



Appeal Decision

by Ken McEntee

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

Decision date: 9 September 2020

Appeal refs: APP/N2739/C/20/3250432 & APP/N2739/C/20/3250433
Land at Honeypot Farm, Selby Road, Camblesworth, North Yorks, YO8 8ND

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mrs Suzanne and Mr Paul Beck against an enforcement notice issued by Selby District Council.
- The notice was issued on 13 March 2020.
- The breaches of planning control as alleged in the notice is "Without planning permission the unauthorised change of use of the Land from equestrian use to a mixed use of residential, haulage yard and tyre storage business, including the siting of porta cabins/welfare units for residential use, conversion of outbuilding/stable block to residential use, storage of HGV cabs, trailers, tyres and other associated items for haulage/tyre distribution business, the erection of steel portal frame building and extension of hardstanding area".
- The requirements and times for compliance with the notice as listed in the annex to this decision.
- The appeals are 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 appeals are dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The main basis of the appellants' case is that they require more time to comply with the requirements of the notice due to the lockdown restrictions as a result of the COVID-19 pandemic. They request that the compliance period be extended to another 3 months. While I fully appreciate the appellants' concerns, since the appeals were submitted the COVID-19 lockdown restrictions have significantly eased, thus giving more scope for the appellants to take the necessary steps to carry out the required works. I am also mindful that some 5 months have elapsed since the appeals were submitted with enforcement action effectively suspended - 2 months more than that requested by the appellants. As the compliance period will begin again from the date of this decision the appellants will have had some 8 months in which to comply with the requirements of the notice - 5 months more than the shortest time period imposed (steps 1,2 and 5) and 1 month more than the longest (step 8). In these circumstances, I am not satisfied there is good reason to extend the compliance period further.
2. However, while I am dismissing the appeals, should the appellants' experience any genuine difficulties posed by the situation with regard to the COVID-19 pandemic, it will be open to them 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 appeals are dismissed and the enforcement notice is upheld.

K McEntee

ANNEX TO THE APPEAL DECISION

THE REQUIREMENTS OF THE NOTICE

- Step 1 Cease the residential use of the porta cabins/welfare units.
- Step 2 Cease the residential use of the converted outbuilding/stable block shown hatched on the attached plan.
- Step 3 Remove the porta cabins/welfare units from the site.
- Step 4 Remove all residential paraphernalia from the converted building/stable block. Including the kitchen, bathroom and living spaces and fixtures and fittings.
- Step 5 Cease the operation of the haulage/tyre distribution business from the Land.
- Step 6 Remove all items associated with the business from the Land, including HGV cabs, HGV Trailers, Tyres and other associated items.
- Step 7 Remove the steel portal frame building, including any hardstanding from the Land and all associated items from the demolition, marked as X on the attached plan.
- Step 8 Remove the extended hardstanding area from the Land, highlighted in green on the attached plan.

TIME PERIODS FOR COMPLIANCE

- Step 1 3 months from when this notice takes effect.
- Step 2 3 months from when this notice takes effect.
- Step 3 6 months from when this notice takes effect
- Step 4 6 months from when this notice takes effect
- Step 5 3 months from when this notice takes effect
- Step 6 6 months from when this notice takes effect
- Step 7 6 months from when this notice takes effect
- Step 8 7 months from when this notice takes effect