



Appeal Decision

by Ken McEntee

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

Decision date: 1 October 2025

Appeal ref: APP/D0840/C/25/3364903

Land known as Harbour House, 3 Trefusis Road, Flushing, Falmouth, Cornwall, TR11 5TY

- 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 William Speed against an enforcement notice issued by Cornwall Council.
- The notice was issued on 29 April 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, the installation of kitchen ventilation/extraction system and associated works."
- The requirements of the notice are: "(1) Remove the unauthorised kitchen ventilation/extraction system (2) Make good any damage caused from complying with (1) above and remove the ventilation/extraction system and any associated debris from the land shown edged red on the attached plan".
- The time period from compliance with the requirements of the notice is "For (1) – (2) above, six 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. The main basis of the appellant's case for more time to comply with the requirements of the notice is in order to obtain planning permission for an alternative system and to carry out its installation. He argues that the 6-month time period would require the premises to be closed, which would risk the ongoing viability of the business. He therefore suggests that the compliance period be extended to 24 months. I note that retrospective application PA23/10308 was dismissed by appeal decision APP/D0840/W/24/3355493 on 25 July 2025.
2. While I appreciate the reasons put forward by the appellant, I cannot extend the compliance period to 24 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 am mindful that more than 5 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 more than 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 reasonable and provides a proportionate balance between the concerns and needs of the appellant and his business, and the need for the stated harm caused by the unauthorised development to the surrounding

Conservation Area 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, as the Council point out, 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