



Appeal Decision

by Ken McEntee

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

Decision date: 2 October 2014

Appeal ref: APP/H0738/C/14/2221862

Land at Blakeston Croft Farm, Blakeston Lane, Stockton-on-Tees, Cleveland TS21 3LE

- 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 Michael Lawson against an enforcement notice issued by Stockton-on-Tees Borough Council.
- The notice was issued on 11 June 2014.
- The breach of planning control as alleged in the notice is "The change of use of the Land from agricultural to the stationing of a caravan for residential purposes".
- The requirements of the notice are: "a. Cease using the land for residential purposes. b. Remove the caravan from the Land. c. Restore the Land back to the condition it was in prior to the breach taking place".
- The period for compliance with the requirements is "**6 (six) months** after this notice takes effect".
- The appeal is made on ground (g) as set out in section 174(2) of the amended 1990 Act.

Summary of decision: The appeal under ground (g) is dismissed and the enforcement notice is upheld.

Procedural matters

1. The Inspectorate's letter of 29 July 2014 confirmed that, because the correct fee was not paid within the specified period, the deemed application for planning permission had lapsed. The planning merits of the development cannot therefore be considered. I shall accordingly deal only with the appeal on ground (g).
2. I have considered the ground on which the appeal was made, together with the Council's statement. As these representations have been made available to the parties, I do not intend to summarise them in detail. They have been carefully considered.

The Ground (g) appeal

3. The ground (g) appeal was made on the basis that more time is needed for the appellant to submit a planning application and an appeal if the application is refused. He also requires more time to seek out alternative accommodation and to allow for the logistics of relocating and placing his son into another school. The Council contend that they have not to date received a planning application for the

retention of the caravan. The Council consider that a 6 month time frame is reasonable and refer to a previous appeal decision¹ in support of their case.

Conclusions

4. I have carefully considered the points made during the appeal. I appreciate the appellant's desire for more time to comply with the notice for the reasons submitted, but these have to be weighed against the stated harm to the amenity of surrounding area caused by the breach of planning control, which has now persisted for some time. I am also mindful that some 3 months have elapsed since the appeal was made, with enforcement action effectively suspended. Although the appellant's agent states that he intends to submit a planning application to retain the caravan, the Council contend that no such application has been submitted to date. Whether such an application will be made in the future can only be considered as a matter of speculation at this stage. To extend the compliance period in these circumstances cannot be justified. I appreciate that to remove the caravan, find alternative accommodation and relocate will cause disruption to the appellant and his family. However, I consider the 12 months suggested by the appellant to be unacceptable. In my view the 6 months compliance period given in the notice is a reasonable one and I am not satisfied that there is good reason to justify extending the compliance period further. Therefore, the ground (g) appeal fails accordingly.
5. For the reasons given above, I consider it appropriate to return the control of development to the Council as soon as possible. I therefore take the view that the period for compliance of the notice is sufficient to meet its requirements.
6. Bearing all these points in mind, I do not consider that an extension of the compliance period would be justified in this case. The ground (g) appeal fails accordingly.

Formal decision

7. For the reasons given above, and in exercise of the powers transferred to me, I hereby dismiss the appeal and uphold the enforcement notice.
8. However, while I am dismissing the appeal, it should be noted that if the appellant experiences any genuine difficulties the Council have the power, under section 173A (1) (b) of the amended 1990 Act, to extend the compliance period themselves, if they see fit. Whilst this is entirely a matter for the Council's discretion, it would be open to the appellant to ask for a further short extension of time, should that prove necessary.

K McEntee

¹ APP/F4410/C/11/2155811