



Appeal Decision

by Ken McEntee

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

Decision date: 29 October 2025

Appeal ref: APP/P0119/C/25/3368015

Land next to Cromhall Sewage Works, Rectory Lane, Cromhall, Wotton-under-Edge, South Glos.

- 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 David Alan Bennett against an enforcement notice issued by South Gloucestershire Council.
- The notice was issued on 22 May 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, the change of use of land from agriculture to a mixed use of agriculture and a dog walking business (use class 'sui generis') including the associated operational development to facilitate the use, namely the installation of an access track and 3no. areas of hardstanding/parking areas (as shown in the aerial photograph at appendix one to this notice)".
- The requirements of the notice are: "1. Permanently cease the use of the land for a dog walking business. 2. Remove the access track and the three areas of hardstanding/parking areas, including all constituent materials (as identified outlined in blue on the aerial photo on Appendix One) from the land. 3. Reinstate the land to the condition it was in before the unauthorised development began".
- The time period for compliance with the requirements of the notice is "Within three months after 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. I note that there is a live planning appeal (APP/P0119/W/25/3367827) against the refusal of a retrospective planning application for the change of use from agricultural land to dog walking field. The main basis of the appellant's case for requesting more time to comply with the requirements of the enforcement notice is that should that appeal be dismissed, more time will be required to find alternative premises, to relocate the business, to prepare and submit one or more planning application and to restore the appeal site to its previous condition. The appellant therefore requests that the compliance period be extended to 9 months.
2. While I appreciate the appellant's reasons for wanting the compliance period to be extended, I am mindful that some 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 some 7 months in which to seek out an alternative site while awaiting the outcome of the planning appeal. I consider this period be reasonable and proportionate and provides an acceptable balance between the needs of the

appellant's business and the need for the stated harm caused by the unauthorised use and development to the surrounding area to cease as soon as possible.

3. Added to this, I note it is expected that a site visit in relation to the planning appeal will take place in the near future. Therefore, it is reasonable to conclude that it is likely an appeal decision will be made within the next 3 months. However, should that not be the case, it will be open to the appellant 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.
4. Therefore, on the evidence before me, I am not satisfied there is good reason to extend the compliance period further. The appeal fails accordingly.

Formal decision

5. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee