



Appeal Decision

Site visit made on 1 February 2022

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2022

Appeal Ref: APP/E2734/C/21/3286466

The land situate and known as Juleroyd House, Skipton Road, Kettlesing, Harrogate, North Yorkshire HG3 2LT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mr Mark Trickett against an enforcement notice issued by Harrogate Borough Council.
- The notice, numbered 18/00661/PR15, was issued on 28 September 2021.
- The breach of planning control as alleged in the notice is, without planning permission, the unauthorised material change of use of the land to a mixed use for (i) residential; (ii) agricultural; and (iii) the use for the storage and hire of motorhomes.
- The requirements of the notice are: (1) cease the use of the site for the storage and hire of motorhomes; and (2) remove all motorhomes from the site which are in use by the business.
- The period for compliance with the requirements is: 2 months from the date when the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Act.

Summary of decision: The appeal succeeds in part on ground (g) and the enforcement notice is upheld as varied in the terms set out below in the Formal Decision.

Application for costs

1. An application for costs was made by Harrogate Borough Council against Mr Mark Trickett. This application is the subject of a separate Decision.

Preliminary matter

2. The appeal form substituted Felliscliffe for Kettlesing, but I have used the address set out in the notice.

The appeal on ground (f)

3. The reasons for issuing the notice include the inadequate visibility at the site entrance and exit to Skipton Road, where the national speed limit applies. Vehicles associated with the storage and hire of motorhomes on the land joining Skipton Road thus give rise to significant harm to highway safety.
4. The appellant proposes a new egress to the east, to be reached by crossing a neighbour's land. This would allow vehicles to join Skipton Road where there is better visibility, with the current entrance and exit restricted to vehicles entering the site. However, the proposal is in sketch form, and it is not certain that the necessary visibility splays, requiring further third-party land, could be achieved. Even if they could, there is no deemed planning application for the new egress, so it cannot be secured in this appeal. Thus, only ceasing the storage and hire of motorhomes would end the harm to highway safety.

5. For these reasons, the breach of planning control cannot be resolved by lesser steps and the appeal on ground (f) must fail.

The appeal on ground (g)

6. Although the land includes the appellant's home, the requirements of the notice only relate to the storage and hire of motorhomes for business purposes. Nevertheless, the appellant confirms that the land has been for sale for some time and contends that a 6-month period would be more reasonable in an uncertain property market. While I appreciate that logic, the very nature of that uncertainty, and the absence of marketing details, make it difficult to say that 2 months is not a reasonable period, or that 4 more months are needed.
7. An extant planning permission¹ includes the formation of a new vehicular egress to Skipton Road, crossing adjacent land to the west. The appellant now has verbal agreement with the owner of that land with the aim of constructing this egress. If it were constructed, including the required visibility splays, and brought into use, the highway safety concerns forming part of the Council's reasons for issuing the notice could be addressed.
8. While agreement has been reached in principle, it is not clear if instructions have been issued to draw up a contract or what the anticipated timeframe for purchase is. Further, while contractors have been approached, the specification for their work has not been finalised. However, the appellant is advised that the ideal time to carry out the works would be around June 2022, subject to ground conditions, with completion envisaged in July 2022.
9. The verbal agreement is a recent development, so the current absence of additional detail is not surprising. However, the approved drawings mean the required land and the specification for the works are known, and the contractor's estimated timeline provides some clarity. Accordingly, the suggested 6-month period would allow a reasonable opportunity for a safe egress to be formed without forcing the business to relocate or cease.
10. On that basis, the appeal on ground (g) succeeds and the notice should be varied accordingly.

Conclusion

11. For the reasons given above, I conclude that the appeal on ground (f) should not succeed and the appeal on ground (g) should succeed. I shall uphold the enforcement notice with a variation.

Formal Decision

12. The appeal is allowed on ground (g) and it is directed that the enforcement notice be varied in section 6 by the deletion of "2 months" and the substitution of "6 months".
13. Subject to this variation the appeal is dismissed and the enforcement notice is upheld.

Mark Harbottle

INSPECTOR

¹ 20/02262/FUL, granted 9 November 2020