



Appeal Decision

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 02 November 2023

Appeal Ref: APP/V4250/C/23/3320509

Land to the north of Pendlebury Lane, Haigh, Wigan, WN2 1LT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Tauqer Aslam against an enforcement notice issued by Wigan Metropolitan Borough Council.
 - The notice was issued on 14 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a stable, wooden and metal structures and the creation of an access road using plastic, hardstanding and rubble.
 - The requirements of the notice are to
 1. Remove the stable shown in exhibit EN/1
 2. Remove the wooden structure shown in exhibit EN/2
 3. Remove the metal structure shown in exhibit EN/3
 4. Remove the plastic, hardstanding and rubble and any associated material used to create the access road
 5. Return the Land back to how it was before the unauthorised development was carried out
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appellant has chosen not to appeal under ground (a) which would have included a deemed planning application for planning permission for the development. The planning merits of the development are not therefore matters for my consideration in determining this appeal which is made under ground (g) only.

The appeal under ground (g)

3. An appeal under ground (g) is that the period for compliance with the notice falls short of what is reasonable. The period for compliance in the notice is 2 months. The appellant has not suggested an alternative period for compliance or alleged that a period of compliance of 2 months is unreasonable. Instead, in his appeal form, he refers to his intention to lodge a separate appeal against the Council's decision of the 14 March 2023 to refuse to grant retrospective planning permission for the development. His view is that the enforcement notice should not take effect until a separate planning appeal had been determined.

4. The appellant has known since deciding to pursue ground (g) only that he would need to comply with the requirements of the notice when this appeal was determined unless he had obtained planning permission on appeal for the development. However, the appellant has not provided any evidence that a separate planning appeal was lodged and it is now over 7 months since that planning application was refused.
5. In the absence of an appeal under ground (a), it must be assumed that there is harm to the Green Belt as alleged in the reasons for issuing the notice. The current compliance period is supported by local residents as well as the Council and it is in the public interest to secure compliance within a reasonable timescale.
6. The last requirement requires the Land to be returned back to how it was before the development took place. If it is not possible for that requirement to be complied with during the compliance period, then the appellant can ask the Council to exercise its discretionary powers under Section 173 A(1)(b) of the Act to allow further time for compliance with that requirement if the Council considers that is it appropriate to do so.
7. In summary, the appellant is not alleging that the period for compliance is unreasonable or that he cannot comply with the requirements within 2 months and there is no planning permission for the development. The appeal under ground (g) therefore fails.

Conclusion

8. For the reasons given above, the appeal is dismissed.

E Griffin

INSPECTOR