



# Appeal Decision

Site visit made on 12 January 2023

**by E Brownless BA (Hons) Solicitor (non-practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 July 2023**

## **Appeal Ref: APP/T5150/C/22/3294405**

### **5 Wickliffe Gardens, Wembley, HA9 9LG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended ("the Act"). The appeal is made by Mr Tasneem Raza against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice, numbered E/20/0401, was issued on 27 January 2022.
- The breach of planning control as alleged in the notice is without planning permission, the external alterations to the front of the premises, comprising the conversion of the garage to habitable room; the installation of uPVC windows and main front door; the removal of chimneys; the installation of a hard surface; the alterations to the soft landscaping area; the erection of a front boundary wall; widening of dropped kerb; installation of a front canopy; and installation of white render to the front elevation (Barn Hill Conservation Area).
- The requirements of the notice are to: (1) Cease the use of the garage as a habitable room; (2) Remove the uPVC windows, main door and front canopy from the premises; (3) Reinstate the chimneys to the side of premises; (4) Remove the hard surface to the front of the premises; (5) Reinstate the soft landscaping area and the dropped kerb to as it existed prior to the unauthorised development being carried out; (6) Demolish the front boundary wall from the premises and re-erect wall as shown in photograph A attached to this notice, ensuring the design and materials match the previous wall; (7) Remove the white render from the front elevation of the premises; (8) reinstate the premises to as it existed prior to the unauthorised development taken place, as shown in Photograph A attached to this notice; (9) Remove all associated items, debris and materials, arising from the above taken steps, from the premises.
- The period for compliance with the requirements is: six months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Act. 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.
- **Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.**

## **Background**

1. Planning permission was granted by the Council for a scheme including a single story rear extension and extension of the rear patio, loft conversion with rear dormer window involving increasing of roof height, replacement of wooden frame single glazed windows at the front with uPVC double glazed windows, and relocation of dropped kerb to the dwelling house<sup>1</sup> (the "2018 permission"). The appellant indicates that development commenced in April 2019 and that the works were substantially completed in February 2020. This matter is disputed by the Council.
2. Albeit works of the 2018 permission are stated to have been carried out and there is no evidence to the contrary, a number of unauthorised works were

<sup>1</sup> Planning Reference:- 18/0458

also undertaken which led to a further planning application<sup>2</sup> being made by the appellant to secure their retention. This application was subsequently refused by the Council and those matters now form part of the deemed planning application (the "DPA") before me.

### **The appeal on ground (a)**

3. The ground of appeal is that planning permission should be granted for the breach of planning control stated in the notice. Having regard to the reasons for issuing the notice, the main issue is whether the development preserves or enhances the character and appearance of the Barn Hill Conservation Area.
4. The Barn Hill Conservation Area ("the CA") is a predominantly residential area with dwellings arranged in a planned estate layout that is set into the hillside. Notwithstanding some variation in scale, dwellings are unified in their layout and high architectural quality which mostly includes a distinctive Mock-Tudor character with exteriors typically comprised of large areas of exposed red brickwork with rough cast rendered sections, two storey projecting bay windows underneath sweeping roof planes with decorative chimneys, moulded brick eaves and patterned brickwork. Half timbering in a variety of combinations is commonplace. Although architectural detailing varies between streets, the use of a common palette of materials together with a consistent mass and form provides an attractive and cohesive character. As such, the significance of the CA is largely derived from its hillside setting, layout and high quality architectural detailing.
5. Front garden areas are mainly comprised of soft landscaping with mature trees, hedges, planting and manicured lawns set behind low boundary walls constructed in stone or brick. Taken together with grass verges and tree planting along some of the roads of the estate, the area possesses a green and verdant character of which, areas of front garden are a distinctive feature of the CA and provide an attractive and mature landscape setting to properties thus making a positive contribution to the significance of the heritage asset.
6. In order to protect the character and appearance of the area, a direction made in accordance with Article 4 of the General Permitted Development Order 2015 (as amended) (Article 4 Direction) takes away certain permitted development rights for specified types of development for properties within the CA, including the replacement of windows and surfacing to the front of dwellings.
7. The Barn Hill Conservation Area Design Guide (2013)(DG) recognises that gardens are as important to the character of the CA as the houses. It sets out that boundary walls should be built to match the streetscene including the use of matching materials and noting that most walls are constructed of the same brick as those of the house. It goes on to state that the removal of hedges is noted to drastically alter the natural/urban balance within the CA and therefore off-street parking should retain at least 50% of the front garden area as suitably landscaped with soft planting features.

