



Appeal Decision

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/P1805/C/20/3256809

Land off Stourbridge Road at junction with Claypit Lane, Bournheath, Worcestershire B61 9LH

- 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 Matthew Pugh against an enforcement notice issued by Bromsgrove District Council.
 - The enforcement notice, numbered 19/00064/INV, was issued on 17 June 2020.
 - The breach of planning control as alleged in the notice is: a.) Without planning permission, the carrying out of a material change of use of the Land from use for agriculture to use for the storage of plant machinery and equipment (B8 use class). b.) Without planning permission, the carrying out of operational development on the Land consisting of the creation of an area of hardstanding in the location marked hatched blue on the attached plan 'B'. Together the "unauthorised development".
 - The requirements of the notice are: a.) Remove all plant machinery (including associated equipment) parked, stored or stationed on the Land; b.) Remove the area of hardstanding created on the Land and identified by the area hatch blue on the attached Plan B; c.) Remove from the Land any materials, equipment or paraphernalia associated with the compliance with the above.
 - The period for compliance with the requirements is a.) 1 (one) month after the date this notice comes into effect; b.) 2 (two) months after the date this notice comes into effect; c.) 2 (two) months after the date this notice comes into effect;
 - The appeal is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed on ground (g) and it is directed that the enforcement notice be varied by the deletion of the time for compliance from section 6 and the substitution therefor of the words "four months" as the time given to comply with the notice. Subject to this variation the enforcement notice is upheld.

The Appeal on ground (g)

2. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable.
3. The reason for issuing the notice is primarily because the land is situated within the Green Belt where the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The period for compliance with the notice, as noted above in the header, was one and two months from the date when the notice would have come into effect .
4. The Appellant, as a consequence of Covid-19, has requested an extension to the period of compliance to 31 March 2020. I note from the Council's

submissions that in September 2020, they asked the appellant to withdraw the appeal on the basis that any subsequent enforcement action would not be taken until after 31 March 2021, thereby granting the time period request and avoiding any further expense. Having failed to receive an answer to this request, the Council rescinded the offer.

5. In light of the circumstances, and the fact that the Council was willing to extend the compliance period to that requested by the appellant, I am minded to allow the appeal on ground (g) and extend the compliance periods to four months. This would be an adequate period for complying fully with the requirements of the notice.
6. The appeal on ground (g) succeeds to that extent and I shall vary the terms of the notice accordingly prior to upholding it.

S A Hanson

INPSECTOR