



Appeal Decision

Site visit made on 24 August 2021

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 20th October 2021

Appeal Ref: APP/Y3425/C/21/3275867

The land adjacent to Gnosall Road, Beffcote, Stafford

- 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 made by Mr Colin Hunt against an enforcement notice issued by Stafford Borough Council.
 - The enforcement notice was issued on 15 April 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission, change of use of the land from agricultural land to a mixed use of agricultural and the siting of a caravan for residential purposes.
 - The requirement of the notice is
 - (i) Stop using the land for the siting of a caravan for residential use.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice be varied and corrected as follows:
 - 1) Deleting the requirement in full and replacing it with "Cease the use of the land for the siting of a caravan for residential use and remove the residential caravan from the Land"
 - 2) by the substitution of "*4 months*" rather than "*3 months*" in the period for compliance
2. Subject to these variations and corrections, the enforcement notice is upheld.

The Notice

3. The single requirement of the notice states "Stop using the land for the siting of a caravan for residential use." There is no further requirement to remove the residential caravan although removal of the caravan is referred to in the Council's delegated report. At the time of my site visit, the caravan had been moved to a different location within the appeal site but was still in residential use. A Certificate of Lawful Use ¹ (the LDC) was issued on the 1 February 2018 which permitted the "siting of a non- residential caravan for use in association with the agricultural use of the land edged blue on the application plan."
4. In order to avoid inadvertently allowing for two non-residential caravans to be allowed on the appeal site due to under-enforcement once the residential use

¹ 17/271150/LDC

ceases as a result of the consequences of Section 173(11) of the Act, a requirement for the residential caravan which is the subject of the notice to be removed is needed. I shall therefore add the wording "and remove the residential caravan from the Land." As the existence of the LDC is not in any way affected by the notice, I do consider that the requirement can be added to provide clarity without causing injustice to either party when it was not envisaged by either party that two caravans could remain on the land as a result of compliance with this notice. I will therefore amend the wording accordingly.

The appeal under ground (g)

5. An appeal under ground (g) is that the period of compliance falls short of what is reasonable. The time for compliance is 3 months whereas the appellant has asked for a 6 month compliance period. Where an appeal is made on ground (g) only, the Inspector can take into account the amount of time taken in the appeal process when considering what would be a reasonable time to comply. The appellant has been aware since he lodged his appeal that he would need to find alternative accommodation in order to comply with the notice. The Council has indicated that there is accommodation on "Right Move" to rent within a 5 mile radius although it is not clear as to what the nature of that accommodation is in terms of suitability and size.
6. At the time of lodging the appeal in May 2021, the appellant stated that he was unlikely to be able to find alternative accommodation in 3 months given the current housing market due to the global pandemic and that there were no properties to rent on Right Move within a 5 mile radius. However, no further information was provided by the appellant as to what steps he had taken since appealing the notice to find alternative accommodation and Covid restrictions have now been lifted.
7. However, a 6 month compliance period from the issue of the decision letter would, in my view, be excessive particularly given the period that has passed since the appeal was lodged. Nevertheless, it is the case that the appellant will lose his current home. On balance, I consider 4 months for compliance to be a reasonable and proportionate balance between the public interest in securing compliance and the appellant's personal circumstances. The appeal therefore succeeds to that limited extent and I will vary the notice accordingly.

Other Matters

8. Although third party comments have been received, they relate to matters outside the remit of this appeal which is limited to the period for compliance.

Conclusion

9. For the reasons given, subject to the variations and corrections previously referred to, the enforcement notice is upheld.

E. Griffin

INSPECTOR