



Appeal Decisions

Site visit made on 15 June 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal A Ref: APP/V4630/C/22/3310801

Appeal B Ref: APP/V4630/C/22/3310802

Land at 117 Sandringham Avenue, Willenhall, Walsall, West Midlands WV12 5TG

- Appeals A and B are made under section 174 of the Town and Country Planning Act 1990 as amended.
- The appeals are made by Mr Gurwinder Singh (Appeal A) and Mrs Rajwinder Kaur (Appeal B) against an enforcement notice issued by Walsall Metropolitan Borough Council.
- The notice was issued on 28 October 2022.
- The breach of planning control as alleged in the notice is without planning permission, the demolition of a dwelling and the partial erection of a replacement dwelling and outbuilding.
- The requirements of the notice are:
 - 5.1 to demolish the partially constructed replacement dwelling and outbuilding to ground level.
 - 5.2 to excavate and remove all below ground level foundations and concrete bases of the replacement dwelling and outbuilding.
 - 5.3 to remove all asbestos if any is found and dispose of it according to paragraph 5.7 below.
 - 5.4 to stabilise and make good the wall, roof and chimney of the adjoining property 119 Sandringham Avenue where they form either individually or together a Party Wall structure under the provisions of the Party Wall Act 1990.
 - 5.5 to appoint a competent person to prepare and submit to the Council a Coal Mining Risk Assessment Report ("the Report"), which is to be prepared in accordance with the requirements of Coal Authority Technical Guidance Note TGN02/2021, in order to assess whether the development has had any adverse effects on the stability and safety of the land.
 - 5.6 to carry out any remedial works identified in the Report (if any) according to its recommendations and under the supervision of a competent person and to appoint the competent person to prepare a further report ("the Secondary Report") to demonstrate to the satisfaction of the Council that any works recommended in the Report have been properly carried out to ensure the stability and safety of the land. To submit a copy of the Secondary Report to the Council immediately following completion of the required remedial works.
 - 5.7 to remove the white painted security boards and white painted entrance gates positioned on or close to the boundary.
 - 5.8 to remove and dispose of all building, scaffolding and waste materials arising from the completion of the requirements set out in paragraphs 5.1 to 5.7 above to a site properly licensed to accept such waste materials.
 - 5.9 to make good and level the ground after completion of the requirements set out in paragraphs 5.1 to 5.8 above to equivalent ground levels as they were prior to the alleged unauthorised works and to reinstate to grass the area of the land on which the partially erected dwelling and outbuilding were constructed.
- The period for compliance with the steps set out in paragraph 5 are:
 - 6.1 the time for compliance with the requirements set out in paragraph 5.1 above is three (3) months from the date on which this notice takes effect.
 - 6.2 the time for compliance with the requirements set out in paragraph 5.2 above is

- five (5) months from the date on which this notice takes effect.
- 6.3 the time for compliance with the requirements set out in paragraph 5.3 above is five (5) months from the date on which this notice takes effect.
- 6.4 the time for compliance with the requirements set out in paragraph 5.4 above is eight (8) months from the date on which this notice takes effect.
- 6.5 the time for compliance with the requirements set out in paragraph 5.5 above is eight (8) months from the date on which this notice takes effect.
- 6.6 the time for compliance with the requirements set out in paragraph 5.6 above is eight (8) months from the date on which this notice takes effect.
- 6.7 the time for compliance with the requirements set out in paragraph 5.7 above is eight (8) months from the date on which this notice takes effect.
- 6.8 the time for compliance with the requirements set out in paragraph 5.8 above is eight (8) months from the date on which this notice takes effect.
- 6.9 the time for compliance with the requirements set out in paragraph 5.9 above is twelve (12) months from the date on which this notice takes effect.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act. Appeal B is proceeding on the grounds set out in section 174(2)(b), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeals A and B – Formal Decisions

