



Appeal Decision

by Ken McEntee

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

Decision date: 22 January 2025

Appeal ref: APP/U2750/C/24/3348974

Land known as Units 6 & 7 Hambleton Grove Industrial Estate, Hambleton Grove, Knaresborough, North Yorks.

- 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 Nicholas Newton (Adrian Pearson Agencies) against an enforcement notice issued by North Yorkshire Council.
- The notice was issued on 12 June 2024.
- The breach of planning control as alleged in the notice is: "Change of use of units from Builders Merchants (Use Class Sui Generis) to Storage and Distribution (Use Class B8)"
- The requirements of the notice are: "Cease the unlawful B8 (Storage and Distribution) use within the units".
- The time period for compliance with the notice is "within 3 months from the date upon which 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 appellant contends that an alternative site has been found for the business, but more time is required in order to complete the necessary steps, such as due diligence etc, before relocation of the business can be carried out. He therefore requests the compliance period be extended to 6 months. Whilst I appreciate the appellant's reasons for requesting more time to comply with the notice, I am mindful that some 6 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, which is 3 months more than that requested, in which to complete the necessary pre relocation steps and to cease the unauthorised use as required by the notice. Therefore, I see no good reason to justify extending this period further. The appeal fails accordingly.

Formal decision

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

K McEntee