The Planning Inspectorate

Appeal Decision

Site visit made on 23 May 2023

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/B3030/C/22/3304834

Land known as Plot 12, New Lane, Blidworth

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by Mr S Reavley against an enforcement notice issued by Newark and Sherwood District Council.
- The notice was issued on 21 July 2022.
- The breach of planning control as alleged in the notice is operational development on 'the Land' comprising of the construction of a timber stables building (marked 'X' on the attached Location Plan and identified within photograph 1) and development comprising of the material change of use of the land from agriculture to the keeping of horses (equestrian).
- The requirements of the notice are 1) Cease the current use of the land for the keeping of horses (equestrian use) – including removing from the land with all and any associated paraphernalia such as jumps etc; and resultant waste and materials; and 2) Remove from the land the timber stables building (marked 'X' on the attached Location Plan and identified within photograph 1).
- The period for compliance with requirement 1) is 84 days and the period for compliance with requirement 2) is 140 days.
- 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.

Decision

1. The enforcement notice is varied by the deletion of '84 days' in section 6(1) and the substitution instead of '180 days' and by the deletion of '140 days' in section 6(2) and the substitution instead of '210 days'.

2. Subject to the variations the enforcement notice is upheld.

Reasons

The ground (f) appeal

3. The enforcement notice seeks to remedy two breaches of planning control, operational development and a material change of use, rather than any injury to amenity. The requirements of the notice are the cessation of the material change of use and the removal of the operational development that has been carried out. The requirements are the minimum necessary to remedy the breaches of planning control. The ground (f) appeal thus fails.

4. The Appellant's Agent has suggested that the material change in the use of the land from agriculture to the keeping of horses does not conflict with national policy but this is a matter for consideration in a ground (a) appeal, which has not been made. It is not a matter for consideration in a ground (f) appeal.

The ground (g) appeal

5. Compliance with the requirements of an enforcement notice should be achieved as soon as is reasonably possible. The period for compliance with the requirement of the enforcement notice that would result in the cessation of the unauthorised material change of use, 84 days, is unreasonable for the Appellant to find and secure alternative land on which to keep his horse or horses. It is also inconsistent with the period for compliance with a similar requirement in an enforcement notice relating to the keeping of horses on a nearby plot of land. In that case the period for compliance with the requirement to cease the use of the land is 180 days, which is reasonable. It is also reasonable to allow the Appellant a further 30 days to remove the stable building from the land. The ground (g) appeal thus succeeds and the notice has been varied accordingly.

John Braithwaite

Inspector