1. The enforcement notice is corrected and varied by:
 - deleting the words 'to stabilise and make good the wall, roof and chimney of the adjoining property 119 Sandringham Avenue where they form either individually or together a Party Wall structure under the provisions of the Party Wall Act 1990' from paragraph 5.4 of the notice and substituting them for 'to stabilise and make good the party wall, that part of the roof and the shared chimney with the adjoining property 119 Sandringham Avenue'.
 - deleting paragraphs 5.7 and 5.9 and the corresponding compliance periods in paragraphs 6.7 and 6.9.
 - to re-number paragraph 5.8 of the notice to paragraph 5.7 and to delete the words '5.7 above to a site properly licensed to accept such waste materials' and substitute them for '5.6'.
 - deleting 'eight (8) months' and substituting 'four (4) months' as the time period for compliance for paragraph 6.4.
 - deleting 'eight (8) months' and substituting 'six (6) months' as the time period for compliance for paragraph 6.5.
 - to re-number paragraph 6.8 of the notice to paragraph 6.7 and to delete 'eight (8) months' and substitute it for 'nine (9) months' as the time period for compliance with paragraph 5.7.
2. Subject to these corrections and variations, the appeals are dismissed, the enforcement notice is upheld, and planning permission, subject of Appeal A, is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Enforcement Notice

3. I have a duty to ensure that the enforcement notice is in order. Under s176(1) of the Act, as amended, it is open to me to correct any defect, error or

misdescription in the enforcement notice or to vary its terms provided I am satisfied that the correction or variation will not cause any injustice.

4. Putting the merits of the case to one side, the main parties agreed at the Hearing that several requirements of the enforcement notice need to be corrected so that it is on a proper footing. Although there is a drafting error in requirement 5.3 which refers to paragraph 5.7 instead of paragraph 5.8, due to other changes that I shall set out, this reference is now correct. In requirement 5.4 reference to the Party Wall Act 1990 should be omitted as that legislation does not resolve the purpose of the notice which is to remedy the breach of planning control. Furthermore, the parties agreed that this requirement should be re-worded so that it precisely targets the affected parts of 119 Sandringham Avenue. I have set this wording out in my formal decisions.
5. As the white painted security boards are not part of the alleged breach of planning control, it was agreed that a requirement relating to them is not necessary to remedy the breach. Hence, requirement 5.7 as stated in the notice is to be omitted plus the corresponding time period in paragraph 6.7.
6. Reference in requirement 5.8 to removing waste material to 'a site properly licensed to accept such waste materials' is not necessary to remedy the breach and is a matter governed by other legislation or regimes.
7. The main parties agreed that requirement 5.9 and the time period in paragraph 6.9 should be deleted as it creates uncertainty about what anyone seeking to comply with that requirement needs to do. This is because a dwelling has historically stood on the land and there is no topographic assessment of what the ground levels were on the land before the alleged breach of planning control took place. It would therefore be difficult for anyone to know exactly what they need to do to achieve the right levels to comply with the requirement.
8. I am content that these corrections will not cause any injustice; a matter that was agreed by the main parties at the Hearing.

Preliminary Matters

9. In response to my pre-Hearing note, the appellant confirmed that they wished plan Refs: 01 and 06A to be considered as part of Appeal A on ground (a). In this case, the alleged breach of planning control includes the 'partial erection of a replacement dwelling and outbuilding'. Given that neither the dwelling or outbuilding are complete, this part of the alleged breach is phrased correctly. As s177(1) only allows for a grant of planning permission for the whole or part of the alleged matters, planning permission on ground (a) could only be granted for partially constructed structures. For them to be completed, another planning permission would need to be granted. I have considered ground (a) on Appeal A on its merits but based on the partially built structures that I saw on site and plan Ref: 01, a site location plan, but not plan Ref: 06A as that shows a completed dwelling.
10. At the Hearing, the appellants submitted a series of photographs (Document 2) in relation to their appeals under grounds (b) and (c). Despite the timing of the submission, the photographs do not change the appellant's case. I gave the Council the opportunity to consider the photographs and provide comments on them at the Hearing. I have taken the photographs and the comments made in respect of them into account in reaching my decision.

11. In response to my query about the basis of the case being made on ground (f), the appellants verbally outlined their position, and subsequently submitted two sets of plans at the Hearing (Documents 4 and 5) outlining what they consider could be undertaken to remedy the breach of planning control. Document 4 was superseded by Document 5 due to an inaccuracy on the plans, and in response to the Council's comments. I have therefore only taken the plans in Document 5 into account along with the comments made in relation to them.

