



Appeal Decision

by Ken McEntee

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

Decision date: 19 September 2024

Appeal ref: APP/J0405/C/24/3339767

Land at The Old Dairy, 125B Aston Clinton Road, Weston Turville, Bucks, HP22 5AB

- 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 Russell Smith (Bearbrook Construction) against an enforcement notice issued by Buckinghamshire Council-North Area (Aylesbury)
- The notice was issued on 1 February 2024.
- The breach of planning control as alleged in the notice is: "Without planning permission, the material change of the Land to storage, parking and repair of motor vehicles, facilitated by operational development consisting of; 1) the erection of outbuildings 2) the laying of hardstanding and 3) the erection of a fence in excess of one metre adjacent to a highway".
- The requirements of the notice are: 1. Cease the use of the Land for storage and vehicle repairs. 2. Permanently remove all vehicles and equipment relating to the unauthorised use from the Land. 3. Permanently remove the outbuildings from the Land. 4. Permanently remove the hardstanding and fence from the Land. 5. Remove all debris and materials arising as a result of complying with steps 3 and 4. 6. Restore the Land to its condition prior to the breach of planning control taking place, which consisted of open grassland".
- The time period for compliance with the notice is: "within 3 months of this notice taking 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 appellant requests that the period for compliance with the requirements of the notice be extended by 5 months in order to allow time for application 08/01136/APP to be determined. However, as that application was determined on 9 July 2028, I can only assume that the application he intended to refer to was 24/00336/APP¹, which was submitted on 30 January 2024 and also mentioned in the appeal form. Nevertheless, I note that some 7 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 10 months in which to carry out the necessary works to comply with the requirements of the notice. I cannot justify extending the compliance period further.
2. However, as the Council are better placed to assess when application 24/00336/APP is likely to be determined, the appellant may wish to submit a

¹ New fence and gate for land to be used for storage of materials in association with adjacent builders yard (Retrospective)

request to them to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

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

K McEntee