The Planning Inspectorate

Appeal Decision

by Ken McEntee

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

Decision date: 6 January 2022

Appeal refs: APP/D2320/C/21/3283570 & APP/D2320/C/21/3283571
Land to the rear of 1 Sutton Fold, Adlington, Chorley, Lancs, PR6 9PB

- 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 Mr Michael & Mrs Sarah Wiles against an enforcement notice issued by Chorley Borough Council.
- The notice was issued on 10 September 2021.
- The breach of planning control as alleged in the notice is "The unauthorised development of an extension of an existing lawful outbuilding. The extension is shown hatched black on the attached plan".
- The requirement of the notice is: "The extension shown hatched black on the Plan must be removed".
- The time period for compliance with the notice is: "28 days 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 they need more time to comply with the requirements of the notice as they are booked with audit appointments up to mid-December and contend that they won't be in a position to start removing panels until the spring. However, I note that the unauthorised development, which is being used as a home office, has now been in place for more than 12 months and that the Council have previously granted a request for an extension of time to remove the extension. I also note that since then, the appellants refused Council officers entry to the site on two occasions and failed to respond to Council correspondence seeking updates. The appellants actions would appear to demonstrate little desire to comply with the requirements of the notice. Added to this, I am mindful that more than 3 months have elapsed since the appeals were submitted with enforcement action effectively suspended. As mid-December has now passed and it will not be far short of spring by the time the compliance period expires, I am not convinced on the evidence before me that there is good reason to justify extending the compliance period further. The ground (g) appeals fail accordingly.

2. However, while I am dismissing the appeals, should the appellants experience any genuine difficulties, it will be open to them to submit a further 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 appeals are dismissed and the enforcement notice is upheld without variation.

K McEntee