Appeals A and B on grounds (b) and (c)

12. An appeal under ground (b) is that those matters as stated in the notice have not occurred. An appeal under ground (c) is that those matters do not constitute a breach of planning control. I will consider these matters jointly due to the overlap in the case made by the appellants in respect of both grounds.
13. In relation to ground (b), the appellant says that the dwelling was not demolished as alleged by the Council.
14. Section 55(1) of the Act confirms the meaning of 'development'. That includes the carrying out of 'building operations'. Section 55(1A) of the Act confirms that 'building operations' includes the demolition of buildings, rebuilding, structural alterations of or additions to buildings; and other operations normally undertaken by a persons carrying on business as a builder. Section 55(2)(a)(i) and (ii) are also relevant in this case. They state that the carrying out for the maintenance, improvement or other alteration of any building of works which affect only the interior of the building, or do not materially affect the external appearance of the building, should not be taken to be development.
15. The appellant explained the chronology of works that took place on the appeal site after May 2021 when work started on site. After the garages serving the dwelling were demolished, foundations were constructed up to slab level for an extension to the dwelling. Photographs in Document 2 show that these works took place whilst the dwelling was present on the land, though the photographs do not have any dates on them. I was told that the brickwork for the extension was built up to the top of the ground floor, and joists and steel beams were installed, with all the joists in the dwelling replaced to achieve a consistent first floor level. To achieve this, the oriel window, cladding, and the ground floor bay window were removed. Some demolition work was undertaken according to the appellants, including the front wall, the stairs and the internal walls running from the front to back of the dwelling.
16. The Council's photographs from July 2021 confirm the entire roof was also removed along with most of the external walls to the dwelling. The appellants confirmed that only a section of the original dwelling's rear wall remains on site. From what I heard and what I could see, this section of wall, at best, only extends part way across what would have been the rear elevation of the dwelling and up to the top of the ground floor.
17. I understand that the dwelling's foundations remain on site, and they have been re-used to construct the structure now on site with cuts made in certain places to facilitate the new development. Above them, the external walls are now constructed of a breeze block internal skin, with a layer of insulation between that and then an external brick skin. This applies to the whole structure now on site and it is a modern form of construction that was not used at the time when the dwelling was originally built. It is also the case that a new roof has been erected across the whole of the structure.

18. Due to the changes to the staircase, the formation of a porch, and the removal of ground floor internal walls, there was a structural need to remove the internal walls on the first floor also, as they were unsupported. Hence, none of the original internal walls remain on site today.
19. Taking all these matters into account, whilst works initially started out as an extension to the dwelling, the works undertaken have not just affected the interior of the building, but they have materially affected the external appearance of the building. These would have been visible from Sandringham Avenue, Arundel Road and Conway Crescent. Collectively, the works carried out mean that the dwelling was demolished and rebuilt. The allegation is therefore correct as the works are 'building operations' that fall within the remit of 'development' for the purposes of the Act.
20. However, the walls and roof of the structure are not finished and there are no windows or doors or internal fittings that would facilitate the structure's use as a dwelling. The outbuilding has no roof, the brickwork is incomplete and there are no windows or doors fitted. Both have therefore been partially built. Thus, those matters stated in the notice have occurred on the balance of probability, and I conclude therefore that ground (b) fails.
21. In response to ground (c) the appellant claims that the works which have taken place on site accord with the planning permission granted by the Council on 17 May 2021 ("the 2021 permission") for a two storey side extension and single storey front extension for a front porch and bay window. Further, in respect of the outbuilding, the appellant contends that it is permitted development and does not require planning permission.
22. Dimensions, taken on site, and agreed between the main parties, have allowed the parties to compare the floor plan of what has been built to the approved floor plan for the 2021 permission (Document 1). Setting aside the fact that the works are not an extension to the dwelling since it was demolished, the outcome of the assessment confirms that, the layout, footprint, scale, massing and appearance of the structure are different to the 2021 permission. Hence, the appellants have not carried out the development granted through the 2021 permission and there is no other planning permission in place for the development that has taken place. As a result, there has been a breach of planning control in respect of the partially erected replacement dwelling.
23. Leaving to one side its partial construction, the appellant confirmed that work started on the outbuilding after the dwelling was demolished. Given my findings, the building operations undertaken are unlawful. This means that the outbuilding cannot be permitted development due to Article 3(5) of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). Hence, the outbuilding is not permitted development and there has been a breach of planning control. I conclude that the appeals under ground (c) therefore fail.

Appeal A on ground (a) / the deemed planning application

24. The main issues are: (a) the effect of the proposal on the character and appearance of the area; and (b) whether there is adequate information to assess the effect of the proposal in respect of coal mining; and (c) whether there is adequate information to determine whether the proposal is affected by contamination.