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<sup>2</sup> Planning Reference 21/3671

8. Additionally, the DG requires any new hard surfaces to be formed using traditional materials such as cast concrete, pavers or loose gravel which should be of a permeable construction or designed to drain into area of soft landscaping within the property boundary. The Supplementary Planning Document No.2 – Residential Extensions and Alterations (2018)(SPD) has similar requirements requiring a high quality design that provides a 50/50 balance between hard and soft landscaping.

Front garden, hardstanding, boundary wall, dropped kerb and garage

9. As a consequence of the wider unauthorised dropped kerb, the driveway opening is wider than the one it replaced thus resulting in the boundary wall being shorter in length. Taken together with the use of unsympathetic materials including breeze blocks topped with white stone, it fails to match the original boundary design and it does not relate well to, nor complement the predominant dimensions and materials of traditional walls found along Wickliffe Gardens and within the surrounding CA.
10. The continuity of the enclosed frontage is reduced and albeit an area of soft landscaping is retained, this is small in size and there is no clear evidence before me to show that it meets the minimum 50% requirement set out within the DG and SPD. The extensive area of hardstanding results in the frontage being dominated by a hard surface and increases the potential for parked vehicles, thus diminishing the sense of enclosure and appearing as a prominent and discordant addition that is at odds with the prevailing attractive and verdant qualities of front garden areas. The use of light grey coloured block paving gives it a contemporary appearance that adds to its overall incongruity within the streetscene.
11. Whilst several examples of properties have been brought to my attention where hardstanding has been applied to most, if not all, of their frontages, based upon my observations at the site visit, I consider that, irrespective of the size of dropped kerbs, the prevailing streetscene within the CA is comprised of verdant front garden areas with modest amounts of hardstanding. The presence of limited examples of extensive use of hardstanding and wide drop kerbs does not provide justification for the development and moreover, it points to the need to control this type of development if the character and appearance of the CA is to be preserved.
12. Furthermore, even once planting has had sufficient time to become established, given the limited space and the wide driveway opening, any soft landscaping would have little effect in softening the unauthorised development and reducing its harmful effect.
13. There is little evidence before me to validate the appellant's claim regarding roots growing close to the property. Whilst I note that easier maintenance is achieved, this does not provide adequate justification for loss of planting and an increase in hardstanding. Similarly, whilst the original garden area may have provided less coverage than the 50% requirement of the DG, this does not justify a further reduction in size.
14. The DG and SPD set out that the retention of original garages is encouraged due to their positive contribution to the CA and to ensure that the parking of a vehicle within the front garden does not detract from the setting of the property of the wider streetscene. The DG goes on to state that the loss of a

garage may be acceptable in some instances. Firstly, where it can be demonstrated that an original garage is too small to accommodate a modern car. Secondly, that improvements to the front garden will be sought to ensure that the parking of a vehicle within the front garden does not detract from the setting of the property or wider street scene. As the appeal scheme fails to provide evidence of the original garage being too small and it doesn't make the requisite improvements to the front garden, it is therefore contrary to the requirements of the SPD and DG.

15. Nonetheless, there are several examples along Wickliffe Gardens and within the wider area where garages have been converted, including a number with the Council's permission<sup>3</sup> and an instance where planning permission was refused but the principle of converting the garage space was not opposed<sup>4</sup>. It has not been put to me that there would be a consequent increase in on-street parking nor has any harm been identified with regards to visual amenity, save for the harm caused by the unauthorised casement window, which is considered further below. As such, I find no adverse harm would arise as a consequence of the garage space being converted to be used as a toilet and utility room. The issue of the window is considered further below.

