



Appeal Decisions

Hearing held on 7 February 2023

Site visit made on 7 February 2023

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal A Ref: APP/J0405/W/21/3266546 Old Oak House, 23B Old End, Padbury MK18 2BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr E Pranevicius against Buckinghamshire Council.
- The application, Ref 20/03675/APP, is dated 27 October 2020.
- The development proposed is described as: Construction of extensions to the permitted dwelling (retrospective).
- This decision supersedes that issued on 15 June 2021. That decision on the appeal was quashed by consent order of the High Court.

Summary Decision: The appeal is allowed and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B Ref: APP/J0405/C/21/3266552 Land at Old Oak House, 23B Old End, Padbury, Buckinghamshire MK18 2BE

- 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 Erikas Pranevicius against an enforcement notice issued by Buckinghamshire Council.
- The enforcement notice, numbered 17/00030/CON3, was issued on 9 December 2020.
- The breach of planning control as alleged in the notice is: Without planning permission the erection of a dwelling house that departs materially from the details approved under planning permission ref 15/01216/APP.
- The requirements of the notice are:
 - i) Demolish the dwelling including but not limited to the foundations and remove all resulting debris and materials from the Land, and to reinstate the land to its previous condition. Or
 - ii) To modify the development as built so that it fully accords with the details approved under LPA ref 15/01216/APP, 15/A1216/DIS and 15/B1216/DIS.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
- This decision supersedes that issued on 15 June 2021. That decision on the appeal was remitted for re-hearing and determination by consent order of the High Court.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a correction in the terms set out below in the Formal Decision.

Preliminary Matters

1. Following consultation with the Council and the appellant, it has been agreed that an associated section 195 appeal, Ref APP/J0405/W/21/3266549, is not

before me for redetermination. In respect of that appeal, the previous Inspector's decision, dated 15 June 2021, still stands.

2. Since the enforcement notice was issued, the National Planning Policy Framework (the Framework) has been updated and the Aylesbury Vale District Local Plan has been superseded by the Vale of Aylesbury Local Plan 2013 – 2023, adopted in September 2021 (the Local Plan). By a letter dated 11 May 2022, the Council clarified what the most up to date policies are now. Both main parties have had the opportunity to comment on any implications of the above for the appeals and I have taken any relevant comments into account in my reasoning.
3. I have taken the description of development for Appeal A from the planning application form and omitted superfluous wording from the description I have used in my Formal Decision.

Background

4. On 25 August 2015, planning permission was granted on the appeal site for the demolition of garages and the erection of a new detached cottage and associated works, Ref 15/01216/APP (the 2015 permission). The 2015 permission was subject to conditions. Crucially, no condition was imposed removing permitted development rights. Such rights would therefore become available after substantial completion of the dwelling, due to The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order).
5. As has since been confirmed by a lawful development certificate, dated 27 July 2020, Ref APP/J0405/X/20/3248060, the 2015 permission was implemented by the demolition of garages and so it remains an extant planning permission. However, the dwelling that has since been constructed (but which is not yet substantially complete) does not reflect the 2015 permission. It is this dwelling which is the subject of Appeal A and Appeal B. As such, the appeal development in each appeal is the same, a matter which was agreed at the Hearing.

Main Issues

6. It is clear from the evidence that had the Council made a decision on the planning application its decision would have been to refuse. The main issues in Appeal A are:
 - the effect of the appeal development on the character and appearance of the area, including the Padbury Conservation Area and the setting of the listed buildings at Nos 23, 24 and 25 Old End;
 - the effect of the appeal development on the living conditions of neighbouring occupiers, with particular regard to overlooking for the occupants of No 2 Arnolds Close; and
 - whether there are any other material considerations, including any fallback position, which indicate that planning permission should be granted.
7. The main issues in Appeal B are:
 - whether the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any

breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach, ie the ground (f) appeal; and

- whether the period for compliance with the notice falls short of what should reasonably be allowed, ie the ground (g) appeal.