Character and appearance

25. The appeal site lies within a residential area characterised by semi-detached dwellings, typically two storeys high and constructed of brick with elements of render or panelling. Properties have a gable or hipped roof form which are finished with tiles. Off-street parking and gardens are to the front and rear.
26. The structure built in place of the dwelling follows the building line of the adjoining property to the front and rear, save for the small projection to the front, built with the intention of forming a porch. The structure's footprint is slightly smaller than the footprint granted through the 2021 permission and is set further away from the site's flank boundary. Even so, the overall scale, massing and design of the structure is a dominant form of development on the corner plot which harms the character and appearance of the area. This is chiefly due to the scale and massing of the roof, but the effect is amplified by: the colour of brick used for the whole structure, which is out of kilter with the colour of brick found across the locality; and the incomplete state of the structure with its roof and walls not finished and no windows or doors. Simply put, the structure is at odds with the appearance of residential properties in the area, even if there are a variety of styles and finishes present.
27. Whilst there does not need to be a slavish response to the use of materials in the area, the colour of the brick used for the structure does not respond to the colour of brick found in the area.
28. Although the Council are concerned about the development on site altering the balance of the semi-detached pairing, I do not agree given that several properties in the area have been extended or altered to the side.
29. That said, the unfinished appearance of the partially built outbuilding is also a jarring feature that is at odds with the appearance of the surrounding area. In its current state, which my assessment is based on, it has a harmful effect.
30. The 2021 permission was to extend the dwelling. Although works started out to achieve this, the dwelling was demolished before that extension was finished. Therefore, there is not a real prospect of the 2021 permission being carried out, as any development that has taken place or takes place in the future would be a new build, not an extension. The fallback position advanced carries no weight and it does not alter my finding about the harm caused on this issue.
31. I conclude, in respect of this issue, that the proposal causes significant harm to the character and appearance of the area. Conflict is caused with saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan (UDP), Policy HC2 of the Walsall Site Allocation Document, Policies ENV3 and CSP4 of the Black Country Core Strategy (CS) and Designing Walsall Supplementary Planning Document for Urban Design. Together these policies, among other things, seek, high quality design that positively contributes to the quality of the environment, having regard to its appearance, scale, massing and materials.

Coal mining

32. The appeal site lies in an area where there is a known high risk of legacy coal mining and related ground gas. The appellants Geological and Mining Appraisal outlines that "there are a number of relatively shallow coal seams which if found to have been mined beneath the site represent a significant risk to near surface ground stability and the integrity of the proposed development." The

assessment recommends that a rotary borehole investigation is undertaken to determine whether remedial measures are required.

33. Although the structures are already on the land, both parties agree that the amended suggested planning condition (Document 6) to secure an investigation and subsequent remedial measures, if needed, is necessary. This would ensure that the structure is not susceptible to land stability issues or contamination of any kind in the interests of the living conditions of neighbouring residents, and in the event that further planning permission is granted to facilitate occupation of the structure as a dwelling, its occupants.
34. Accordingly, I conclude, on this issue, that subject to a suitable planning condition, there would be adequate information available to assess the effect of the proposal in respect of coal mining. The proposal would accord with saved UDP Policies GP2 and ENV14.

Contaminated land

35. Asbestos is commonly found in building stock of the age of the former dwelling according to the Council. The appellant does not dispute that point and I have no reason to either. Asbestos can harm the health and wellbeing of people.
36. There is no evidence to suggest that there was or was not asbestos present on site or that if there was any, that it was satisfactorily and safely disposed of when the original dwelling was demolished. Given that the baseline was not established, a precautionary approach is warranted to ensure that there is no contamination present on the site, in the interests of neighbouring occupants' living conditions, and any future potential occupiers of the site. A planning condition to secure an intrusive investigation and any appropriate remedial works to address any contamination found is necessary and would secure the adequate information necessary to determine whether the proposal is affected by contamination and the proposal would accord with saved UDP Policies GP2 and ENV14.

Other matters

37. I heard submissions from Mr Singh at the Hearing about his experience and interactions with persons working on the site, and with the Council. I note his submissions in respect of being able to finance any future works, but there is no substantive evidence to support that assertion. I note Mr Singh's criticisms of the Council not responding to requests made by persons acting on his behalf to discuss the matter. Even if he is correct about the Council's lack of engagement, it would not alter or outweigh any of my findings on ground (a).

