
Appeal Decision

by Ken McEntee

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

Decision date: 30 June 2021

Appeal ref: APP/W4325/C/21/3266632

Land on the corner of Price Street & Patten Street, Birkenhead, Wirral, CH41 6HA

- 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 Alessandra Stewart against an enforcement notice issued by Wirral Metropolitan Borough Council.
- The notice was issued on 3 December 2020.
- The breach of planning control as alleged in the notice is "(a) Operational Development comprising the unauthorised siting of storage containers on the land. (b) Unauthorised use of the land for storage".
- The requirements of the notice are: "1. Permanently remove all storage containers from the land. 2. Permanently cease the unauthorised use of the land for storage".
- The time period for compliance with the notice is: "Within a period of 4 months from the date on which 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 appeal appears to be made on the basis that the appellant requires more time to comply with the requirements of the notice while she submits a planning application. However, the Council have confirmed that despite the appellant having ample opportunity to do so, no such application has been submitted. I am mindful that almost 6 months have already elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 10 months in which to remove the storage containers from the land. I consider this period to be more than ample to comply with the requirements of the notice and I see no good reason to extend the compliance period further.

Formal decision

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

K McEntee