
Appeal Decision

by Ken McEntee

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

Decision date: 16 July 2021

Appeal ref: APP/B0230/C/21/3267919

Land at Paulo Auto Repairs Ltd, 8 May Street, Luton, LU1 3QY

- 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 MD Performance Solutions Ltd against an enforcement notice issued by the Luton Borough Council.
- The notice was issued on 22 December 2020.
- The breach of planning control as alleged in the notice is "Without planning permission the change of use of the Land from a storage (B8) use to use as a vehicle breakers yard and for vehicle repairs and sales ("The unauthorised use")".
- The requirements of the notice are: "(i) Cease the unauthorised Use. (ii) Remove all vehicles, machinery, business materials, sales literature and equipment associated with the Unauthorised Use from the land. (iii) Remove all associated waste generated from compliance with steps (i) and (ii) above from the Land".
- The time period for compliance with the notice is: "Three calendar 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. I note that the appellants have requested that the period for compliance with the notice be extended by 3 more months in order to vacate the premises. I also note that since the appeal was submitted the Council have agreed to this extension, yet the appeal has not been withdrawn. 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 requirements of the notice, which is 6 months more than that requested. In these circumstances, there does not appear to be any good reason to extend the compliance period further. The appeal fails accordingly.

Formal decision

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

K McEntee