



Appeal Decision

by Ken McEntee

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

Decision date: 14 July 2021

Appeal ref: APP/Z4718/C/21/3269672

Land at east of Hillock Farm, Dean Road, Holmfirth, Yorks, HD9 3XB

- 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 Charlie Batten (Down to Earth Tree Management) against an enforcement notice issued by Kirklees Metropolitan Council.
- The notice was issued on 26 January 2021.
- The breach of planning control as alleged in the notice is "Without the benefit of planning permission, The unauthorised change of use from agricultural to storage and processing of timber, formation of access track and hardstanding and siting of containers".
- The requirements of the notice are: "a) Cease the use of the land for storage and processing of timber. b) Remove from the land all items associated with the use of the site for storage and processing of timber, such as, but not exclusive of; all machinery, tools, timber, shipping containers, wagon backs and associated paraphernalia. c) Remove from the land the access track and hard surfaced yard area".
- The time periods for compliance with the required steps of the notice are: within 30 days for completion of steps 5(a) and (b) and 60 days for completion of step 5(c) from the date 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 more time is required for the appellants to find a suitable alternative location for the storage materials due to the COVID 19 restrictions. The appellants have also submitted a planning application for a similar development. They therefore request that the compliance period be extended to 6 months. However, I am mindful that some 5 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 appellants will effectively have had some 6 months in which to comply with the first two required steps of the notice and some 7 months for the third. It is also reasonable to assume the revised planning application has been determined since the appeal was submitted.
2. 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

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

K McEntee