



Appeal Decision

Site visit made on 15 February 2023

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/Y2620/C/21/3281841

Land at 1 Manor Farm Barns, Norwich Road, Corpusty, Norfolk NR11 6QD

- 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 Michael Walsh against an enforcement notice issued by North Norfolk District Council.
 - The notice was issued on 29 July 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission (i) Operational development consisting of the installation of a roof over an existing walled garden area and additional brickwork and fenestration to create a domestic building.
 - The requirements of the notice are: (i) Permanently remove the building, removing all new elements constructed on site including the new roof and additional brick work, fenestration and access door on the South West elevation facing 1 Manor Farm Barns. (ii) Return the Land to its condition before the breach took place.
 - The period for compliance with the requirements is 8 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 Town and Country Planning Act 1990 as amended.
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Decision

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

Preliminary Matters

2. My site visit was carried out at short notice due to an administration error by The Planning Inspectorate. Due to that short notice, a representative from the Council was unable to attend the site visit and I proceeded to carry it out as an Access Required Site Visit.

Ground (f)

3. To be successful under this ground, the appellant needs to demonstrate that the steps required by the enforcement notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by the matters stated in the enforcement notice or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
4. Compliance with the enforcement notice would return the land to its condition before the breach of planning control took place. The purpose of the enforcement notice is therefore to remedy the breach of planning control, rather than to remedy any injury to amenity. The requirements of the enforcement notice do not exceed what is necessary to remedy the breach of planning control, even if the appellant obtains planning permission to retain part of the unauthorised development in the future. If such a situation arises,

the provisions of Section 180 of the Act would become relevant to the effect of the enforcement notice.

5. The appeal under ground (f) must therefore fail.

Ground (g)

6. To be successful under this ground, the appellant needs to demonstrate that the period of 8 months specified in the enforcement notice for its requirements to be complied with falls short of what should reasonably be allowed.
7. The appellant has suggested that, in part due to the implications of the Covid-19 pandemic, a period of no less than 18 to 20 months should be allowed. It is claimed that this would be needed to seek pre-application advice and prepare a planning application for an alternative scheme, and then appoint suitable contractors to undertake the necessary remedial works.
8. I am also aware that the main parties have requested that the determination of this appeal be held in abeyance, pending the Council's determination of a planning application for an alternative scheme. It would be inappropriate to further delay the determination of this appeal. At the date of issue of this decision, I have not been advised of any decision the Council may have made on the planning application referred to.
9. Although I have been made aware of ongoing discussions between the Council and the appellant regarding potential alterations to the unauthorised development as an alternative to compliance with the enforcement notice, there is no clear and unambiguous evidence which demonstrates that an acceptable alternative scheme is capable of being agreed.
10. The evidence before me does not indicate that a period of 8 months would be insufficient to comply with the enforcement notice, which would not require particularly complex remedial works. Delays in appointing contractors due to the Covid-19 pandemic may also be less severe at present, compared to when the appeal was submitted over 18 months ago. During that time, the appellant has prepared and sought planning permission for an alternative scheme.
11. It has not been demonstrated that the period specified in the enforcement notice for its requirements to be complied with falls short of what should reasonably be allowed, and the appeal under ground (g) must therefore fail.

Conclusion

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

L Douglas

INSPECTOR