Conclusion on ground (a)

38. Although the imposition of suitable planning conditions in respect of coal mining and contamination would overcome the harm in respect of those two issues, they do not alter or outweigh my finding about the structures' effect on the character and appearance of the area. As such, I conclude that the proposal does not accord with the development plan as a whole and there are no material considerations that indicate that I should take a decision other than in accordance with it. As such, ground (a) therefore fails and the deemed application for planning permission is dismissed.

Appeals A and B on ground (f)

39. The notice seeks to remedy the breach. The appellants say that the notice's

remedial steps go beyond what is reasonably necessary to remedy the identified harm, and are contrary to the 2021 permission. They also suggest that lesser steps are available to address the Council's concerns, including but not limited to restoration.

40. The appellants consider that they could remedy the breach by lowering the ridge height of a section of roof nearest to Arundel Road so that it matches the scale massing and appearance of the extension approved through the 2021 permission. They also contend that a corresponding section of the front elevation of the structure could be set back so that the amended roof form mirrors the pitch of the remainder of the roof. Furthermore, the appellants say that render could be added to the above and below the ground floor windows either side of the porch on the structure's front elevation. Changes to the window cills are also suggested so that they correspond with No 119, and to change the window style on the front elevation so that they respond to the style of window approved through the 2021 permission.
41. In terms of the rear elevation, the appellants suggest that the breach could be remedied by changing the size, siting, alignment and proportion of the windows so that they reflect the style of the property, No 119 and the area. Insofar as the outbuilding, the appellants say that the breach could be remedied by leaving the structure as a shell to a height of 2.5 metres and with no roof.
42. Given that the 2021 permission cannot be carried out, and no other planning permission is in place, only the demolition of the structures and the removal of all materials from the site can achieve the purpose of the notice. Although some of the modifications suggested by the appellants are similar to the 2021 permission and may well remedy any injury to amenity, I am unable to grant permission for such a scheme under ground (a) as it is not what has actually been built. I am also unable to grant planning permission under ground (f) for what is shown on the plans submitted by the appellants. As such, points about the cost and carbon footprint of carrying out such works are not relevant.
43. It was also submitted by the appellants that requiring removal of the foundations of the former dwelling which have been re-used for the structure on site would be excessive. Although those foundations supported the former dwelling, they are now an integral part of the unauthorised development and facilitate its existence. They have also been cut to support the development and have been amended to some extent. For these reasons, it is reasonably necessary that they are removed to remedy the breach of planning control.
44. The appellants also say that they could carry out an asbestos survey and a ground contamination survey without needing to demolish the structure or demolish large parts of it to allow that survey work to be undertaken and any remedial measures. However, I am unclear how they could be achieved without demolishing the structure as suggested by the appellants, and a precautionary approach is justified in respect of both. Hence, these requirements in respect of both are the sole steps that would overcome the potential harm to the living conditions of neighbouring occupiers and any potential future occupiers of the site. They are not excessive to remedy the breach of planning control.
45. For the reasons set out, I conclude that the appeals on ground (f) must fail.

Appeals A and B on ground (g)

46. An appeal on ground (g) is that the period specified in the notice falls short of

what should reasonably be allowed.

