



Appeal Decision

by Ken McEntee

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

Decision date: 6 September 2024

Appeal ref: APP/K2230/C/24/3342736

Land at Oakleigh Farm, Buckland Road, Higham, Rochester, Kent, ME3 7HY

- 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 Mrs Louise Hall (Hire Heat Ltd) against an enforcement notice issued by Gravesham Borough Council.
- The notice was issued on 8 April 2024.
- The breach of planning control as alleged in the notice is: "Without the benefit of planning permission the material change of the Land (and buildings thereon) from agricultural use to a mixed use comprising of Use Class E(g) (Industrial Processes), B2 (General Industrial) and B8 (Storage & Distribution), including for the avoidance of doubt open storage of plant and materials in connection with the unauthorised uses".
- The requirements of the notice are: (i) Cease the use of any part of the Land for Class E(g), B2 and B8 Uses not connected to agriculture (ii) Remove all plant, equipment, machinery, vehicles associated with the unauthorised uses from the Land. (iii) Remove all metal storage containers from the Land. (iv) Remove all resultant debris and associated materials generated from the compliance with the above steps from the Land. (v) Return the Land to its condition before the breach took place".
- The time period for compliance with the notice is: "within four **calendar months** from the date this notice takes effect".
- 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 enforcement notice is upheld without variation.

Reasons for the decision

1. The main basis of the appellant's case is that she does not consider 4 months is long enough to comply with the requirements of the notice as the stored heavy plant machinery will require lifting specialists to remove. She also contends that a planning application for a temporary structure on another site to house the machinery has been submitted, and the tenant has entered into a new lease agreement. The appellant therefore requests that the compliance period with the notice be extended to 12 November 2024. While I note the reasons for the appellant's desire for the compliance period to be extended, I am also 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, the appellant will effectively have had some 9 months in which to arrange the implementation of the necessary works to comply with the requirements of the notice. This timescale extends the period to some 2 months beyond the date requested by the appellant. Therefore, there does not appear to

be any good reason before me to extend the compliance period further. The appeal on ground (g) fails accordingly.

Formal decision

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

K McEntee