



Appeal Decision

Site visit made on 17 May 2023

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 14th June 2023

Appeal Ref: APP/L3245/C/22/3306341

245 Wenlock Road, Shrewsbury, SY2 6SA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by G Corfield against an enforcement notice issued by Shropshire Council.
 - The notice was issued on 23 August 2022.
 - The breach of planning control as alleged in the notice is: without planning permission (i) the construction of a wall incorporating lighting and entrance gates to the front of the property, and (ii) the construction of a balustrade balcony with lighting at the rear of the property.
 - The requirements of the notice are
 - i. To dismantle and remove the first-floor balustrade balcony at the rear of the property and replace with a Juliet Balcony as per Planning Consent 20/02207/FUL, and
 - ii. To demolish and remove the boundary wall, gates and lighting at the front of the property and,
 - iii. to dispose of all waste and materials arising from works done to comply with i) and ii) above
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice is corrected and varied by :
 - a. deleting the whole of the wording from allegation (i) namely "the construction of a wall incorporating lighting and entrance gates to the front of the property, and"
 - b. adding the words "first-floor" to allegation (ii) and deleting the words "with lighting" so that the allegation is " the construction of a first floor balustrade balcony at the rear of the property."
 - c. deleting the whole of the wording from requirement ii. namely " to demolish and remove the boundary wall, gates and lighting at the front of the property."
 - d. amending requirement iii. by deleting the reference to "and ii)"
2. Subject to the corrections and variations, the enforcement notice is upheld.

Applications for costs

3. An application for costs was made by G Corfield against Shropshire Council. This application is the subject of a separate Decision.

Preliminary Matters

4. On the 21 October 2022, planning permission was refused on appeal for the balustrade balcony referred to in the notice. The appellant subsequently confirmed that he wished to withdraw his application for planning permission under ground (a) for the balustrade balcony.

The Notice

5. On the 6 October 2022, planning permission was granted on appeal for the boundary wall referred to in the notice subject to conditions. I will therefore remove the allegation and requirements which relate to the wall. With regard to the balustrade balcony, the addition of the words "first floor" to the allegation means that it matches the requirement. I will remove the reference to lighting in the remaining allegation relating to the balustrade balcony as it does not appear in the requirements and neither party objects to its removal. No party suffers injustice as a result of any of these deletions or changes.
6. The appeal is therefore now proceeding on ground (g) only.

An appeal under ground (g)

7. An appeal under ground (g) is that the period for compliance with the notice is too short. The period for compliance is 3 months and the appellant has asked for 6 months. The reasons given for needing more time to comply was due to the lack of availability of contractors and specialist consultants and potentially inclement weather. At the time of lodging the appeal, the appellant was required to remove the wall as well as the balustrade balcony.
8. However, following the determination of the planning appeals in October 2022 and the withdrawal of the ground (a) appeal for the balustrade balcony, the requirements are limited to the balustrade balcony only. Having regard to the scale and nature of the work that is required to comply with the remaining requirements, I consider that the current compliance period of 3 months is reasonable. The appeal under ground (g) therefore fails.

Conclusion

9. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations.

E Griffin

INSPECTOR