to extend the compliance period by a further month to 4 months. I consider this period to be both reasonable and proportionate and provides an appropriate balance between the needs of the occupier of the extension to seek out alternative accommodation and the need to bring the stated harm caused by

the unauthorised use to the surrounding area to an end. The ground (g) appeal therefore succeeds.

Formal Decision

3. For the reasons given above, the appeal is allowed and it is directed that the enforcement notice be varied in paragraph 6 "**TIME FOR COMPLIANCE**", by the deletion of "3" and the substitution of "4" months after this Notice takes effect. Subject to this variation the notice is upheld.

K McEntee