



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 16 October 2025

Appeal Ref: APP/M0655/C/24/3347898

7 Winwick Street, Warrington, Cheshire, WA1 1XR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by YP Group Limited against an enforcement notice issued by Warrington Borough Council.
 - The notice was issued on 4 June 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land to an external storage area (ancillary to the Parrs Bank Hotel) with wooden storage enclosure and gate.
 - The requirements of the notice are: Cease the use of the land as an external storage area ancillary to the Parrs Bank Hotel, and remove the wooden enclosure, gate, bins, beer kegs, and other paraphernalia, so as to allow resumption of the former unhindered use of the land as public highway.
 - The period for compliance with the requirements are: 1 month.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is varied by deleting the words “, so as to allow resumption of the former unhindered use of the land as public highway”. Subject to this variation, the enforcement notice is upheld.

Preliminary Matters

2. The appeal is proceeding only under s174(2)(f) of the Town and Country Planning Act 1990. That ground does not require any visual assessment of the appeal site to consider its potential effects on, for example, highway safety or on the character and appearance of the area. There is also no scope under a ground (f) appeal to take account of matters such as anti-social behaviour, a pavement licence and a security risk to the building. For these reasons it was not necessary for me to see the appeal site. I have, therefore, determined the appeal based on the submitted written evidence without a site visit. This course of action has not prejudiced the cases of either appeal party.

Main Issue

3. The main issue is whether the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused any such breach.

Reasons

4. The notice alleges an unauthorised change of use of the land and for works and items associated with that use to be removed from the land. On this basis, the purpose of the enforcement notice is aimed at remedying the breach of planning

control by discontinuing the use and restoring the land back to its condition before the breach took place under s173(4)(a) of the 1990 Act. The requirements do no more than meeting this purpose. Thus, they do not exceed what is necessary.

5. There is, however, no scope to require reversion to the lawful use. Therefore, while I understand that the lawful use of the land as public highway may naturally resume once the unauthorised use has ceased and various works and items have been removed, the words after 'paraphernalia' at paragraph 5 of the notice are not needed. I shall therefore make a minor variation to the requirement accordingly.

Conclusion

6. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

Gareth Symons

INSPECTOR