### Windows

16. Casement windows are an important part of the external elevations of dwellings. The DG promotes the retention of original windows and encourages their repair in the first instance, or their replacement using timber. However, the use of uPVC is not entirely precluded provided that the replacement replicates the design of the original in terms of its arrangement, proportions, the inclusion of the same number of uprights, horizontals and glazing bars and even sightlines between fixed and opening lights. Additionally, all glazing bars should be externally mounted and a drip rail must be provided within the replacement window if it was a feature of the original.
17. To a limited extent, the replacement windows have tried to replicate the original in terms of being casement windows with some glazing bars. However, the frames of the opening part appear thicker than those of the fixed window such that these two elements are not in harmony with each other. The resultant effect is that the opening elements appear disjointed and visually disproportionate to the fixed elements thus creating uneven sightlines and noticeably different proportions.
18. Consequently, the replacement windows do not have the same overall arrangement and proportions of the original windows and this is further exacerbated by the inclusion of internal glazing bars and the absence of drip rails. As the appeal scheme windows fail to replicate the design of the original, in this respect the appeal scheme conflicts with the DG.
19. It is put to me that the Council have failed to demonstrate that a drip rail feature formed part of the original design. However, there is no evidence to the contrary either. Even if the appellant is right, taken as a whole, the windows appear poorly designed and an inharmonious addition to the front façade.

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<sup>3</sup> Planning references:- 11/0674 and 17/0205

<sup>4</sup> Planning reference:- 19/4094

20. I accept that there is some variety of window design and style within the area. The use of uPVC is not uncommon. However, in the vast majority of the submitted examples, whilst a number are without drip rails, importantly they include a design with even vertical and horizontal sightlines, which when taken together with other features preserve the character and appearance of the CA. As such, the submitted examples are not directly analogous with the appeal scheme.
21. Reference is made to the 2018 permission which included, among other things, replacement windows of uPVC construction. However, in that instance, the approved replacement windows were noted to replicate the existing windows in their design, location and section and they were considered by the Council to accord with the DG. I have had regard to the plans submitted as part of that application. However, on the evidence before me, the appeal scheme windows are not closely matched to the approved windows.
22. The same can also be said for schemes at 8 Barn Hill<sup>5</sup> and 61 Barn Hill<sup>6</sup>. Notwithstanding the omission of drip rails from the design in those instances and the use of uPVC, the replacement window designs were deemed to be largely compliant with the DG and of a high quality with traditional arrangement and proportions and even sightlines. That is not the case with regards to this appeal scheme which lacks consistency in its architectural design by reason of a different arrangement, proportions, uneven sightlines and absence of features typically found within the streetscene.
23. My attention has been drawn to a previous appeal decision at The Crescent<sup>7</sup> which included, among other things, replacement window frames. However, that property, a semi-detached dwelling, was located some distance from the appeal site within a different conservation area (the Sudbury Court Conservation Area). It was also noted by the Inspector that 'the format and layout of the replacements is generally in keeping with the originals'. I have not formed the same view in the appeal case.
24. Whilst the replacement windows are stated to have an improved thermal efficiency, the harm to the character and appearance of the CA by reason of their poor design by far outweighs any perceived benefit associated with energy efficiency. Better designed windows could also achieve increased thermal efficiency. Overall, by reason of their design and materials, the windows appear as an incongruous addition that is at odds with the traditional design of fenestration found on the appeal premises and elsewhere within the CA.

