

**Ward:** Tilehurst

**ENFORCEMENT NOTICE APPEAL**

**Appeal A No.s:** APP/E0345/C/24/3338517 & APP/E0345/C/24/3338518

**Appeal B No.s:** APP/E0345/C/24/3338521 & APP/E0345/C/24/3338522:

**Site:** 20A Norcot Road, Tilehurst, Reading RG30 6BU

**Decision level:** The serving of enforcement notices is delegated to officers

**Method of Appeal:** Public Inquiry

**Decision:** Both Appeals Dismissed and Enforcement Notices upheld (with correction)

**Date Determined:** 13 August 2024

**Inspector:** Timothy C King BA (Hons) MRTPI

**1. BACKGROUND**

- 1.1 The appeal site is located to the side and rear of 20 Norcot Road, Tilehurst. The site contains single storey commercial buildings with historic uses of car sales and car repairs.
- 1.2 The selling and displaying of vehicles for sale is a Sui Generis Use Class. This means that any other use would require planning permission. A car wash and paint spraying use has started on the site and adjacent residents made the Council aware of the nuisance this new use was causing in terms of noise and fumes.
- 1.3 The ensuing investigation led to it being considered expedient to serve two enforcement notices on 10 January 2024. The first notice (A) requires the car wash use and associated activities to cease and related structures removed. The second notice (B) requires the vehicle body shop and repairs use and associated activities to cease and related structures removed. Both notices give 6 months for the requirements to be met – 10 July 2024.
- 1.4 However, these notices were appealed. The process for considering enforcement notice appeals requires that these are considered at a public inquiry held on 4 and 10 June 2024.
- 1.5 When appealing enforcement notices the appellant must specify the grounds of appeal. The grounds available are:
  - (a) that planning permission ought to be granted;
  - (b) that the alleged activities or development have not occurred;
  - (c) that the alleged activities or development (if they occurred) do not constitute a breach of planning control;
  - (d) that, at the date when the notice was issued, no enforcement action could be taken (immunity had been reached);
  - (e) that copies of the enforcement notice were not served as required by section 172;
  - (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy the breach;
  - (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.
- 1.6 The appellant appealed on ground D – that sufficient time had passed to enable the use and structures to be immune from enforcement action.

**2. SUMMARY OF DECISION**

- 2.1 The Inspector spent some time deliberating over the established planning use and defining the planning units on the site and whether breaches had occurred. He noted at para 47:

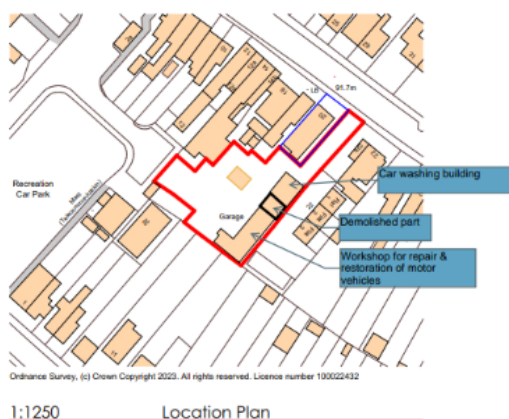
*“from all the evidence adduced I have found that, from the early 1960’s, the land, as a whole, was primarily used for general vehicle repairs and associated activities, along with an unrelated secondary use involving a car sales operation. It would seem that the uses’ various components operated with a degree of stability throughout the passage of time, until when, in 2017, the land was sold and the new arrangement involving the commencement of a vehicle wash and valet service, along with the erection of a paint spray booth”.*

- 2.2 With the Council's information and evidence from a neighbour, the Inspector was satisfied that the car wash and body repair uses have been carried out since 2017, less than the required 10 years, and associated structures were installed in 2022/2023, less than 4 years ago. Therefore, both the car wash and body repair uses, and their associated buildings are unauthorised and do not benefit from being immune from being enforced against. It was however that accepted that earlier car sales use and B2 (general industrial use) previous use was established and immune. Earlier at para 39 he states:  
*There are, though, two clear breaches of planning control; first, the vehicle wash and valeting operation; and, second, the erection of the spray booth building, along with certain other operational development associated with both elements, and the enforcement notices correctly target the respective contraventions, setting aside the specified material changes of use.*
- 2.3 This assessment led him to correct the enforcement notices served to remove wording that may have implied that the established general vehicle repairs and car sales use were also unauthorised. The amended Enforcement Notice (A) still requires the vehicle washing/valeting business to cease and the removal of the waiting room. The amended Enforcement Notice B allows the workshop use to remain but requires the removal of the lean-to and spray booth, and the cessation of the paint spraying use. This means the key enforcement points remain in the amended and upheld enforcement notices.
- 2.4 The Inspector was satisfied that harm to residential amenity was being caused and in upholding the Enforcement Notices retained a 6 month timeframe for the unauthorised uses to cease by and building removed, now ending on 13 February 2025.
- 2.5 The Council sought to claim back the costs for engaging in the appeal as Counsel advice was needed and the appellant's evidence was very light. However, the Inspector sided with the appellant's explanation for not understanding what was needed or providing the depth of evidence we would normally expect.

**Assistant Director for Planning, Transport & Public Protection comments**

The upheld Enforcement Notices endorses good work by the planning enforcement, planning and environmental protection teams working together to respond to complaints from residents and resolving quite a complicated case. We await the response of the appellants, which we hope will be to comply with the notices. They may consider submitting a planning application to enable the unauthorised uses to be granted permission. However, our legal advice is that if a subsequent planning application is for any of the matters covered by the enforcement notices, the Council can decline to determine those applications (s70C Town & Country Planning Act).

Case officer: Various



Location Plan and aerial photo with site outlined