



Appeal Decision

by Ken McEntee

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

Decision date: 20 April 2023

Appeal ref: APP/A1720/C/22/3313117

Land at Oaklea Farm, 155 Fareham Park Road, Fareham, Hants, PO15 6LW

- 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 Ms Cathryn Bowman-Wise against an enforcement notice issued by Fareham Borough Council.
- The notice was issued on 16 November 2022.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use of the Land to use for the storage of scaffolding equipment".
- The requirements of the notice are: (i) Cease the use of the Land for the storage of scaffolding equipment, including but not limited to scaffold poles and planks; and (ii) Remove the three open-sided scaffolding racks shown on the attached plan in the approximate locations marked "A", "B" and "C"; and (iii) Remove the resulting materials from the Land".
- The time period for compliance with the notice is: "Two months after 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 with variation.

Reasons for the decision

1. The main basis for the appeal is that the appellant feels that the compliance period should be extended until after the Council have determined her application to discharge conditions 5&6 of planning permission P/22/1104/FP to relocate the scaffold yard. She therefore requests that the compliance period be extended to 6 months. However, it is noted that since the appeal was submitted the Council have approved the stated application on 20 January 2023. Furthermore, as the compliance period will begin again from the date of this decision, the appellant will effectively have had the 6 months requested to comply with the requirements of the notice. Therefore, there does not appear to be any good reason before me to justify extending the compliance period further. The ground (g) appeal fails accordingly.

Formal decision

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

K McEntee