

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 6/07/2016

Site visit made on 6/07/2016

gan Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI

by Declan Beggan BSc (Hons) MSc DipTP
DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 19/07/16

Date: 19/07/16

Appeal Ref: APP/E6840/C/15/3138247

Site address: 22 Punchbowl View, Llanfoist, Abergavenny, Monmouthshire, NP7 9FL.

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Act).
- The appeal is made by Mrs Tracey Burns against an enforcement notice (EN) issued by Monmouthshire County Council.
- The Council's reference is E14/111.
- The notice was issued on 8 October 2015.
- The breach of planning control as alleged in the notice is 'Without planning permission operational development comprising the erection of a wooden fence and gates'.
- The requirements of the notice are to 'remove the wooden fence and gates completely from the land'.
- The period for compliance with the requirements is 3 calendar months from the date the EN takes effect.
- The appeal is proceeding on the ground set out in section 174(2), (g) of the Act. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under Section 177(5) of the Act does not fall to be considered.

Decision

1. The appeal is dismissed and the EN is upheld.

The appeal on ground (g)

2. The appeal on ground (g) is that the time given to comply with the requirements of the EN is too short. The Council has given 3 months for compliance.
3. The Appellant has requested 12 months to undertake the required works of the EN. The Appellant argues that they do not have the necessary finance at present that would allow them to possibly resolve the matter via the erection of sliding gates, and that a period of 12 months would allow sufficient time to plan and organise such an alternative scheme.
4. The Council contend that 3 months is more than adequate time to undertake the required works and that the compliance period does not relate to any subsequent proposals for future applications or development. In this instance, I must balance the

Council's reason for issuing the notice in the public interest against the burden placed on the appellant.

5. The works required to comply with the EN are not substantial and therefore to my mind could be carried out within the required time frame. Whilst the appellant refers to 12 months being sufficient time to allow an alternative scheme to be planned, organised and implemented, and to allow for the necessary funds to be raised, nonetheless, I am not aware that any such proposal is currently before the Council for consideration, and even if it were there is no guarantee it would be acceptable. I am satisfied that the compliance period should not be extended. The breach and the harm it causes should not be allowed to continue unduly, and therefore I consider that the extended period as requested is excessive and unjustified. The appeal on ground (g) therefore fails.

Conclusion

6. For the reasons given above, I conclude that the appeal should be dismissed and the EN upheld.

Declan Beggan

INSPECTOR