



Appeal Decision

by Ken McEntee

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

Decision date: 9 December 2021

Appeal ref: APP/V4250/C/21/3280411

Land at rear of 518 Warrington Road, Ince, Wigan

- 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 Christopher Price against an enforcement notice issued by Wigan Metropolitan Borough Council.
- The notice was issued on 8 July 2021.
- The breach of planning control as alleged in the notice is "Without the benefit of the necessary planning permission, the retention of unauthorised hardcore and hard standing on the Land and the material change of use of agricultural land for unauthorised storage of vehicles, trailers and scrap vehicle parts".
- The requirements of the notice are: "i. Remove all hardcore and formal areas of hardstanding from the Land. ii. Remove all palisade fence from the Land in its entirety. iii. Remove all associated vehicles, including trailers and scrap vehicle parts from the Land. iv. Full reinstatement of the Land to its previous state, including new grass seeding across the site and new tree planting along northern boundary of the site".
- The time period for compliance with the notice is: "2 months".
- 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, but with variation.

Reasons for the decision

1. It appears from the appeal submission that that the appellant would like the period for compliance with the requirements of the notice be extended as he plans to submit a planning application "within 6 months". However, I mindful that some 4 months have elapsed since the appeal was submitted with enforcement action effectively suspended. Nevertheless, whether such an application will actually be submitted can only be considered as a matter of speculation at this stage and I cannot justify extending the compliance period in such circumstances. In any event, as the compliance period will begin again from the date of this decision, the appellant will effectively have had some 6 months in which to submit such an application and to comply with the requirements of the notice if unsuccessful. In these circumstances, 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, I note that the time period for compliance given in the notice does not stipulate from when the period begins. I shall there vary the notice accordingly for the avoidance of doubt.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld, but varied at paragraph 6 "TIME FOR COMPLIANCE", by the addition of the words "from the date this notice takes effect" after "2 months".

K McEntee