



Appeal Decision

by Ken McEntee

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

Decision date: 17 March 2021

Appeal ref: APP/D1265/C/20/3263828

Land at Yew Tree Stables, Cross Lane, Corscombe, Dorchester, Dorset, DT2 0NX

- 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 Kay Russell against an enforcement notice issued by Dorset Council.
- The notice was issued on 13 October 2020.
- The breach of planning control as alleged in the notice is "The continued unauthorised stationing of a mobile home (the Mobile Home) on the land after the expiry of planning permission permitting such development; and unauthorised use of the Mobile Home as an office/mess."
- The requirements of the notice are: "i. Cease the unauthorised use of the Mobile Home, as an office/mess. ii. Permanently remove from the land the unauthorised Mobile Home (For the avoidance of doubt the mobile home to be removed is identified in photographs attached to this notice). iii. Permanently remove from the land any items used in connection with the unauthorised use of the Mobile Home".
- The time period for compliance with the notice is "within 1 month from the date this Enforcement Notice comes 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 appellant contends that she requires more time to comply with the requirements of the notice to allow enough time for works on a new dwelling to be completed, which has been delayed due to the COVID-19 situation. She asserts that works should be completed by 31 May 2021 so requests that the compliance period be extended till then. While I appreciate the appellant's reasons for requesting an extension of time to comply with the notice and that the 31 May 2021 is only some 6 weeks away, I share the Council's concerns that the unauthorised development/use has been in place for some considerable time and the impact it has had on the surrounding AONB. I am also mindful that that some 4 months have elapsed since the appeal was submitted with enforcement action effectively suspended. I take the view that the continued stated harm caused by the unauthorised/use should be brought to an end as soon as possible. Therefore, I do not consider an extension to the compliance period to be justified.
2. However, should the appellant experience any genuine difficulties in meeting the compliance period deadline, it will be open to her 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