#### Front door

25. Albeit the replacement door is stated to be constructed using timber which would accord with it being a matching material, it also includes a modern design with three sections of off-centred glazing which fails to replicate the traditional design and proportions of the original. The loss of the decorative leaded glass window is unfortunate. I am not persuaded that it represents a modern interpretation of a traditional timber door given that it is so vastly

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<sup>5</sup> Planning Reference:- 15/4694

<sup>6</sup> Planning Reference 21/2948

<sup>7</sup> APP/ T5150/D/12/2188946 – 24 The Crescent, Wembley

different in appearance, and moreover, given its modern design and non-traditional proportions and arrangement, it appears as a discordant addition to the host property and the streetscene.

26. Having regard to the submitted examples, I observed a variety of front doors that are uncharacteristic of the traditional door design along Wickliffe Gardens and elsewhere within the CA. However, there is little evidence relating to the particular circumstances of those front doors and it is not clear whether the particular circumstances are therefore comparable to the appeal proposal. As such a comparison is of limited relevance in this instance and I have therefore considered the appeal before me on its individual planning merits.
27. Furthermore, other similar discordant additions within the wider CA are limited and rather than providing justification for the appeal scheme, if anything, their presence points to a need for front doors to be carefully controlled if the prevailing character and appearance of the area is to be safeguarded.

#### Chimneys and porch canopy

28. These are distinctive features of the area which the DG recognises the importance of retaining. The advice of the DG makes it clear that where original items are replaced, any replacement should be detailed to match or complement the original. Whilst the replacement canopy replicates an illustration given within the DG, it includes a more simple and modern design than the one it replaces and, together with smaller brackets that are fitted flush to the canopy, it is therefore markedly different in appearance to the original.
29. In addition, two brick chimneys have been removed in their entirety such that the roofscape appears plain and without any visual interest. Whilst examples of roofscapes devoid of chimneys within Barn Way, Midholm, Barn Rise, Barn Hill and Eversley Avenue are drawn to my attention, these are limited in number and albeit there is a small concentration within Wickliffe Gardens they are not so common as to lead me to the view that an established feature of the CA has been diluted to such an extent that it is no longer worthy of protection.
30. Reference is made to a scheme at 44 Barn Rise<sup>8</sup> where removal of a chimney was allowed. However, there is limited evidence before me to demonstrate what, if any, contribution it made to the character and appearance of the CA. The submitted evidence describes it as a 'rear elevation chimney stack' and therefore, I cannot be certain what contribution it made to the heritage asset given its position to the rear of the property. Similarly, on the evidence before me, it has not been shown that there is a pattern of removal of these features. This matter attracts limited weight in my consideration of this element of the appeal scheme.

#### Render

31. Notwithstanding that there are other examples of properties with render applied to their front facades along Wickliffe Gardens, Barn Hill and Eversley Avenue, these properties typically include only partial sections of white

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<sup>8</sup> Planning Reference:- 19/4307

render or painted brickwork and sizeable portions of facing brickwork are retained together with half timbering elements which add interesting articulation to front elevations. The aberrant application of render across the majority of the front elevation has obliterated areas of exposed brickwork and resulted in a bland and uninteresting frontage.

32. There are some similar examples where comprehensive rendering has been included as part of the front façade, however, once more there is little information relating to the particular circumstances of these developments and whether the circumstances are comparable to the appeal scheme. Moreover, where specific examples<sup>9</sup> have been cited, to my mind, these appear as anomalies within their streetscene and the inclusion of elements of half timbering and vegetated front garden areas varies their appearance such that they are not directly analogous with the appeal scheme.
33. The exception to this is Mayfields Road which is positioned towards the edge of the CA and where I observed there to be a large concentration of rendered properties. As a consequence, the character of Mayfields Road is different and not directly comparable to Wickliffe Gardens. Taken together with the intervening distance, I am not satisfied that it provides adequate justification for the extensive use of render at the appeal dwelling.