Reasons

Appeal A

Character and Appearance

8. The area is characterised by a mixture of detached, semi-detached and terraced houses, with front and back gardens, in the rural village of Padbury. The eastern boundary of the appeal site adjoins the Padbury Conservation Area. This covers most of the village.
9. The Council has published an appraisal for the conservation area. This describes the area around the appeal site as more open in character and less densely developed than further along Old End. It states that most roof forms are relatively simple and gable in form, with ridgelines that run parallel with the road. These descriptions are consistent with my own observations at my site visit and for the purposes of this appeal, I consider they reflect the significance of the conservation area.
10. The appeal site is a tightly constrained backland plot with access from the highway to the north. It is bounded by other residential plots on each side, including Arnolds Close to the south and Mulberry Cottage to the west. Further to the north and west of the appeal site is open countryside, including a public footpath from which the appeal development may be clearly seen.
11. Nos 23, 24 and 25 Old End, immediately to the east of the appeal site and within the conservation area, are grade II statutorily listed buildings. No 23 is a 1½ storey, thatched, colour-washed cottage, dating from the 17-18th century. Nos 24 and 25 are a pair of 2 storey, shingle-roofed, colour-washed cottages, dating from the same period. These are typical, modest vernacular buildings. They have steep roof pitches and narrow spans and they sit behind deep front gardens. For the purposes of this appeal, I consider these features constitute part of their significance.
12. Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, there is a statutory duty upon me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
13. Whilst the appeal site itself is not within the conservation area, as a heritage asset, I must still consider whether its significance would be affected by development outside it, ie on the appeal site. The glossary of the Framework defines the setting of a heritage asset as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

14. The appeal development is clearly seen as part of the backdrop of the above listed buildings, when traveling north up Old End from Station Road and when travelling southeast along Old End. As such, I am satisfied that the appeal development affects the setting of these listed buildings and that of the conservation area.
15. Key differences between the appeal development and the 2015 permission include the following: a higher gable has been constructed over the front entrance; a deeper single storey lean-to has been constructed on the east side; a west lean-to extension has been added; on the south elevation, a lean-to has been omitted and a deep, 2 storey double gable roofed extension has been constructed instead. For the sake of clarity, from hereon I shall simply refer to them as the front, east, west and south 'extension', respectively.
16. As a result of the above, compared with the 2015 permission, the appeal development covers significantly more of the site and so appears cramped. It is also considerably more bulky and prominent and exhibits a complicated roofline. At my site visit I saw that these qualities are readily apparent when viewed from outside No 25 and through the gap between Nos 23 and 24 and from the aforementioned public footpath to the west. These qualities would also be apparent when viewed from neighbouring homes and gardens.
17. Consequently, the appeal development contrasts with the general pattern of development in the area. This harms the character and appearance of the area and the significance of the adjoining conservation area and the listed buildings at Nos 23, 24 and 25, because of its effect on their setting. I give this issue considerable importance and great weight in my decision.
18. As views of the appeal development are confined to a relatively small area, for the purposes of section 16 of the Framework, the harm to these designated heritage assets is less than substantial. Nevertheless, any harm to their significance should require clear and convincing justification and in accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the appeal development.
19. At the Hearing, no public benefits argument was put forward by the appellant. However, I have taken into account that completion of the appeal development would result in some short term benefit to the construction industry and there would be some environmental benefit in not having to demolish or modify the building as per the requirements of the enforcement notice. The appeal development also contributes to housing supply and reuses previously developed land.
20. The benefits of the 2015 permission were substantially the same but without the harm to heritage assets noted above. So I am not satisfied any of the benefits are of sufficient weight to justify a grant of planning permission for the appeal development in light of the harm identified above.
21. As such, I conclude that the appeal development harms the character and appearance of the area, including the Padbury Conservation Area and the setting of the listed buildings at Nos 23, 24 and 25 Old End. In this regard, it does not comply with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, or Policies BE1, BE2 and NE4 of the Local Plan or the design and heritage policies of the Framework.

