



Appeal Decision

by Ken McEntee

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

Decision date: 9 August 2021

Appeal refs: APP/A2525/C/21/3268958 & APP/A2525/C/21/3268959 Land at Seas End Road, Moulton Seas End, Spalding, Lincs, PE12 6LA

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mrs Sherrie Wright & Mr Carl Wright against an enforcement notice issued by South Holland District Council.
- The notice was issued on 20 January 2021.
- The breach of planning control as alleged in the notice is "Without planning permission the change of use from agricultural use to mixed use of agriculture and the storage of vehicles, scrap vehicles and other non-agricultural paraphernalia".
- The requirements of the notice are: "(i) Cease all unauthorised non-agricultural uses of the Land; (ii) Remove all items not solely connected with the agricultural use from the Land including but not limited to vehicles/scrap vehicles parts, machinery, tyres and other paraphernalia".
- The time period for compliance with the notice is: "(i) Three (3) calendar months after this notice takes effect (ii) Three calendar months after this notice takes effect".
- The appeals are 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 appeals are dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appellants contend that more time is required to comply with the requirements of the notice as they have been told by the police that they should not clear or travel to and from the site during the COVID lockdown. They also state that they have been having problems using their shared access drive. The appellants initially requested that the compliance period be extended to June but in subsequent correspondence they requested that it be extended to 8 months. As some 5 months have elapsed since the appeals were submitted, with enforcement action effectively suspended, the appellants will effectively have had the 8 months they desire to carry out the necessary works as the compliance period will begin again from the date of this decision.
2. It should also be noted that in that time, lockdown has been lifted and restrictions have been significantly reduced. Therefore, I am not satisfied there is good reason to justify extending the compliance period further and consider the stated harm caused by the unauthorised use to the surrounding area should be brought to an end as soon as possible. The ground (g) appeals fail accordingly.

Formal decision

3. For the reasons given above, the appeals are dismissed and the enforcement notice is upheld without variation.

K McEntee