



Appeal Decision

by **Ken McEntee**

a person appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 18 November 2021

Appeal ref: APP/X1355/C/21/3276573

Land to the south of Ramshaw Row, Ramshaw, Bishop Auckland, County Durham, DL14 0NJ

- 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 George Vipond against an enforcement notice issued by Durham County Council.
- The notice was issued on 7 May 2021.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use of the Land to a B8 Use Class timber storage facility with incidental excavation, engineering and operational development for construction of access roads and hardstanding areas".
- The requirements of the notice are: "5.1. Permanently cease the importation of timber onto the Land, 5.2. Permanently cease all site clearance, excavation, engineering and construction operations on the Land, other than those necessary to comply with the remedial steps set out below. 5.3. Restore the Land to its condition prior to development taking place by undertaking the following actions: a. Permanently cease the use of all the Land for storage purposes; b. Permanently remove from the Land all stored timber and logs, and all plant, vehicles and equipment associated with the storage activity; c. Permanently remove from the Land the access roads and hardstanding areas, including all materials used in their construction, and re-instate the Land to its condition prior to development taking place, re-levelling the excavated areas applying soil and allow the land to re-cultivate to pasture land.
- The time periods for compliance with the notice are: "Steps 5.1 and 5.2 – **7 days from the date on which this notice takes effect.** Steps 5.3a and b. – **18 weeks from the date on which this notice takes effect.** Step 5.3c. – **22 weeks from the date on which 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 main basis of the appeal is that appellant considers that more time is required in order to find alternative storage facilities and to move the timber without effecting his business. He therefore requests that the compliance period be extended to 12 months. However, I 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 5 months to comply with requirements 5.1 and 5.2, some 9 months to comply with requirements 5.3a and b and some 10 months to comply with requirement 5.3c, which is just 2 months short of that requested. I consider these periods to be more than reasonable and provide an

appropriate balance between the need of the appellant to keep his business sustainable while seeking out alternative storage facilities for the timber, and the need to bring the stated harm caused by the unauthorised use of the land to an end. Therefore, I am not satisfied there is good reason to justify extending the compliance period further. The ground (g) appeal fails accordingly.

2. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties, it will be open to him to submit a request to the Council to use their powers under section 173(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

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

K McEntee