
Appeal Decision

by Ken McEntee

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

Decision date: 15 June 2021

Appeal ref: APP/Q9495/C/20/3264640

Land at rear of New Mill Howe, Bootle, Millom, LA19 5UL

- 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 & Mrs Deryck Fell against an enforcement notice issued by Lake District National Park Authority.
- The notice was issued on 12 November 2020.
- The breach of planning control as alleged in the notice is "Without planning permission, building operations consisting of the permanent siting of a shipping container".
- The requirement of the notice is "Permanently remove the shipping container from the Land".
- The time period for compliance with the notice is "Three months after this notice takes 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 appellants contends that more time is required to comply with the requirement of the notice to allow enough time for planning permission to be granted for an extension to the existing building. This would provide space for storage and there would consequently no longer be any need for the shipping container. The appellants request that the compliance period be extended to 11 July 2021 for this purpose. However, the Council point out that they have granted planning permission for an extension, but they have no control of when it will actually be constructed. I agree with the Council's point and note that some 6 months have elapsed since the appeal was submitted. As the compliance period will begin again from the date of this decision, the appellants will effectively have had some 9 months in which to comply with the notice, some 2 months more than that requested. Therefore, it is reasonable to assume the appellants do not require any more time. I am therefore satisfied there is no good reason to extend the compliance period further. In these circumstances the appeal fails accordingly.

Formal decision

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

K McEntee