



Appeal Decision

Site visit made on 30 June 2020

by Mrs H M Higenbottam BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/N0410/C/19/3238206

Land adjacent to Sutton Court Farm, Sutton Lane, Iver, Buckinghamshire SL3 8AR

- 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 made by Mr Amos Goldwyn against an enforcement notice issued by South Bucks District Council.
 - The enforcement notice was issued on 21 August 2019.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the material change of use of the Land to use for the storage and parking of motor vehicles together with incidental works and operational development comprising:
 - i) The erection of boundary timber fencing and gates, with lighting columns and poles the approximate location shown by a red line on the Plan;
 - ii) The erection of a car parking barrier in the approximate position shown marked "C" on the Plan;
 - iii) The stationing on the Land of two portable cabins in the approximate positions shown marked "D1" and "D2" respectively on the Plan;
 - iv) The laying of hard surfacing over the whole Land;all undertaken to facilitate that use.'
 - The requirements of the notice are:
 - i. Cease the use of the Land for the storage and parking of motor vehicles;
 - ii. Remove from the Land any motor vehicles not related to any lawful use of the Land;
 - iii. Remove all the hardstanding from the Land;
 - iv. Remove the fence and gates that border the Land (as indicated with a red line on the Plan), including all lighting columns and poles from the Land;
 - v. Remove the car-parking barrier (as indicated in the approximate position shown marked 'C' on the Plan), from the Land; and
 - vi. Remove from the Land all plant, equipment, fixtures and fittings and debris arising as a result of compliance with paragraphs 5.i to 5.v inclusive above.
 - The period for compliance with the requirements is five weeks for requirements i and ii and four months for requirements iii to vi inclusive.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matter

2. The appeal was originally submitted under ground (a). However, the prescribed fees were not paid within the specified period. Therefore, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed. I will therefore deal with the appeal on the basis of grounds (f) and (g) only.

Appeal on ground (f)

3. This ground of appeal is that the requirements of the notice are excessive and lesser steps would overcome the objections. The reasons for serving the Notice relate to the development being inappropriate development in the Green Belt and not injury to amenity caused by the breach. As such, the purpose of the Notice is to remedy any breach of planning control.
4. In appealing on ground (f) the appellant must give specific lesser steps which, in their view, would overcome the objections to the appeal development. The appellant states that the hardstanding is natural and porous in nature. He considers that removal of the hardstanding would be excessive and have no mitigation upon any harm asserted to be on site.
5. The retention of the hard standing would not remedy the breach of planning control. The removal of the hardstanding would return the land to the condition it was in before the breach of planning control and is thus reasonable and not excessive. The appeal on ground (f) fails.

Appeal on ground (g)

6. This ground of appeal is that the time given to comply with the Notice is too short. The Council have given five weeks for compliance with requirements i and ii and four months for requirements iii to vi inclusive.
7. The appellant states that five weeks to cease the use would lead to the abrupt closure of the business and lead to a loss of local jobs as well as parking contracts sometimes agreed for more than five weeks in advance. He refers to a duty to pay off the remaining lease of the contract and the requirements to remove hardstanding and other apparatus will ensure the business will have to collapse permanently in the tough economic climate. The appellant requests an extended period of 6 months to cease the use and remove vehicles (requirements (i) and (ii)) and a further period of 9 months to remove the material specified under requirements (iii) and (iv). The appellant records that there is no precise or particular transport endangerment issue cited in the notice and no harm to residential amenity. He believes the business should be allowed to seek alternative, cost effective options in terms of relocation within the area.
8. The Council state that the land was used for the parking of storage of vehicles by employees who meet their customers at Heathrow airport terminals where their vehicles are collected and driven back to the appeal site. The staff then drove the vehicles back to the customers when they returned to Heathrow. At the time of my site visit the site appeared mostly vacant, with no indication of any commercial activity or vehicle parking.
9. There is no substantiated evidence that there are bookings for the parking services which could not be honoured. Moreover, there is no substantiated

evidence to demonstrate why the appellant would require more than four months for removal of all the hardstanding, fences and gates and lighting columns and poles. The limited information in relation to financial effects is not sufficient to demonstrate that the compliance periods should be extended.

10. I have not been advised of any site-specific issues or been provided with information to demonstrate that the hardstanding or other matters required to be removed would be complex or time consuming to deal with. The appellant has failed to demonstrate that the requirements could not be carried out within the stated compliance periods.
11. I note that under the ground (f) appeal the requirement to cease the use was not challenged. As such, whatever the outcome of the appeal, the use would be required to cease. Thus, in these particular circumstances, the appellant would have been able to look for alternative premises during the period of the appeal.
12. On the evidence available, I find that the Notice allows reasonable compliance periods. The appeal on ground (g) fails.

Conclusions

13. For the reasons given above I consider that the appeal should not succeed.

Hilda Higenbottam

Inspector