



Appeal Decision

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/M1595/C/21/3284010

Land at Fort Road, Tilbury, Essex RM18 8UL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended ('the Act').
 - The appeal is made by Ms Diana Cole against an enforcement notice issued by Thurrock Borough Council.
 - The notice was issued on 7 September 2021.
 - The breach of planning control as alleged in the notice is the material change of use of land by the stationing of caravans for residential occupation; stationing of 3 touring caravans, generators, a horse box, a portable toilet, small timber shed, and kennels used in association with the residential use.
 - The requirements of the notice are: (i) Cease the unauthorised use of the land for residential purposes; (ii) Remove from the land the 3 touring caravans used for residential purposes; (iii) Remove from the land the generators, horsebox, portable toilet, timber shed, dog kennels and any other items in connection with the residential use; and (iv) Remove from the land all materials resulting from steps (i) to (iii).
 - The period for compliance with the requirements is: 2 months after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary matter

2. With the agreement of the parties a site visit was not carried out.

Reasons - the appeal on ground (g)

3. To succeed on this ground, it must be demonstrated that the period for compliance set out in the notice falls short of what should reasonably be allowed. The appellant suggested a longer period of 12 months to allow for court proceedings and for vacant possession to be obtained. While she has not provided an update on those actions, the Council has confirmed that the appeal site has been cleared. It can only follow that a 2-month period for compliance, beginning on the date of this decision, is not unreasonable.
4. Accordingly, I shall not vary the notice and the appeal on ground (g) must fail.

Conclusions

5. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Mark Harbottle

INSPECTOR