



Appeal Decision

by Ken McEntee

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

Decision date: 4 September 2025

Appeal ref: APP/F0114/C/25/3358827

Land at Greenhill House, South Road, Timsbury, Somerset, BA2 0ES

- 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 Mitesh Dhanak (First Timsbury Limited) against an enforcement notice issued by Bath & North East Somerset Council.
- The notice was issued on 18 December 2024.
- The breach of planning control as alleged in the notice is: "Without planning permission, the material change of use of former residential care home site to residential use without care provisions."
- The requirement of the notice is: **Requirement 1** – Cease the use of former residential care home as a residential use without care provisions".
- The time period for compliance with the notice is "**Three months** from the date that this Enforcement 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 the appellant's case is that the time to comply with the requirements of the notice is too short as more time will be needed to facilitate a phased removal of the current occupiers of the property, and for a planning application for redevelopment to be considered. The appellant has concerns about the risk of damage, vandalism, trespass or illegal occupation if the property is left vacant. He initially requested the compliance period be extended to 18 months in his grounds of appeal, but I note he requests 12 months in his final comments.
2. While I note the reasons put forward by the appellant, I cannot extend the compliance period to 12 or 18 months as this would be tantamount to granting a temporary planning permission, which I have no authority to do on an appeal made on ground (g) only. I also cannot justify extending the compliance period on the possibility of a planning application being submitted in the future, which can only be considered as a matter of speculation at this stage. I am mindful that some 8 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 11 months in which to take the necessary steps to ensure the requirements of the notice are complied with. I consider this period to be more than reasonable and provides a proportionate balance between the concerns and needs of the appellant and occupants of the property, and the need for the stated harm caused by the

unauthorised use of the property 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 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