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# Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 27 September 2022

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**Appeal ref: APP/V2635/C/22/3298588**

**Land north east of St Nicholas Business Park, Edward Benefer Way, Kings Lynn, Norfolk, PE30 2HW**

- 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 Steven Layn (1<sup>st</sup> Self-Storage Ltd) against an enforcement notice issued by the Borough Council of Kings Lynn & West Norfolk.
- The notice was issued on 30 March 2022.
- The breach of planning control as alleged in the notice is "Without planning permission, the unauthorised change of use for self-storage and open storage compounds and associated development".
- The requirements of the notice are: i) Permanently cease the self-storage ii) Permanently remove the self-storage units/containers on the site. iii) Permanently remove bases, kiosks, and paraphernalia associated with self-storage use. iv) Restore the land to its former condition."
- The time period for compliance with Step 1 is "6 weeks from the date this 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.**

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## Reasons for the decision

1. The main basis of the appellant's appeal is that he requires more time to comply with the requirements of the notice as he will need to find an alternative site for the storage units and the electronic gates will need to be dismantled by specialist contractors. He also contends that he will need time to make the appeal site secure again by installing a new entrance and fencing. Therefore, he suggests that the compliance period be extended to 12 months. While I acknowledge the appellant's reasons for requesting more time, I am also mindful that more than 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 more than 5 months to seek out an alternative site and to arrange the removal of the electric gates and installation of new ones. I consider this period to be reasonable and am not convinced there is good reason to extend the compliance period further. The ground (g) appeal fails accordingly.
2. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties in meeting the compliance deadline, it will be open to him to submit a further request to the Council to use their powers under section

173(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

**Formal decision**

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

*K McEntee*