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# Appeal Decision

**by Ken McEntee**

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

**Decision date: 3 October 2024**

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**Appeal ref: APP/K2610/C/24/3345653 & 3345654**

**Land at Weston Equestrian Centre, Morton Lane, Weston Longville, Norfolk, Southwest, NR9 5JL**

- 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 Mr Thomas & Mrs Janet Conyers (Weston Equestrian Centre) against an enforcement notice issued by Broadland District Council.
- The notice was issued on 14 May 2024.
- The breach of planning control as alleged in the notice is the breach of condition 3 (as described in the annex to this decision) in relation to planning permission for "1. Erection of Toilet Block 2. Standing of 4 No. Mobile Homes for Holiday Let (Reference – 20121195, copy attached) subject to conditions."
- The requirements of the notice are: (1) Cease the use of all holiday units, except for that which was granted permission as a full-time workers dwelling under reference 2023/0911, as a sole or main residence. 2. Produce an up to date register of the names and main home addresses of all the individual occupiers of the holiday units for inspection by the Council.
- The time period for compliance with the notice is: "1. 12 months from the date this notice takes effect. 2. 13 months from the date this 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.**

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## Reasons for the decision

1. The main basis of the appellants' case is that they feel the time period to comply with the requirements of the notice is too short in order to allow the occupiers of the holiday unit in question (Mr & Mrs Gale) to find suitable alternative accommodation. They contend that they need more time in view of the fact Mr Gale has several severe health concerns and in view of the current state of the rental market. While I can appreciate the occupiers' difficult situation, I am also mindful that some 4 months have elapsed since the appeals were submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the occupiers will effectively have had some 16 months in which to seek out suitable alternative accommodation, and the appellants some 17 months to provide a register of occupiers of the holiday units. I consider this period to be more than reasonable and proportionate; it provides an appropriate balance between the needs of the occupiers and the need for the harm caused by the unauthorised use to the surrounding area to be brought to an end.

2. While I have sympathy with the occupiers' personal circumstances and in no way wish to appear dismissive of them, I cannot be satisfied there is good reason to extend the compliance period further. The appeal on ground (g) fails accordingly.
3. However, should the appellants continue to experience any genuine difficulties, it will be open to them to submit a request to the Council to use their powers under section 173(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

### **Formal decision**

4. For the reasons given above, the appeals are dismissed and the enforcement notice is upheld.

*K McEntee*

### **Annex to the decision.**

#### Condition 3

The holiday accommodation unit shall be for holiday use only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding six weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection at all reasonable times to the Local Planning Authority following prior written notification.