



Appeal Decision

by Ken McEntee

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

Decision date: 18 April 2024

Appeal ref: APP/Z1775/C/23/3325810

Land at Unit 8 Partnership Park, Rodney Road, Southsea, Hants, P04 8DF

- 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 McDonalds Restaurant Ltd against an enforcement notice issued by Portsmouth City Council.
- The notice was issued on 13 June 2023.
- The breach of planning control as alleged in the notice is "Without planning permission, the change of use to a commercial kitchen and food delivery centre (Sui Generis) with associated bin store".
- The requirements of the notice are: "1) cease using the Land as a commercial kitchen and food delivery centre. 2) Remove from the Land temporary waste storage sited at the front of the property".
- The time period for compliance with the notice is 3 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.

Summary of decision: The appeal is dismissed and the notice is upheld without variation.

Reasons for the decision

1. The basis of the appellants appeal is that they require more time to comply with the requirements of the notice in order to relocate approximately 120 staff to alternative stores. Therefore, they request the compliance period be extended to at least 6 months. While I appreciate the appellants reasons for requesting more time to comply with the notice, I am also mindful that some 8 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, it follows that the appellants will have had some 11 months in which to relocate staff to alternative stores and to comply with the requirements of the notice, which is some 5 months more than that requested. On the evidence before me therefore, I am not satisfied there is good reason to extend the compliance period further.

Formal decision

2. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee