

Appeal Decisions

Site visit made on 8 October 2023

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

**Appeal Refs: APP/N2739/C/23/3324810 and 3324811
Cobblers Cottage, Pinfold Hill, Wistow, Selby YO8 3UN**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Hayley Lamb and Mr John Lamb of Langley Properties (North) Ltd against an enforcement notice issued by North Yorkshire Council.
- The enforcement notice was issued on 23 May 2023.
- The breach of planning control as alleged in the notice is the unauthorised change of use from residential property to Holiday Let.
- The requirements of the notice are to cease the use of the property for short term holiday lets.
- The period for compliance with the requirements is 2 months.
- The appeals are each proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary Decision: the appeals are dismissed and the enforcement notice upheld.

Main Issue

1. The main issue arising in both appeals is whether the time stipulated for compliance is unreasonably short.

Reasons

2. Although reference is made to a planning application having been submitted in respect of the use, no other grounds of appeal are brought against the notice in relation to which the appellants may have been entitled to assume success pending the determination of the appeal. It follows that the notice will inevitably be upheld and compliance will fall due at some point.
3. The notice was served in May and the appeal made shortly afterwards, seeking an extension of the period for compliance to six months on the basis that bookings had been taken until December and that two months was unreasonably short. Compliance nonetheless having been an inevitability since no appeal was brought on any other grounds, the six months sought by the appellants when making their appeals would now be achieved if I were to uphold the notice in its present form. That would require compliance by the end of December. In other words the appellants have, merely by appealing, achieved the extension of time sought. In these circumstances there is no good reason for me to allow the appeals and they are therefore dismissed.

Formal Decisions

4. The appeals are dismissed and the enforcement notice is upheld.

Laura Renaudon
INSPECTOR