Living Conditions

22. In respect of this main issue, paragraph 4.2. of the enforcement notice refers to 2 Station Road. But it is clear from my site visit and other submissions of the Council that this reference should be to 2 Arnolds Close, which is on Station Road.
23. At my site visit I stood in each of the bedrooms of the appeal development (as annotated on the 'existing' plans provided) and looked out towards No 2 Arnolds Close. It was obvious that the windows in the bedrooms proposed in the upper floor of the 2 storey double gabled roofed extension constructed on the south elevation provide clear views into the garden of the house at No 2.
24. The appellant has drawn my attention to a separation distance of 22 metres, which has been set out in a Council design guide. But based on what I have seen on site, I am not satisfied this distance is achieved by the appeal development and nothing has been provided to lead me to a different view. Even if I am wrong in this regard, my conclusion on this main issue would not change in light of what I have seen at my site visit.
25. I have considered whether a planning condition could overcome the overlooking issue. But in my view, imposing a condition to fix shut and/or obscure glaze the bedroom windows would not provide an acceptable standard of accommodation for occupants of the appeal development.
26. I conclude the appeal development harms the living conditions of neighbouring occupiers, with particular regard to overlooking for the occupants of No 2 Arnolds Close. In this regard, it does not comply with Policy BE3 of the Local Plan or the design policies of the Framework insofar as they relate to amenity.

Material Considerations

27. I have been presented with what the appellant refers to as fallback positions. First, the appellant is of the view that the extensions which have been constructed could be achieved via permitted development rights under the Order. I shall refer to this as the 'fallback' position. Second, the appellant is of the view that a 'worse' fallback position could also be achieved, with more development on the site, also via permitted development rights.
28. The worse fallback position includes the south and west extension, a larger east extension and an outbuilding to the rear but not the front extension. I am of the view that the fallback position and worse fallback position have been clearly defined. This is because the fallback position is, in effect, the same as what I saw on site and the worse fallback position has been described on drawings 1403-180-A and 1403-181-A, dated 15 August 2022.
29. Due to Article 3(5) of the Order, the appeal development in its current state does not benefit from permitted development rights. However, as permitted development rights were not removed when planning permission was granted in 2015, they would become available once the building is substantially completed in accordance with the 2015 permission, ie once requirement ii) in paragraph 5 of the notice is complied with. In my view, this is a particularly important consideration in this case.
30. By the time of the Hearing, there was no outstanding dispute between the main parties that the east, west and rear extensions could be constructed

under permitted development rights once the building is substantially completed in accordance with the 2015 permission. There was also no outstanding dispute that the larger east extension and the outbuilding could be constructed, under the same circumstances.

31. The Council continues to dispute that the front extension would be permitted development, considering it to be an enlargement which does not comply with Schedule 2, Part 1, Class A, criterion (e)(i) of the Order. The appellant considers the front extension to be an enlargement consisting of an addition or alteration to its roof, which would be permitted development under Schedule 2, Part 1, Class B. But even if this is the case, the Council says it would not comply with Schedule 2, Part 1, Class B, criterion (c) of the Order.
32. My view, given that the front extension is at roof level and does not change the footprint of the building, is that the front extension should be assessed under Class B. Because, as a result of the front extension, part of the dwellinghouse would extend beyond the plane of the existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway, the front extension would not be permitted development, even if carried out after the building was substantially completed in accordance with the 2015 permission.
33. Drawing all of the above together, I am of the view that there is a fallback position where the east, west and rear extensions could be built anyway once the appeal building were substantially completed in accordance with the 2015 permission. Moreover, there is a worse fallback position where the west and rear extensions as well as a larger east extension and an outbuilding could be constructed under the same circumstances.
34. As the fallback position could not include the front extension, I am of the view it would have a lesser effect on the character and appearance of the area than the appeal development but the same effect on living conditions as the appeal development.
35. The worse fallback position also could not include the front extension. But given the considerably greater site coverage which would occur as a result of the larger east extension and outbuilding and the consequentially more cramped form of development which would result, I am of the view that it would have a worse effect on character and appearance but the same effect on living conditions as the appeal development.
36. I have considered how likely it is that the appellant would carry out either the fallback position or the worse fallback position or some combination thereof. It seems to me that the fallback position plus the front extension is what the appellant really wanted, given that this is what he constructed. But I also saw on site that a slab for the outbuilding has already been laid. The appellant has been described as a well-resourced and determined builder and I heard at the Hearing that a reason for him building more than the 2015 permission allowed was because he has a growing family.
37. As he would have no means to achieve the front extension without a further planning application, I have no reason not to believe he would look for other options to gain more accommodation on the site. Based on the information before me, this could be in the form of the larger east extension or the outbuilding or both.

