



Appeal Decision

by Ken McEntee

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

Decision date: 7 July 2021

Appeal ref: APP/M0655/C/21/3269977

Land at Reedham, 21-23 Broseley Lane, Culcheth, Warrington, Lancs, WA3 4HP

- 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 S Chivers against an enforcement notice issued by Warrington Borough Council.
- The notice was issued on 21 January 2021.
- The breach of planning control as alleged in the notice is "Without planning permission, the construction of a timber garage".
- The requirement of the notice is: "Remove the timber garage in its entirety".
- The time period for compliance with the notice is: "six calendar 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 is made on the basis that further time is required for the appellant to remove and relocate the vehicles that are currently being stored in the unauthorised garage before works to remove the garage can be carried out. However, this has proved difficult to do due to the COVID 19 restrictions. The appellant therefore requests that the time period to comply with the requirements of the notice be extended to 12 months.
2. However, I am mindful that some 4 months have elapsed since the appeal was submitted with enforcement action effectively suspended, and, in the meantime, COVID restrictions have been significantly lifted. 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 comply with the requirements of the notice. I consider this period to be more than adequate for the appellant to relocate the vehicles and to remove unauthorised development from the site.
3. In these circumstances, I do not consider there is good reason to extend the compliance period further and believe that the stated harm caused by the unauthorised development to the Green Belt should be brought to an end as soon as possible.

Formal decision

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

K McEntee