
Appeal Decision

Hearing Held on 22 November 2022

Site visit made on 21 November 2022

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2022

Appeal Ref: APP/P2935/C/22/3292643

Land at Horsley Banks Farm, Horsley, Newcastle-Upon-Tyne NE15 0NS

- 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 made by Mr William Pearcy Collard against an enforcement notice issued by Northumberland County Council.
 - The enforcement notice was issued on 21 January 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of a stable.
 - The requirements of the notice are:
 - (i) Remove the stable building from the land.
 - (ii) Following compliance with part (i) remove the resulting material from the Land.
 - The period for compliance with the requirements is (i) 26 weeks and (ii) 28 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed on ground (g), and it is directed that the enforcement notice be varied by the deletion of the wording "(i) 26 weeks (ii) 28 weeks" and substitution with "nine months" as the period for compliance. Subject to this variation the enforcement notice is upheld.

Procedural Matter

2. At the Hearing the Appellant provided written confirmation that he wished to withdraw grounds (b) and (f) from his appeal, and would proceed on ground (g) only. I have dealt with the appeal on that basis.

Appeal on ground (g)

3. The issue is whether the compliance period is reasonable. The Appellant advises that an appeal has been lodged against the Council's decision not to validate an application for planning permission to retain the building the subject of this notice. It is his view that the compliance period should be extended to nine months, which he considers is sufficient time for a decision to be made by the Planning Inspectorate on the planning merits of the building, and if necessary to comply with the notice.
4. The Council responded at the Hearing to the Appellant's request and did not raise any objections to the Appellant's proposed variation to the notice.

5. From the evidence before me, I am satisfied that the circumstances of this case are such that nine months would be a reasonable time to comply with the notice in full. In the event that planning permission is granted for the unauthorised development, the notice shall cease to have effect so far as inconsistent with that permission (s180 (1) of the Town and Country Planning Act, 1990).

Conclusion

6. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Elizabeth Pleasant

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gary Grant of Counsel, Kings Chambers.

Craig Ross of George F White.

FOR THE LOCAL PLANNING AUTHORITY:

Joe Turner Planning Enforcement Officer.

Abbie Nendick Principal Planning Enforcement Officer.

DOCUMENTS submitted at the Hearing

1. Written confirmation from Appellant setting out those grounds of appeal withdrawn and those to be relied upon.