



Appeal Decision

by **Ken McEntee**

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

Decision date: 17 June 2025

Appeal ref: APP/H1705/C/25/3361473

Land at adjacent to 47 Richard's Field Chineham, Basingstoke, Hants, RG24 8YJ

- 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 Mrs Theresa White against an enforcement notice issued by Basingstoke & Deane Borough Council.
- The notice was issued on 22 January 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, the material change of use of the Land from an amenity use to a residential use by the enclosure of the Land and the erection of close board fencing (shown for indicative purposes only marked by a bold black line marked A and B on the attached plan)".
- The requirements of the notice are: "5.1 Permanently cease the use of the Land for residential use and remove any items taken onto the land in connection with that use; 5.2 Permanently remove from the Land all close board fencing shown for indicative purposes only marked by a bold black line and marked A and B on the attached plan. 5.3 Restore the Land to its former condition prior to the breach of planning control taking place. 5.4 Reinstate the fencing which was removed from the boundary of 47 Richard's Field to its original position as existed prior to the breach of planning control taking place".
- The time period for compliance with the notice is: "For all the above steps, 6 months after 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. It appears clear that the appeal has been made for two reasons; one is to allow time for an appeal (APP/H1705/W/3354896) to be decided, which was made against a retrospective planning application to regularise the unauthorised development, and the second is due to the risk of disturbing nesting birds during the nesting season from 1 March to 31 July. The appellant therefore requests that the period to comply with the requirements of the notice be extended to 31 January 2026. Whilst I appreciate the appellant's reasons for making this request, I note that appeal decision referred to has now been issued and dismissed. I am also mindful that more than 3 months have elapsed since this 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 more than 9 months in which to comply with the notice. In the meantime, the nesting period will be long over. Therefore, I am not satisfied there is 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