



Appeal Decision

Site visit made on 24 October 2023

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal Ref: APP/W3520/C/22/3312858

Land at Green Lane, Off Potash Lane, Wyverstone, Suffolk IP14 4SL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr S Whomes against an enforcement notice issued by Mid Suffolk District Council.
 - The notice was issued on 10 November 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of the land from agriculture to a mixed use involving use of the land for the operation of a business, use of the land for the storage of shipping containers, plant and machinery associated with the business, and use of the land for the storage of waste materials associated with the business. Without planning permission, the engineering operation involving the formation of hard standing.
 - The requirements of the notice are to:
 - A) Cease the use of the land for the operation of the business
 - B) Cease the use of the land for the storage of plant machinery associated with the business
 - C) Cease the use of the land for the storage of waste associated with the business
 - D) Remove the hard standing and return the land to its previous condition
 - E) Remove all the items associated with the business
 - The period for compliance with the requirements is by 17 February 2023.
 - 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.
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Decision

1. It is directed that the enforcement notice is varied by the deletion of 'by 17 February 2023' and the substitution of '100 days' as the period for compliance.
2. Subject to the variation, the enforcement notice is upheld.

Ground (f)

3. An appeal on ground (f) is on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy an injury to amenity which has been caused by any such breach.
4. The purposes of an enforcement notice are set out in Section 173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). As the enforcement notice requires the use to cease and the land to be returned to its previous condition, I consider the purpose of the notice is to remedy the breach of planning control.
5. The appeal only concerns requirement (D) which relates to the removal of hardstanding. The appellant argues that this requirement is unreasonable because the hardstanding does not have a harmful effect on visual amenity or the character of the area. However, for the reasons I have set out above the

purpose of the notice in this case is not to remedy an injury to amenity. In this case it has not been shown that anything short of the removal of the hardstanding would remedy the breach of planning control.

6. For the reasons set out above the appeal on ground (f) does not succeed.

Ground (g)

7. Ground (g) is that the period specified for compliance with the notice falls short of what should reasonably be allowed. Compliance with the notice in this case is by reference to a date. The notice was issued on 10 November 2022 and the compliance date is stated to be by 17 February 2023. This equates to a compliance period of 100 days.
8. The appellant considers that the compliance period is too short because it provides insufficient time for alternative premises at an affordable price to be sourced to enable the business to relocate. He requests that the compliance period be extended to 9 months.
9. There is no evidence to substantiate the appellant's view that appropriate alternative accommodation could not be found within the compliance period as set out in the notice. When I attended the site visit there did not appear to be any business activities taking place on the site, although I accept that this was only a snapshot in time.
10. For the reasons set out above I find that the period afforded by the notice does not fall short of what is reasonable, and I conclude that the appeal on ground (g) should not succeed.
11. It is necessary for me to amend the compliance period of the notice in the light of the appeal, but I can do so by varying the notice so that the compliance period is 100 days.

Sarah Dyer

INSPECTOR