

DK

Daye, Karen

To  'TeamE3';  'Ajibade, Adewale'

Cc  'Tom Lawson';  ESD DC Appeals (Group)

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Fri 01/08/2025 16:21

Dear Mr Adewale,

It has come to my attention that the Council have inadvertently failed to include a response to one of the Inspector’s queries which I provide below, apologies for any inconvenience. I also include the Council’s [‘Planning’ homepage](#) which contains a link to the Core Document Library.

**What is the relevant planning unit for the purposes of the EN?**


There are a couple of reasons why the Enforcement Notice at paragraph [2] ("The Land to Which the Notice Relates") references the wider site including the land occupied by the electricity depot. Firstly the plan attached to the Enforcement Notice is an extract copy of the Appellant's plan submitted with their Retrospective Planning Application ("Site Location Existing Ground Floor Plan") –(CD2.06)- which delineated the relevant area as follows (see "Conclusion" section to their Covering Letter CD1.01): "This application seeks the temporary change of use from electricity undertaker’s depot and vehicle service repair and mot testing station to a dual use of Class B8 and SUI Generis in the form of the existing electricity undertaker’s depot and vehicle service repair and mot testing station.

Secondly, if the Council issues an enforcement notice to cover only a small distinct area, that area could cease operations within that area and move to an area adjacent, but within the larger site and avoid the requirements of compliance with the enforcement notice. By ensuring the enforcement notice covers the whole of the site within which the scaffolding yard operates, it avoids this scenario.

Notwithstanding the above, the Council does recognise that the way in which the scaffolding yard has been set up and is in operation is distinct from the remaining depot and therefore is likely to be considered its own separate planning unit when the principals outlined in the Burdle case are applied.

Best regards,

**Karen Daye**  
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The public-facing webpages and back-office IT system for the Council’s Planning and Building Control, Tree and Local Land Charges Search teams will be moving to a new improved system in June/July 2025. Further information can be found using the following link: [New planning and building control IT system and public portal](#)