
Appeal Decision

by Ken McEntee

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

Decision date: 29 April 2025

Appeal ref: APP/V2255/C/24/3352158

Land at A2 Food Stores, 25 Canterbury Road, Sittingbourne, Kent, ME10 4SG

- 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 A Hasib against an enforcement notice issued by Swale Borough Council.
- The notice was issued on 16 August 2024.
The breach of planning control as alleged in the notice is: Without planning permission the erection of a metal, open trellis framed enclosure with a fabric roof covering to the front of the Property". The requirements of the notice are: "(i) Dismantle the metal, open trellis framed enclosure with a fabric roof covering located to the front of the Property. (ii) Remove all resultant trellis, fabric, metal, materials, debris and rubbish arising from compliance with step (i) above from the Property".
- The time period for compliance with the notice is: "Within three (3) months from the date that 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 main reasons stated for requiring more time to comply with the requirements of the notice are to find a practical and lawful solution, to ensure business and security continuity and due to financial and weather considerations. The appellant's supporting arguments to these reasons are set out in his statement of case. He requests that the period for compliance be extended to 9 months. While I acknowledge the appellant's reasons for requesting an extension of time to comply with the requirements of the notice, I am also mindful that more than 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 comply with the notice, which is 1 month more than that requested. That being the case, there does not appear to be any good reason before me to justify extending the compliance 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