38. In light of all of the above, on the balance of probability and as a matter of my planning judgement, if I were to refuse planning permission for the appeal development, I consider there is a real prospect that the fallback position plus the outbuilding, or the worse fallback position, are likely to be built by the appellant. This is a material consideration and I ascribe to it substantial weight.
39. I must weigh up this material consideration with the harm in respect of character and appearance and living conditions, assessed above. My view is that in this case, the fallback position plus the outbuilding and particularly the worse fallback position, justify the appeal development, even taking into account the harm caused by the appeal development in respect of character and appearance and living conditions.
40. There is a real risk that a refusal of planning permission would just result in a development on the site with worse effects. The lack of restriction on permitted development rights in the 2015 permission effectively means that the partial re-instatement of works prohibited by the enforcement notice may occur as well as other development.

Other Matters

41. My attention has been drawn to concerns about changes to the water table, rainwater drainage and the stability of neighbouring properties. But there is no evidence of any effect of the appeal development in these respects.
42. It has been suggested that neighbouring property has been damaged by the appeal development. Even if this is the case, this is a private matter between the parties concerned and is not a reasonable basis on which planning permission should be refused.
43. Concerns have been raised about materials used for the appeal development. But the Council has raised no concerns in this regard and I see no reason to either.
44. Representations received raise concern that the appeal development overlooks bedroom windows and the main private garden of No 3 Arnolds Close and has an overbearing effect on its occupant's amenities. But the Council has cited separation between the appeal development and No 3 as a reason why it is not overbearing and the Council has also said that No 3 is not positioned directly to the south of the appeal development and so there would not be an unreasonable loss of amenity to the occupants of No 3. I have no reason to disagree with this assessment.
45. A loss of privacy has also been raised for occupants of Mulberry Cottage as well as noise from people inside the appeal development. From the information provided, this is as a result of a first floor window and rooflights, on the western elevation. But as I saw on my site visit, when inside the appeal development, the first floor window and rooflights are positioned above eye-level in the relevant room and so they do not provide views out to the land at Mulberry Cottage for anyone stood inside the appeal development. I am not satisfied that noise from people inside the appeal development is a sufficient basis for refusing planning permission either. In my judgement, such noise would be no greater than that from occupants in other neighbouring dwellings.

