



Appeal Decision

by Ken McEntee

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

Decision date: 31 July 2025

Appeal refs: APP/Y2620/C/25/3364225/26/27/28

Land at Fern Bank, Carr Lane, Roughton, Norwich, Norfolk, N11 8PG

- 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 Karl Hawes, Mrs Rosemary Fabb, Mr Michael Fabb and Mr Benjamin Fabb against an enforcement notice issued by North Norfolk District Council.
- The notice was issued on 13 March 2025.
The breach of planning control as alleged in the notice is: "Without planning permission: 1. Material change in the use of the Land from mixed use comprising agricultural use, horse livery, and car repairs, independent residential use facilitated by the stationing of 2 tourer caravans, storage of scaffold poles, and storage of scrap vehicles".
The requirements of the notice are: "1. Permanently cease the independent residential use of the Land by the siting two tourer caravans (labelled 1 and 2 on Plan B). 2. Permanently remove the two tourer caravans from the Land (areas labelled 1 and 2 on Plan B). 3. Permanently cease using the Land for storage of scaffold poles (area labelled as 3 on Plan B). 4. Permanently remove all scaffold poles (area labelled as 3 on Plan B). 5. Permanently cease using the Land for storage of scrap vehicles (area labelled as 4 on Plan B). 6. Permanently remove all scrap vehicles from the Land (area labelled as 4 on Plan B)".
- The time period for compliance with the notice is: "Points 1-2 detailed in section 5 of this notice – 9 months from the date the notice comes into effect". Points 3-6 in section 5 of this notice – 3 months from the date the notice comes into 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.

Reasons for the decision

1. It appears clear that the main reason for requesting more time to comply with the requirements of the notice is due to the appellants' health issues. They request that the compliance period be extended to 3 years. While I have sympathy with the appellants with regards to the health problems they are experiencing and in no way wish to appear dismissive of them, I cannot extend the compliance period to 3 years as this would be tantamount to granting a temporary planning permission, which I have no authority to do on an appeal under ground (g). I am also mindful that more than 3 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 appellants will effectively have had some 12 months in which to comply with requirements in points 1-2 and some 6 months to comply with points 3-6. I consider these periods to be both reasonable and proportionate and provides a reasonable balance between the personal needs of the appellants and the need for the stated harm caused by the

unauthorised use of the site to be brought to an end as soon as possible.
Therefore, I am not satisfied there is good reason to extend the compliance period further. The appeals fail accordingly.

Formal decision

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

K McEntee