#### Other Matters

34. My attention has been drawn to 1 Wickliffe Gardens in support of the appeal scheme. However, I note that this property has been made the subject of an enforcement notice for unauthorised development. Indeed, at the time of my site visit, the exterior of the building and its front garden area had been altered from the appellant's submitted photographic evidence. The façade had been altered to include extensive areas of exposed red brickwork, a traditional design of front door had been included and there had been a reduction in the extent of hardstanding. I therefore cannot be certain that any items referred to by the appellant in support of the appeal scheme will continue to remain, therefore the presence of any similar items at this property provides no justification for the appeal scheme.
35. A previous appeal decision at Blockley Road<sup>10</sup> has been provided in support of the appeal scheme. It is put to me that it provides justification for not strictly adhering to the guidance of the DG. However, the Inspector in that case describes the development sought as 'an almost like for like replacement in terms of frame thickness, pane size and decoration detail' and concludes there would be no harm to the character and appearance of the dwelling or the CA. With regard to the appeal scheme, I do not reach the same view.
36. I have had regard to the appellant's intention to renovate and modernise a dated property. However, there is little evidence before me to show that improvements to the property could not be achieved whilst having regard to the need to safeguard the heritage asset.

#### Conclusion on the DPA

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<sup>9</sup> 10 Wickliffe Gardens, 61 Barn Rise, 5 The Crossways, 20 Barn Rise, 15, 20, 29, and 41 Corringham Road, 20, 25, 30, 33 and 35 Barn Hill, 13 & 26 Eversley Avenue.

<sup>10</sup> Appeal Decision:- APP/T5150/D/17/3169931

37. Overall, the appeal scheme has resulted in the removal or covering up of many important and distinguishing architectural features. The external appearance of the property has dramatically changed and the unauthorised development has vastly diminished the contribution of such features to the significance of the CA. As a consequence, the unauthorised development appears out of keeping with the character and appearance of the host dwelling. Overall, the front elevation and garden area appear as a discordant and prominent addition to the streetscene and the wider CA.
38. Based upon my observations at the site visit and the submitted photographic evidence, I note that there is some evidence of alterations to properties within the area, as outlined above. The Council suggest that some of these changes occurred prior to the Article 4 Direction being introduced to control the design, scale and materials used for extensions and alterations. However, the Council have provided little detailed evidence to substantiate this point.
39. Nonetheless, the majority of properties are unaltered and, where some changes have been made, these are generally in isolation to other changes, such that the totality of alterations is considerably different to the comprehensive scheme of changes that have been introduced at the host dwelling. As such, I consider that the majority of dwellings within the CA retain an attractive and cohesive frontage that make a substantial positive contribution to the character and appearance of the area.
40. Accordingly, to allow the unauthorised development to remain would have a significantly detrimental erosive effect on the character and appearance of the host dwelling and streetscene which would fail to preserve or enhance the significance of the heritage asset. There would be conflict with Policies DMP1 and BHC1 of the London Borough of Brent Local Plan 2019-2044 (2022) insofar as these policies require a high quality design that seeks to sustain or enhance the significance of heritage assets by, among other things, respecting and reinforcing the streetscene, frontages and design and contributing to local distinctiveness, built form and character and scale of heritage assets by good quality, contextual, subordinate design and the use of appropriate materials.
41. For similar reasons, the external alterations would conflict with the aims of the National Planning Policy Framework (the Framework) insofar as it requires development to be sympathetic to local character and visually attractive as a result of good architecture, layout and appropriate and effective landscaping. There would also be conflict with the DG and the SPD, as set out above.
42. The harm to the CA identified would amount to "less than substantial harm". As such, paragraph 202 of the Framework requires the harm to be balanced against the public benefits of the proposal. I have had regard to the appellant's desire to improve their home however, the same benefit could be achieved through a better design.
43. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It has not been demonstrated

that any public benefit would outweigh the identified harm to which I attribute great weight. Therefore, in addition to the conflict with the policies of the development plan, the appeal scheme also fails to comply with national policy outlined in the Framework concerning the conservation and enhancement of the historic environment.