Conditions

46. The main parties provided updated lists of conditions as part of the Statement of Common Ground. I reviewed these with the parties at the Hearing and I have considered them all taking account of advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for consistency, enforceability, clarity and reasonableness and omitted others which are not necessary.
47. The Council seeks a condition to require compliance with the 'as built' (ie existing) plans but the appellant disputes that this is necessary. At the time of my site visit, not all windows and doors had been installed. On the basis that the appeal development is not substantially complete, I consider that such a condition is necessary, in the interests of proper planning and for the avoidance of doubt.
48. Having been inside the appeal building, I agree that the window at first floor level on the eastern elevation is required to be fixed shut and obscure glazed. This is in the interests of the living conditions of the occupants of the homes to the east on Old End, particularly No 24, who may otherwise be overlooked by occupants of the appeal development.
49. It has been suggested that the first floor window on the western elevation should be 1.7 metres above the internal floor level, by way of a condition. But I saw on my site visit that this window is already above eye-level. Even allowing for a completed internal floor level, I do not consider this window would provide views out on to the neighbouring property such that it would be overlooked. So a condition in respect of this window is not necessary.
50. However, given the tightly constrained nature of the site, I do consider that a condition is necessary to prohibit additional windows being constructed on the appeal development under permitted development rights. In my judgement, without careful design, additional windows may be highly likely to give rise to additional overlooking of neighbouring homes and private gardens and so these should be the subject of a planning application.
51. Given that I am granting planning permission for the appeal development to avoid implementation of the worse fallback position, a condition is required to remove the permitted development rights that would otherwise enable the worse fallback position, as well as other enlargements, roof additions and outbuildings. This reflects the Council's position at the Hearing, where the Council confirmed its view that Class A, B and E rights, under Schedule 2, Part 1 of the Order, should be removed.
52. In this case, exercising the above rights could otherwise result in harm to the character and appearance of the area, due to the constrained nature of the site. This is why I consider a condition to remove them is necessary. At the Hearing, the appellant confirmed that if the appeal development is only acceptable 'as built' then permitted development rights should be removed and so I have done so. I am satisfied a condition (rather than an obligation) is sufficient for this task as the appeal development for the permission I am granting has clearly already been implemented, such that the relevant condition will take effect immediately.

53. At the Hearing, the Council agreed that a condition seeking updated arboricultural information was no longer relevant. So I have no reason to think it is necessary and I have not imposed it.
54. Conditions have been suggested which, in effect, seek the implementation of and 5 years' maintenance of the landscaping scheme from the 2015 permission. Whilst I agree that a landscaping scheme and such a period of maintenance is necessary, in the interests of the character and appearance of the area, the approved scheme is no longer implementable. This is because the dwelling now on the site has a larger footprint than that approved by the 2015 permission, so some space for the approved landscaping scheme is now occupied by the appeal building.
55. Consequently, I have imposed conditions requiring a new landscaping scheme and its maintenance for 5 years, to take account of the change in circumstances since approval of the previous scheme. I consider the submission and approval of this and implementation of the hard landscaping is required prior to occupation. In the circumstances of this case I consider this to be proportionate.

Appeal B

The Notice

56. As I set out below in the ground (f) appeal, the purpose of the notice is to remedy the breach of planning control. But as currently worded, requirement option ii) in paragraph 5 of the notice does not require compliance with the terms (including conditions and limitations) of the relevant planning permission. This would appear to be a drafting error.
57. So drawing on my powers under section 176(1) of the 1990 Act, I shall correct the notice in respect of requirement option ii), to the effect that it requires that the dwelling house is altered to comply with the terms of the relevant planning permission, including the conditions subject to which that permission was granted.
58. At the Hearing I asked if any injustice would occur as a result of me correcting the notice in this way and neither main party raised any objection. As such I am satisfied that no injustice would occur as a result of this correction.
59. Whilst I intend to grant planning permission for the appeal development, I shall be doing so via Appeal A under section 78 of the 1990 Act and not via Appeal B under section 177. This is because there is no ground (a) appeal before me. As there is no ground of appeal before me that would result in the notice being quashed, I must uphold the notice and proceed with the consideration of grounds (f) and (g).
60. The appellant can rely on section 180 of the 1990 Act. This provides that the enforcement notice shall cease to have effect so far as inconsistent with the planning permission which I shall grant. In effect, the planning permission shall override the enforcement notice to the extent that the planning permission authorises what has been enforced against but the enforcement notice is not quashed and shall not cease to have effect altogether.

