



Appeal Decision

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/Q4245/C/23/3326061

23 Talbot Road, Stretford, Manchester M16 0PE

- 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 made by Khalid Khan against an enforcement notice (EN) issued by Trafford Council (the LPA).
 - The enforcement notice was issued on 14 June 2023.
 - The breach of planning control as alleged in the notice is: the material change of use of an ambulance service station to a mixed use comprising a vehicle repair, service and MOT station, and residential accommodation.
 - The requirements of the notice are as follows:
 1. Cease the residential use of the building to the western side of the site, shown in photographs ENF/01, ENF/02, ENF/03 and ENF/04.
 2. Reinstate the use of the building to the western side of the site shown in photographs ENF/01, ENF/02, ENF/03 and ENF/04, to offices, kitchen and WC ancillary to the vehicle repair, service and MOT station in accordance with drawing WGT_PL003– Existing and Proposed Floor plans approved under planning permission 85360/FUL/15.
 3. Remove the caravan shown in photographs ENF/05 and ENF/06 from the land.
 - The period for compliance with the requirements is Six Months.
 - The appeal is proceeding on ground (g) only, as set out in section 174(2) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

1. The appeal is dismissed. See formal decision below.

Matter of clarification

2. The appeal is made on ground (g) only and the merits of the case do not fall to be considered. It has not been necessary for me to carry out a site visit. The parties have been made aware of this by the Planning Inspectorate Case Officer. In dealing with the appeal on this basis, I am satisfied that no injustice has been caused.

The appeal site and background information

3. The appeal site, a former Ambulance Service Station, is located on the south-east side of Talbot Road within the grounds of the Trafford Hall Hotel. It lies to the south-west of the hotel and is bounded to the south-east by a main railway line. Planning permission, subject to conditions, was granted in 2015 for the change of use of the land to a vehicle repair, service and MOT station (Use Class B2). It is stated in the appeal submissions that the business now operates as 'Auto Crash Repair' and there are several other buildings on the site.

4. It is the building on the west side of the site that has been used unlawfully as residential accommodation. In addition, several other structures have been brought on to the land following the 2015 conditional planning permission. These include 2 containers and the residential caravan to which the enforcement notice refers. The history of the Enforcement Action is set out in the Council's Appeal Statement and there is no dispute regarding the details. It does not need to be repeated here.

Reasons

The Gist of the case for the appellant

5. Reference is made to the RTPI Planning Enforcement Handbook and in particular to an appeal on Ground (g) whereby the Handbook states: *'there is no tariff of reasonable periods, but factors might include the need to evict occupiers or the need to specify and tender work'*. It is stressed that the occupiers of the building would have to be evicted. It is stated that a new tenancy agreement was signed which *'elapses on 1 April 2024'*. A six month period is sought in order to honour the agreement.

6. Reference is also made to the *'considerable sum'* already spent by the appellant and that an additional 6 months would enable him to *'source the necessary funds to employ a team to carry out the works, and to remove the static caravan. There is also a 'wish to explore the possibility of locating the caravan to a location within the curtilage of the adjacent hotel to be used for ancillary purposes such as a break-out area for staff'*.

The Gist of the Case for the Council

7. The Council considers that six months is an entirely reasonable compliance period. This is particularly the case as the agent had previously stated over a year ago, in March 2023, that a notice would be served to terminate the lease and that within 6 months, the residential use would cease. This did not happen and the EN was served.

My Assessment

8. Having considered the overall circumstances of this case I agree with the Council that the 6 month compliance period is *'entirely reasonable'*. With regard to the tenancy agreement this must have elapsed on 1 April 2024. The appellant had already indicated, over 12 months ago in March 2023, that notice would be served on the tenant. However, the new tenancy agreement was signed.

9. There should no longer be a tenancy agreement in place and thus the 6 month compliance period from the date of this decision is an additional *'bonus'* in terms of when the compliance with the enforcement notice must take place. In effect the appellant will have had more than a 6 month extension of time to comply.

10. With regard to the funding for the removal of the caravan and its possible location elsewhere, again I consider that the appellant has had more than sufficient time to consider these matters considering that the enforcement notice was issued almost one year ago. It follows that the appeal on ground (g) must fail.

Formal Decision

11. The Appeal is dismissed. The compliance period remains as Six Months.

Anthony J Wharton

Inspector