47. The time periods for compliance with the enforcement notice fall range from three months to twelve months and change depending on the requirement. The Council contends that a stepped approach is necessary so that the breach is resolved sooner rather than later, but in a proportionate manner.
48. The appellants seek a longer time period of fourteen months for all of the requirements as they consider the time periods for each requirement is to be too short, given the extent of them, the matters to resolve and carry out satisfactorily. They also explain that professionals will need to be appointed to carry out background work, and then any subsequent work. That process also needs to take into account the interaction between the different requirements and will take time.
49. I consider the Council's stepped approach for the compliance periods is appropriate as there is a need to ensure the breach is remedied at the earliest opportunity in the public interest. To have a single longer time period for all the requirements would not achieve that, and the harm that has been created by the structures would remain for longer than necessary.
50. There is no substantive evidence to suggest that requirement 5.1 cannot be achieved within three months despite needing to secure the services of suitable persons to carry out the demolition of both structures to ground level. I am mindful that the appellants need to comply with the Party Wall Act, a process they say could take up to twelve months to complete. However, equally the process could be shorter, especially as the extent of work that will need to take place to comply with the notice's requirements are clear. Therefore, to ensure the breach is remedied, the three month compliance period for requirement 5.1 is appropriate. The slightly longer time period of five months for requirement 5.2 is appropriate given that this compliance period applies to a consequential action of requirement 5.1. Whilst I have reached a finding in respect of these time periods on the notice, the Council does have discretionary powers under s173A(1)(b) to extend any period for compliance. That would be a matter for the Council to consider if issues arise in the future.
51. The appellant suggests an alternative nine month compliance period for requirement 5.3 to remove all asbestos if any is found. The extent of any work is unknown. At worst, it could be site wide and take time to properly dispose of. However, as there is an unknown effect, there is also the potential ongoing risk to people until any asbestos is properly removed. That risk is higher during dry periods as it could spread across an area wider than the appeal site. Having regard to the potential risk, I consider that the five month stipulated in the notice is a proportionate response in this case.
52. Both parties agreed that the time period for carrying out requirement 5.4 should be four months not the eight months stated on the notice. I agree as any remedial works to No 119 would be carried out soon after the structures are demolished and their foundations and bases removed. This would ensure that the living conditions of the occupiers of No 119 are not harmed due to the property being left unduly exposed to adverse weather conditions.
53. I consider the appellants shorter suggested time period of six months for requirement 5.5 to be suitable in this case given the known coal mining issues, whilst enabling the appellants to secure the services of suitable persons to

carry out the requirements of the notice. Given this and the terms of requirement 5.6 to carry out any remedial works, the eight month period that paragraph 6.6 of the notice affords would be appropriate as it would enable a period of time for those remedial works to be carried out in full knowledge of the situation on site.

54. The eight month time period to carry out requirement 5.8 as set out in the notice is a month short of what I consider to be reasonable in this case as a slightly longer period would allow the appellants to carry out the other steps and then remove any building, scaffolding and waste materials from the site.
55. I have not found some of the time periods specified in the notice to fall short of what should reasonably be allowed, but I have in others for the reasons set out. On this basis, Appeal A on ground (g) succeeds to this extent.

Other Matters

56. I understand that work stopped on site once Mr Singh was aware that there was an issue with the work being done. That has meant further work has not taken place, but this action does not alter or outweigh any of my findings in respect of these appeals.
57. Mr Singh also explained that materials have been stolen from the appeal site. Be as that may, it is a matter for the police, not these appeals. The matter between Mr Singh and his neighbour relating to a document that was signed is a civil issue.
58. Whilst I sympathise with the appellants' view that they will never likely be able to build or own a house again, equally, a breach of planning control has occurred which does need to be remedied and planning is concerned with land use in the public interest not the private interests of individuals. If the appellants are unhappy with the Council's engagement, they could, should they wish, raise the matter with the Council through its complaints process.
59. I note the points made by interested parties about the standard of workmanship and whether those working on the site have adhered to health and safety standards. Both matters lie outside the scope of this appeal. Insofar as the issue raised about the effect vehicles parked during the construction phase could have on visibility around the junction, there are no parking restrictions to prevent vehicles parking here even if it is not ideal.

Overall Conclusions

60. For the reasons given above, I conclude that the appeals on grounds (b) and (c) should not succeed. Furthermore, I conclude that ground (a) on Appeal A should fail and ground (f) on both appeals should not succeed. However, I conclude that the period for compliance with the notice falls short of what is reasonable. The appeals on ground (g) succeeds to that extent. I have also set out various corrections to the notice so that it is in order.
61. The overall outcome is that I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application (Appeal A) deemed to have been made under section 177(5) of the 1990 Act as amended.

Andrew McGlone

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gurwinder Singh
Michael Kalam
Charles Robinson
Wayne Bromley
Councillor Gurmeet Singh Sohal

Appellant
Lapworth Architects
Lapworth Architects
Mr Party Wall
Walsall MBC

FOR THE LOCAL PLANNING AUTHORITY:

Andrew White
Richard Saunders

Team Leader Development Management
Planning Enforcement Officer

INTERESTED PARTIES:

Christopher Barker

DOCUMENTS

- 1 – Annotated – Elevations and Plans
- 2 – Photographs, dated 14 June 2021
- 3 – Designing Walsall Supplementary Planning Document for Urban Design
- 4 – Plan Refs: 25, 26, 27, 28 and 29
- 5 – Plan Refs: 25A, 26A, 27A, 28A and 29A
- 6 – Amended list of suggested planning conditions in respect of ground (a)