Ground (f)

61. An appeal on ground (f) is 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 of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
62. Under section 173(4) of the 1990 Act, when serving an enforcement notice the Council may seek to (a) remedy the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or (b) remedy any injury to amenity which has been caused by the breach.
63. Based on the alternative requirements of the notice, the purpose of the notice is to remedy the breach. This is consistent with the Council's submissions.
64. The appellant has indicated that the requirement to demolish the dwelling is excessive. But this does not take account of the alternative option, stated in paragraph 5 ii) of the notice, to alter the development instead.
65. The appellant states that any foundations would not have required planning permission and so cannot be the subject of planning enforcement. But it has not been explained why digging foundations would not represent operational development under section 55 of the 1990 Act. So I am satisfied the foundations constitute part of the breach and that it is not excessive for the notice to require their removal.
66. According to the appellant, the requirement to reinstate the land to its previous condition would require the construction of 13 redundant garages and the covering of the site with concrete. But the breach of planning control in this case is not the demolition of garages or the removal of concrete hardstanding and so it is not the case that they constitute any part of the reinstatement sought by the Council and the previous condition of the land, in my view, is that immediately before the erection of the dwelling, when the garages would already have been demolished.
67. At the Hearing I sought clarification from the appellant on how I should vary the wording of the requirements of the notice for the purposes of their ground (f) appeal. But nothing in the appellant's submissions has led me to believe any variation is required (save for the correction noted above).
68. I conclude no lesser steps have been suggested which would achieve the purpose of the notice. As such, the appeal on ground (f) fails.

Ground (g)

69. An appeal on ground (g) is that the period for compliance with the requirements of the notice falls short of what should reasonably be allowed.
70. The appellant states that the Council has failed to take into account the current and likely future restrictions flowing from the Covid situation. Impacts on labour and the availability of materials is referred to and a compliance period of at least 12 months is sought.

71. I appreciate that the pandemic may previously have affected compliance periods. But based on the evidence before me, I am not satisfied this continues to be the case. Whilst the works required by the notice may have been described as fairly involved, there is no evidence which has led me to believe that the period for compliance falls short of what should reasonably be allowed. As such, the appeal on ground (g) fails.

Conclusions

72. Appeal A: For the reasons given above I conclude that the appeal should be allowed, subject to conditions.
73. Appeal B: For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction.

Formal Decisions

74. Appeal A: The appeal is allowed and planning permission is granted for: 'Construction of extensions to the permitted dwelling', at Old Oak House, 23B Old End, Padbury MK18 2BE, in accordance with the terms of the application, Ref 20/03675/APP, dated 27 October 2020, and the plans submitted with it, subject to the following conditions:
- 1) The development hereby permitted shall not be carried out other than in accordance with the following approved plans: 1403-142 & 1403-143.
 - 2) The building hereby permitted shall not be occupied until the window on the eastern elevation at first floor level has been permanently fixed shut and it shall not be glazed other than with obscured glazing.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), on the building hereby permitted no windows, or enlargements, or additions to the roof shall be constructed, nor shall any buildings within its curtilage be erected, other than those expressly authorised by this permission.
 - 4) The building hereby permitted shall not be occupied until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority and the hard landscaping implemented in accordance with the approved scheme. All planting, seeding or turfing forming part of the approved scheme shall be carried out in the first planning and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner.
 - 5) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
75. Appeal B: It is directed that the enforcement notice is corrected by the deletion of requirement ii) in paragraph 5 of the notice and its substitution with:
- "Alter the dwelling house as built to comply with the terms of planning permission Ref 15/01216/APP, dated 25 August 2015, including the conditions subject to which that permission was granted".

76. Subject to this correction, the appeal is dismissed and the enforcement notice is upheld.

L Perkins

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nicholas Kingsley-Smith	Solicitor
Kate Olley	Barrister
Erikas Pranevicius	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Laura Lee Briggs	Planning Solicitor
Matthew McKane	Senior Planning Officer
Olivia Stapleford	Planning Enforcement Team Leader

INTERESTED PERSON:

Peter Burton	Padbury Parish Council
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DOCUMENTS

- 1 Aylesbury Vale District Council, New Houses in Towns & Villages, Design Guide, 1992
- 2 *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314
- 3 *Formby Parish Council v Sefton Council* [2022] EWHC 73 (Admin)
- 4 Email of Matthew McKane dated 6 February 2023 at 17:47