
Appeal Decision

by Ken McEntee

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

Decision date: 19 August 2021

Appeal ref: APP/G4240/C/21/3274553

Land at Hodge Manor, Hodge Lane, Broadbottom, Hyde, Cheshire, SK14 6BW

- 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 Richard Gibson against an enforcement notice issued by Tameside Metropolitan Borough Council.
- The notice was issued on 6 April 2021.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of a timber panel fence in excess of one metre high adjacent to the highway along the boundary of Hodge Manor and Hodge Lane situated to the south east of the main house on the attached Plan 1, (PLAN 1)".
- The requirement of the notice is: "Remove the timber panel fence or reduce its height to one metre or less".
- The time period for compliance with the notice is: "Two months 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 basis of the appellant's case is that he requires more time to comply with the requirements of the notice to allow for an appeal against the refusal of a retrospective planning application to be determined, and to arrange for a specialist to undertake the required works. He therefore requests that the compliance period be extended to at least 4 months. However, I note that the planning appeal was turned away for being out of time. I am also mindful that some 4 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 6 months, 2 months more than that requested, in which to seek out an appropriate trades person to either remove or reduce the height of the unauthorised fence. Therefore, there does not appear to be any good reason to justify extending the compliance period further. The ground (g) appeal fails accordingly.

Formal decision

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

K McEntee