

Appeal Decision

Site visit made on 4 September 2024

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th of September 2024

Appeal Ref: APP/X4725/C/23/3334476

Land at Alcudia, Woolley Low Moor Lane, Woolley WF4 2LN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Christian Syme against an enforcement notice issued by Wakefield Metropolitan District Council.
 - The notice was issued on 9 November 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the Land from use for agriculture to a mixed use for plant hire and concrete business depot including storage of aggregates, plant, machinery, cement silo, mobile office, portable toilets, intermediate bulk containers and shipping containers and the associated development of a detached office building and push walls.
 - The requirements of the notice are:
 1. Cease the use of the Land for plant hire and concrete business depot
 2. Cease the use of the land for storage of aggregates, plant, machinery, cement silo, mobile office, portable toilets, intermediate bulk containers and shipping containers.
 3. Remove from the land all stored aggregates, plant, machinery, cement silo, mobile office, portable toilets, intermediate bulk containers and shipping containers.
 4. Demolish the detached office building and push walls.
 5. Remove from the land all resultant debris from the demolition of the office building and push walls.
 - The period for compliance with the requirements is 26 weeks.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Reasons

2. There is no appeal on ground (a) (that planning permission should be granted) and the appellant does not dispute the harm alleged by the Council. This includes harm to road safety.
3. The basis of the appellant's case is that more time is needed to relocate the business. The period sought is 2 years. This time period reflects the time the appellant says is needed to find a suitable site, get planning permission for

the use, relocate there and carry out the various remedial works required by the notice.

4. I have some sympathy with the appellant's position, and accept that relocation is a complex and potentially lengthy process. I am particularly mindful that the business directly employs or supports a number of people and, no doubt, makes a useful contribution to the local economy and the construction sector.
5. However, that must be balanced against the desirability of remedying the harm arising from the development without undue delay. In particular, I am mindful that it is important not to prolong a use which compromises road safety. Moreover, there is little substantive evidence to support the appellant's estimates for the time period that each stage of the relocation will take. For instance, other than general references to the specific requirements of the business and the need to agree terms, it is not clear how the estimate of 12 months to identify a site and have a lease agreement in place has been arrived at.
6. Furthermore, time has now passed since the notice was issued, such that, even with the compliance period unchanged, the appellant will have well over a year since the notice was issued to comply with it. Since the appeal was only made on ground (g), there was little doubt that the appellant would need to comply with the requirements of the notice in due course. In these circumstances, it is appropriate to take the additional time arising from the appeal into account, since there was no need for the appellant to delay making progress with the relocation pending the outcome of the appeal.
7. Overall, given the time that has now passed since the notice was issued, I consider that the compliance period specified in the notice strikes an appropriate balance between the needs of the business and the need to remedy the breach of planning control.

Conclusion

8. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice without variation.

Peter Willows

INSPECTOR