



Appeal Decision

by Ken McEntee

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

Decision date: 20 July 2021

Appeal ref: APP/A0665/C/21/3269608

Land at Post Office, Moor Lane, Rowton, Chester, CH3 7QW

- 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 Tanveer Ahmed against an enforcement notice issued by Cheshire West & Chester Council.
- The notice was issued on 11 February 2021.
- The breach of planning control as alleged in the notice is "Without planning permission alterations to a building (alterations to roof, new entrance door, windows and rendering of all elevations) ("the unauthorised development")".
- The requirements of the notice are: "Option One 5.1 Construct the building in accordance with the approved plans under planning permission 20/00276/FUL: P333 L04 Proposed Elevations (Dated May 2020) SP01 Site Location Plan (Dated 13/01/20) 5.2 Remove all resulting materials from points 5.1 from the land outlined in red on the attached Enforcement notice plan. Option Two 5.3 Convert the building back to its original state as per drawing PL01 Existing Plan and Elevations (dated 06/01/2020) 5.4 Remove all resulting materials from points 5.3 from the land outlined in red on the attached Enforcement notice plan".
- The time period for compliance with the notice is: "Within 14 calendar months comply with Option One or Option Two above 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 the appellant would like more time to comply with the requirements of the notice due to financial difficulties. He requests that the compliance period be extended to 3 years. The appellant also complains it is not fair that another property in the area has been allowed to be built without restrictions. However, as an appeal has not been made under ground (a) this is not something within my remit to consider. All that is before me to determine under a ground (g) appeal is whether or not the period for compliance with the notice is too short.
2. With that in mind, while I have sympathy with the appellant's personal circumstances, I cannot justify extending the compliance period to 3 years as this would be tantamount to granting a temporary planning permission, which I have no powers to do under a ground (g) appeal. I am also mindful that some 5 months have 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 19 months for his financial circumstances to improve and to carry out the necessary works to comply with one of the 2 options given in the notice. I consider this period to be more than reasonable and I note the Council contend they have observed that works have already begun. For these reasons, I am not satisfied there is good reason to justify extending the compliance period further. The appeal fails accordingly.

Formal decision

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

K McEntee