



Appeal Decision

by Ken McEntee

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

Decision date: 8 June 2022

Appeal ref: APP/P0240/C/22/3293563

Land at Warren Villas Quarry, New Road, Sandy, Bedfordshire.

- 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 Richard Banks against an enforcement notice issued by Central Bedfordshire Council on 13 January 2022.
- The breach of planning control as alleged in the notice concerns condition 17 of planning permission 17/2006, namely: "Except as may otherwise be approved in writing by the Local Planning Authority, final restoration of the rest of the wider Site outside phase 1a (including the former processing plant area and silt ponds where all buildings, machinery and foundations shall also be removed as part of the restoration) shall be completed in accordance with Drawing nos. P1/861/53/6 (dated Oct. 2008) and P1/861/55a (dated Oct. 2008) as approved by letter dated 5 November 2008. Restoration of the wider Site outside phase 1a shall be completed within 4 months of the date of this permission".
- The requirements of the notice are: "5. (i) Remove from the Land the stockpiles/heaps and deposits of materials whose approximate locations are shown by the blue hatched areas on the 'Old Plant Survey Plan' (**Plan ref. no. WVQ_SP1**) attached to this notice (the Old Plant Site Survey Plan is provided for indicative purposes). For the avoidance of doubt, the stockpiles/heaps and deposits of materials required to be removed from the Land comprise concrete rubble, metals, sand, gravel, reject minerals, overburden, soils and a weighbridge. (ii) In meeting the required steps referred to 5(i) above, not to permit at any time within the existing pond area shown shaded yellow on the 'Old Plant Site Survey Plan' (**Plan ref.no.WVQ_SP1**) attached to this notice: .the movement of the existing heaps of concrete rubble currently contained with the pond area which shall therefore not be disturbed or removed from that location; .the movement, deposit or storage of the materials specified in (i) above; .the passage or placement of plant, machinery and vehicles; .or any other form of disturbance".
- The time period for compliance with the notice is: "In respect of requirement 5 (i), eight (8) calendar months from the date when this notice takes effect. In respect of requirement 5 (ii) one (1) day from the date when 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 appellant's appeal is that he would like more time to comply with the notice in order to prepare and submit a planning application for a recycling site. He therefore requests that the period for compliance with the notice be extended to 18 months. However, to extend the time for compliance to such a period would be tantamount to granting a temporary planning permission, which I have no powers to do in an appeal on ground (g). Such a permission can only be granted in an appeal on ground (a), which I note has not been appealed.

I also note that no such application has yet been submitted. Whether one will be submitted in the future can only be considered as a matter of speculation. I am also mindful that some 4 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 12 months in which to prepare and submit a planning application and to comply with the requirements of the notice if unsuccessful.

2. In these circumstances, I am not satisfied there is good reason to justify extending the compliance period further and I consider the stated harm caused by the unauthorised development should be brought to an end as soon as possible. The ground (g) appeal fails accordingly.

Formal decision

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

K McEntee