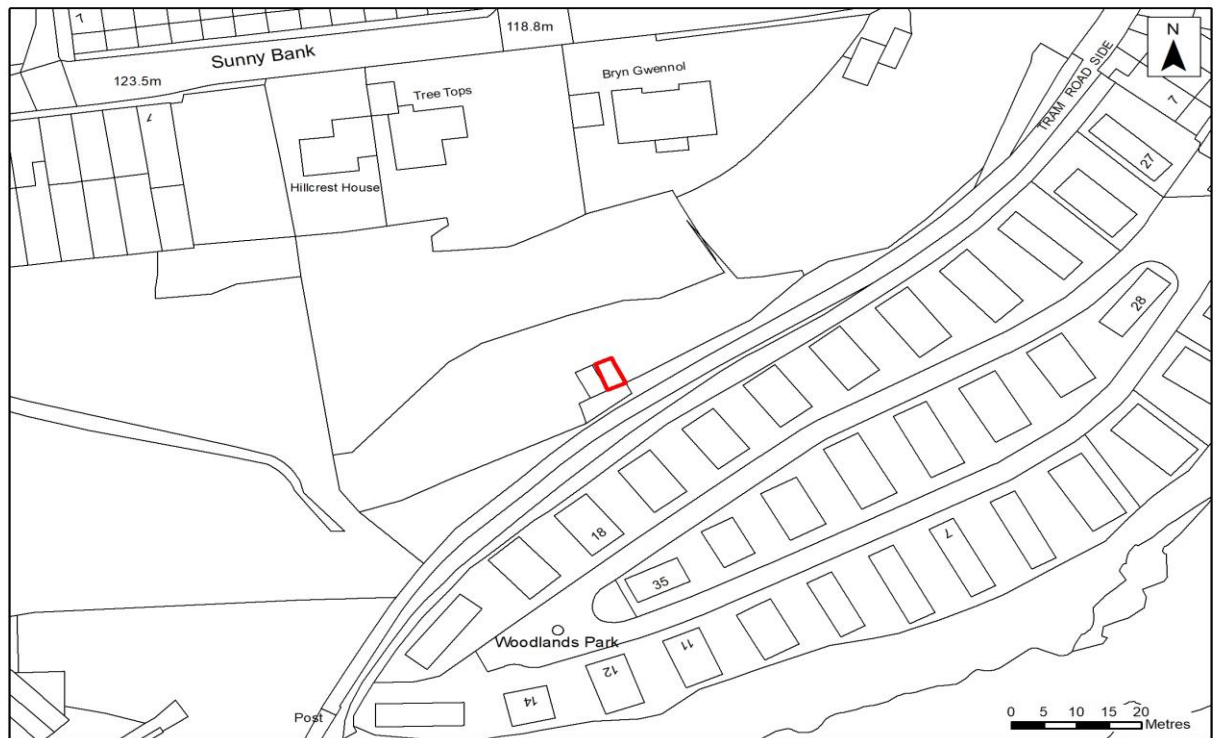


## FOR INFORMATION – ENFORCEMENT APPEAL DECISION

<b>DATE WRITTEN</b>	3 <sup>rd</sup> November 2020
<b>REPORT AUTHOR</b>	Judith Jones
<b>CASE OFFICER</b>	Sara Thomas
<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	18 <sup>th</sup> November 2020

<b>Application No.</b> PE/18/0119	<b>Date</b> 15.10.18	<b>Determining Authority</b> MTCBC
<b>Proposed Development</b>	<b>Location</b>	<b>Name &amp; Address of Applicant/Agent</b>
Erection of heras fencing and siting of vehicle used for storage	Tramroadside Quakers Yard Treharris CF46 5AR	



PE/18/0119

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<b>TYPE OF APPEAL:</b>	AGAINST ENFORCEMENT
<b>APPEAL REFERENCE NO.:</b>	APP/U6925/C/19/3238677
<b>DATE DECISION RECEIVED:</b>	28.01.20
<b>DECISION:</b>	DISMISSED – ENFORCEMENT NOTICE UPHELD



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 07/01/20

gan Clive Nield BSc(Hon), CEng,  
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28.01.2020

## Appeal Decision

Site visit made on 07/01/20

by Clive Nield BSc(Hon), CEng, MICE,  
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 28.01.2020

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**Appeal Ref: APP/U6925/C/19/3238677**

**Site address: Land at Tramroadside, Quakers Yard, CF46 5AR**

**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 appeal is made by Mr Dean Chester against an enforcement notice issued by Merthyr Tydfil County Borough Council.
  - The enforcement notice, numbered PE/18/0119, was issued on 16 September 2019.
  - The breach of planning control as alleged in the notice is, without planning permission, the siting of a vehicle used for storage
  - The requirements of the notice are to permanently remove the "Ford" vehicle in its entirety from the land edged red (on the enforcement notice plan).
  - The period for compliance with the requirements is 4 weeks.
  - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period and no appeal has been made on ground (a), the application for planning permission deemed to have been made under section 177(5) of the Act as amended has lapsed.
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### Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

### Procedural Matters

2. The Appellant has referred to the postcode of the site as CF46 5EF, whilst the Council has used CF46 5AR. I have adopted the latter, which I believe to be correct. In any case, the enforcement notice itself did not rely on a postcode and identified the site by means of a red line on the enforcement notice plan. Consequently, there can be no misunderstanding about the area of land to which it applies.
3. My site visit was arranged as an accompanied visit. However, Mr Chester did not attend, and so I asked the Council officer to leave and I conducted the event as an unaccompanied visit.

### Main Issue

4. The main issue in an appeal under ground (b) is whether or not the breach of planning control alleged in the notice has occurred as a matter of fact.
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## **Reasons**

5. There is no dispute that the van stationed on the site is being used for storage purposes, and photographs have been provided to show the nature of that storage and the location of the van on the site. The dispute relates to the degree of permanence of the use. The site as a whole is mostly steeply inclined woodland, and the Appellant says he uses it for the growing of vegetables, which appears to be only on a small domestic scale, and for leisure purposes.
6. In correspondence dated September 2018 Mr Chester said the van was only being used for temporary storage purposes whilst repairs were being carried out to the former garage building, which was in a derelict state. However, a lengthy period of time has elapsed since the use of the van for storage was first identified, and there is no readily discernible evidence of significant work being carried out to the building.
7. It is common ground that the van is not in working order and is the subject of a Statutory Off Road Notice (SORN). Although I was not able to look inside the van or to carry out a detailed inspection of the building during my site visit, it is clear that the van has been used for storage purposes over a lengthy period of time, and I do not consider that use to have been temporary whilst the building is being repaired.
8. I conclude, on the balance of probabilities, that the alleged breach of planning control has occurred as a matter of fact. The appeal under ground (b) is unsuccessful.
9. Mr Chester has presented several arguments on planning matters with reference to the visual impact of the development in question and that of other developments nearby. He has also criticised the Council's handling of his case and mentioned difficulties associated with the previous tenant of the site. These matters are outside the scope of an appeal under ground (b).

*Clive Nield*

Inspector