



Appeal Decision

by Ken McEntee

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

Decision date: 16 October 2025

Appeal ref: APP/U2750/C/25/3366623

Land situated and known as Rhondali, Moor Monkton, York, YO26 8JJ

- 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 Frankie Buck (FB Van Sales) against an enforcement notice issued by North Yorkshire Council.
- The notice was issued on 17 April 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, the unauthorised change of use of the Land from residential to B8 (Storage and Distribution) land use at the site by the storing commercial vehicles and breach of condition 3 of planning permission ref: ZC24/01293/FUL."
- The requirements of the notice are: 'Step 1 Cease the B8 land use of vehicle storage at the site by ceasing the external storage of commercial vehicles and removing them from the Land. Step 2 Comply with condition 3 of planning permission ref: ZC24/01293/FUL. This states 'All vehicles in association with the business shall be stored within the building hereby permitted and not on any external areas'.
- The time period from compliance with the requirements of the notice is "6 months from when 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 reason given by the appellant for requiring more time to comply with the requirements of the notice is in order to find and secure a new site to expand his van sales business and to obtain the necessary consents. He therefore requests that the compliance period be extended to 12 months.
2. While I appreciate the reasons put forward by the appellant to extend the compliance period, I am mindful that more than 4 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 10 months in which to find and secure an alternative site and 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 of the appellant and the needs of his business, and the need for the stated harm caused by the unauthorised development to the surrounding 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, 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