



Appeal Decision

by Ken McEntee

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

Decision date: 25 June 2025

Appeal ref: APP/C1760/C/25/3362314

Land at "Willbox", Crescent Estate, Station Road, Nursling, Hants, SO16 0YD

- 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 C Williams (Williams Shipping Transport Ltd) against an enforcement notice issued by Test Valley Borough Council.
- The notice was issued on 10 February 2025.
- The breach of planning control as alleged in the notice is: "Alleged without planning permission the material change in use of the land to a mixed use comprising Storage and Distribution of containers (Use Class B8) and the fabrication and conversion of containers (Use Class B2) and associated Operational Development and comprising the erection of two workshop buildings".
- The requirements of the notice are "(i) Cease the use of the land outlined in red on the attached plan for industrial (Use Class B2) purposes. (ii) Remove the white canopies and metal framework, that form the roofs of the two workshop buildings, annotated in blue on the attached plan. (iii) Remove the white rear panels from the two workshop buildings annotated in blue on the attached plan".
- The time period for compliance with the notice is: "Steps (i) – (iii) of paragraph 5 to be completed within (3) three months from the date the 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 basis of appellant's case is to allow time for submission and determination of an application to reposition the workshop canopies to a different position, and for staff to find alternative jobs if the application is unsuccessful as they may need to be laid off. The appellant therefore requests that the period for compliance with the requirements of the notice be extended to 12 months.
2. While I note the appellant's reasons for this request, extending the compliance period to 12 months is tantamount to granting a temporary planning permission, which I have no powers to do under an appeal made on ground (g). There is also no evidence before me of a planning application having been submitted, and whether one will be submitted in the future can only be considered as a matter of speculation at this stage. 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 6 months in which to comply with the requirements of the notice. I consider this period to be both reasonable and proportionate and provides a balance between the needs of the appellant's business and staff, and the need to bring the stated harm caused by

the unauthorised use and development, to neighbouring properties and the surrounding area, to an end as soon as possible. Therefore, I am not satisfied there is good reason to justify extending the compliance period further. The appeal fails accordingly.

3. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties, it is open to him to submit a request to the Council to use their powers under section 173A(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 appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee