



Appeal Decision

by Ken McEntee

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

Decision date: 12 May 2020

Appeal ref: APP/Z3635/C/20/3244894

Land at 28 Hadrian Way, Stanwell, Staines upon Thames, TW19 7HF

- 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 M Singh against an enforcement notice issued by Spelthorne Borough Council.
- The notice was issued on 18 December 2019.
- The breach of planning control as alleged in the notice is "the carrying out of building, engineering, mining or other operations described in Schedule 2 hereto, without the grant of planning permission required for that development".
- The requirements of the notice are: "1. Demolish the outbuilding. 2. Permanently remove all resultant debris from the site. 3. Permanently remove any hardstanding and reinstate the land".
- The time period for compliance with the notice is "**within three months of it coming into 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 he requires more time to comply with the notice in order to await the outcome of planning appeal APP/Z3635/D/20/3245935 for retrospective planning permission for the erection of an outbuilding. However, I cannot justify extending a compliance period on this basis. In theory, such a situation could continue indefinitely, with continuous applications and appeals being submitted while enforcement action is put on hold. I also am mindful that some 4 months have already 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 have had some 7 months in which to carry out the necessary works to comply with the requirements of the notice. Therefore, on the evidence before me, I cannot conclude there is 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.
2. However, while I am dismissing the appeal, I am also conscious of the current situation with regard to the COVID-19 pandemic, which could potentially impact on the appellant's ability to carry out the required works. Therefore, should the appellant experience any genuine difficulties, it is open to him to submit a request to the Council to use their powers under section 173(1)(b) of the 1990 Act to

extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

K McEntee