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# Appeal Decision

Site visit made on 23 April 2024

**by John Whalley**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> May 2024**

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**Appeal ref: APP/X3405/C/23/3326323**

**11 Trinity Gorse, Trinity Fields, Stafford ST16 1SL**

- The appeal was made by Nik Hodgkinson under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Stafford Borough Council.
- The notice was issued on 28 June 2023; reference 016872.
- The breach of planning control was: Without planning permission:
  - (i) the erection on the Land of a structure made of wood with a metal roof which surrounds and covers a shipping container, ("Structure"), located in close proximity to the boundaries with side and rear neighbours as shown marked in blue on the plan attached to the notice for identification purposes; and
  - (ii) the erection on the Land of three (×3) boundary fences, ("Fences") which measure in excess of 2 metres in height when measured from the original ground level as shown marked on the plan attached to the notice for identification purposes and annotated "2.2m", "2.04m" and "2.12m" respectively.
- The requirements of the notice are:
  - (i) Remove the structure from the land.
  - (ii) Remove from the Land all building materials and rubble arising from compliance with the first requirement under (i) above; and
  - (iii) Reduce the height of the three boundary fences to the rear of the dwelling house on the land to a maximum height of 2 metres when measured from the original ground level.

*Time for compliance with all requirements of the notice – one month after the notice takes effect.*

- The appeal was made on ground (g) as set out in the amended Act.

**Summary of decision: The appeal fails. The enforcement notice is upheld**

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## Appeal

1. The appeal concerns a shipping container and its fittings, described in the enforcement notice as a structure, together with high fences erected at the rear of the dwelling at 11 Trinity Gorse, Trinity Fields.

## The appeal on ground (g)

2. The appeal on ground (g) asks that more time is granted to comply with the requirements of the enforcement notice. The notice requires the removal of the structure, the materials consequent upon its demolition from the land and the reduction of the height of the 3 boundary fences to no more than

- 2m. The requirements allowed a period for compliance of one month. Mr Hodgkinson, the Appellant, said ill health had prevented him carrying out the necessary works. His appeal asked for the period be extended by 2 months to allow him, as he saw it, to be in a position to carry out the work.
3. Mr Hodgkinson made his appeal in July 2023. As the only ground of appeal asked for more time to comply with the requirements of the notice, Mr Hodgkinson, who I understand to be a builder, should have known that it would be upheld and have been prepared to comply, whether the period was one or the extra 2 months he requested. Now, approaching another summer, I consider the one month period to be sufficient time in which to carry out the necessary works to comply with the requirements of the enforcement notice.
4. The appeal on ground (g) fails.

**FORMAL DECISION**

5. The appeal is dismissed and the enforcement notice is upheld without amendment.

*John Whalley*

INSPECTOR