



Appeal Decision

by Ken McEntee

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

Decision date: 2 August 2023

Appeal ref: APP/Y2620/C/23/3321185

Land off Beeston Regis Layby, Cromer Road, Beeston Regis, Norfolk

- 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 Mr Tim Perry against an enforcement notice issued by North Norfolk District Council.
- The notice was issued on 30 March 2023.
- The breach of planning control as alleged in the notice is "Without planning permission (i) The material change of use of the land to a builder's yard for the storage of materials. (ii) The siting of two shipping containers used for storage in relation to the unauthorised builder's yard."
- The requirements of the notice are: "(i) Permanently cease the builder's yard activity on the Land (ii) Remove all the building materials, tools and equipment from the Land (ii) Permanently remove the two shipping containers from the Land".
- The time period for compliance with the notice is "4 months from the date 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 allowed and the notice is varied.

Reasons for the decision

1. The main basis of the appellant's case is that he is concerned about the impact the steps required to comply with the notice will have on the business and its employees, and therefore considers more time is needed to find a suitable alternative site to relocate to. He requests that the compliance period be extended to 9-12 months from the date the notice takes effect. I note that while the Council object to the time period suggested by the appellant, they are content for the compliance period to be extended to 6 months. This would mean that as the compliance period will begin again from the date of this decision, the appellant will effectively have had almost 10 months in which to comply with the requirements of the notice, which falls within the period requested by the appellant. I consider the Council's proposal to be both reasonable and proportionate and provides a compromise between the desire of the appellant to limit the impact of the requirements on his business and employees and to seek out an alternative site, and the need for the stated harm caused by the unauthorised use to be brought to an end as soon as possible. I will therefore extend the time period in which to carry out the necessary works to comply with the notice to 6 months.
2. In these circumstances the ground (g) appeal succeeds accordingly.

Formal decision

3. For the reasons given above, the appeal is allowed and it is directed that the enforcement notice be varied under '**Time for Compliance**' by the deletion of "4 months" from the date when this notice takes effect" and the substitution of "6 months" from the date this notice takes effect" for each requirement. Subject to this variation the notice is upheld.

K McEntee