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# Appeal Decision

**by David Leeming**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 February 2013**

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**Appeal Ref: APP/Q1445/C/12/2179598**

**Land to the south and adjoining 1 Carlisle Road, Hove BN3 4FP**

- 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 Ms Justina Grigate against an enforcement notice issued by Brighton & Hove City Council.
  - The Council's reference is 2012/0110.
  - The notice was issued on 13 June 2012.
  - The breach of planning control as alleged in the notice is the placing of a Secure Storage Unit on land to the south and adjoining 1 Carlisle Road, Hove, BN3 4FP.
  - The requirements of the notice are to remove the Secure Storage unit from the Land.
  - The period for compliance with the requirements is one calendar month.
  - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.
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## Decision

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

## Reasons

2. The appellant contends that the enforcement notice is a nullity as less than 28 days is given within it to lodge an appeal. She draws attention to an error whereby the notice is stated as taking effect on 13 July 2012 in the covering letter but 1 July 2012 in the annex.
3. It is not in dispute that a different date (1 July) was erroneously given in the annex to the notice. However, in both the Council's covering letter and more importantly in the notice itself, the effective date of the notice is stated to be 13 July 2012. The annex is not part of the formal notice itself but an attachment that provides information on the right of appeal.
4. Given that the notice is dated 13 June, 2012 it was served within 28 days as required by section 172(3) of the 1990 Act as amended. The clerical error in the annex has not caused the appellant any injustice. In accordance with the stated guidance in the annex, she lodged her appeal, as required, '**before** the date in Paragraph 7 of the attached notice'.

*David Leeming*

INSPECTOR

