



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities & Local Government

Decision date: 15 August 2024

Appeal ref: APP/U2235/C/24/3340822

Land at 17 Charlesford Avenue, Kingswood, Maidstone, Kent, ME17 3PE

- 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 Mr Terence Ireland against an enforcement notice issued by Maidstone Borough Council.
- The notice was issued on 22 February 2024.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use of land to domestic garden land and operational development including erection of summerhouse, areas of hardstanding and the stationing of storage containers within the red outlined plan attached".
- The requirements of the notice are: "a) The cessation of the unauthorised use of the land as domestic garden land and for the storage of containers outlined in red on the attached plan. b) The complete demolition of the unauthorised 'summerhouse' from the land in red on the attached plan. c) The complete removal from the land outlined in red on the attached plan, all storage containers, areas of hard standing and structures. d) Return land to its previous condition/levels by ripping the ground in two directions, re-spreading topsoil over that land to a depth of 150mm (or more where necessary) to fill in any depression and grading allowing for natural grass sward and woodland to regenerate. e) Remove permanently from the land all materials, rubbish and debris as a result of compliance with steps a), b) and c) above...".
- The time period for compliance with steps a) to d) is "**Six months** after this notice takes effect". The time for compliance with step e) is "within **One month** of compliance".
- 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 appellant's appeal is that he considers the compliance period is too short as it doesn't allow sufficient time to raise the necessary finance and appoint contractors to schedule and physically carry out the required works. He therefore suggests the period be extended to 12 months. While I appreciate the appellant's reasoning, I am mindful that some 5 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 appellant will have had some 11 months in which to arrange the contracting and carrying out of the required works, which is just 1 month short of that requested. I consider this period to be more than reasonable, and I am not satisfied there is good reason to extend the compliance period further. The appeal fails accordingly.

Formal decision

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

K McEntee