



Appeal Decision

by Ken McEntee

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

Decision date: 1 October 2024

Appeal refs: APP/L3625/C/24/3343158,59 & 60

Land at The Skimmington Castle Public House, Bonny's Road, Reigate Heath, Reigate, Surrey, RH2 8RL

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mrs Yvonne Wright, Mrs Hurford-Jones and Mr Petre Hurford-Jones against an enforcement notice issued by Reigate and Banstead Borough Council.
- The notice was issued on 25 March 2024.
- The breach of planning control as alleged in the notice is: "Without planning permission, the change of the Land from a Public House (Sui Generis) to a mixed use comprising use as a Public House and for the stationing of a mobile home for residential purposes".
The requirements of the notice are: "1. Cease the use of the land for the stationing of a mobile home for residential purposes. 2. Remove permanently from the land shown in blue hatch on the attached plan, all static caravans/mobile homes and tourers and do not relocate them within the red line shown on the plan. 3. Remove the enclosure fencing (marked blue on the plan), or reduce it in height to a maximum height of 2m. 4. Removal all debris from the site".
- The time period for compliance with the notice is: "4 months from the date the notice takes effect".
- The appeals are 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 appeals are dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The basis of the appellants' case is that the pub business will be affected if their chef has to leave due to no longer being able to reside in the unauthorised mobile home on the site. They request that the period for compliance with the requirements of the notice be extended to 12 months from the date of the notice to allow time for the summer period to be over, which will also allow for the chef to find alternative accommodation via the housing system.
2. However, I note that some 5 months have elapsed since the appeals were submitted with enforcement action effectively suspended and the summer period is now over. As the compliance period will begin again from the date of this decision, the appellants will effectively have had some 9 months in which to carry out the necessary works to comply with the requirements of the notice. I consider this period to be both reasonable and proportionate and strikes a balance between the need for the occupier of the mobile home to seek out alternative accommodation, and the need for the stated harm caused by the unauthorised use to the surrounding area to cease as soon as possible. I cannot justify extending the compliance period further. The appeals on ground (g) fail accordingly.

Formal decision

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

K McEntee