### **The appeal on ground (f)**

44. Under Ground (f), it is necessary to consider whether the steps required by the notice exceed what is necessary to remedy the breach of planning control. The notice should specify the steps which the council require to be taken, in order to achieve, wholly or partly, the purpose that is set out in section 173 (4)(a) and (b) of the Act. Those purposes are: (a) remedying 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) remedying any injury to amenity which has been caused by the breach. From the wording of the notice's requirements, it seeks to remedy injury to amenity given the various requirements.
45. Whilst the enforcement notice is concerned with unauthorised development and its consequent effect on visual amenity, in particular, whether the appeal scheme preserves or enhances the special character of the Barn Hill Conservation Area (CA), to remedy the breach, Step 1 requires use of the garage as a habitable room to cease. At the time of the notice being issued, the space that forms part of the garage is stated to have been occupied by a toilet and a utility room rather than being a garage. As part of the unauthorised development, the garage door has been replaced with a set of casement windows and any gaps infilled and covered with render.
46. However, the breach of planning control concerns the external alterations to the front of the premises and concerns operational development rather than a material change of use. No material change of use has occurred and the use of the space as a toilet and utility room is still a residential use and it remains as part of the dwellinghouse. It has not been put to me that any planning condition exists to restrict the use of the space. Given that the notice seeks to remedy the injury to amenity arising as a consequence of unauthorised operational development and given the existing residential use of the appeal property, I am not satisfied that this step is necessary to remedy the breach. To my mind, the use of an interior space as a toilet and utility room cannot be said to have an impact on the exterior of the property. I find Step 1 to be excessive and I shall therefore delete this step in its entirety.
47. Whilst there is no specific requirement within the steps of the enforcement notice to reinstate the garage door, for the avoidance of doubt this matter would be required as part of Step 8 which requires the premises to be reinstated to as it existed prior to the unauthorised development as shown in Photograph A attached to the notice.
48. Reference is made to the 2018 permission and it is put to me that several items, including the uPVC windows and drop kerb should be reinstated to the extent that was granted as part of that approved scheme rather than to the original. It is the appellant's case that the 2018 permission has been

implemented and substantially completed, however I disagree. It has not been demonstrated that the works that have been carried out are the scheme that was approved. Notwithstanding that there are some similarities between what has been carried out and the development that was approved under the 2018 permission, by reason of there being significant differences between what was approved and what was subsequently carried out, I consider that it has not been shown that the 2018 permission has been implemented.

49. It has also been put to me that the uPVC window frames should be replaced with an amended design to include flush trickle vents and external glazing bars which is stated to be similar to an approved development at 61 Barn Hill<sup>11</sup>. However, there is limited detailed information submitted in this regard.
50. Step 4 requires the removal of the hard surface to the front of the premises. It is argued that this is excessive given that a hard surface formed part of the frontage prior to the unauthorised development taking place. However, given that the unauthorised hard surface is comprised of materials that are not a match to the original, in my view, the requirement is not excessive. The requirement of Step 8 ensures a suitably designed hard surface is reinstated.
51. The requirement at Step 8 sets out the standard of replacement of the premises with regard to a photograph. Although the photograph is undated it has not been put to me that it does not show the extent of the property at the time the notice was issued. To my mind, it is not unreasonable or excessive, but is helpful, to include the photograph as a guide to what is required by the other steps of the notice.
52. It is put to me that the requirement concerning the front boundary wall as set out in Step 6 is unclear insofar as whether it includes any wall erected on the common boundary of the neighbouring properties. However, the notice is not worded in terms of including any wall positioned at the sides of the front garden area and in my view, it is worded to require only reinstatement of a wall at the back edge of the footway.
53. Overall, I consider that the remedial nature of the requirements would remedy the injury to amenity caused by the breach of planning control. To my mind, nothing short of full compliance with the revised steps would achieve the stated purpose of the notice. As I intend to vary the enforcement notice to delete Step 1 and renumber the remaining steps to take account of this change, the appeal on ground (f) succeeds to this limited extent only.

### **The appeal on ground (g)**

54. The appellant maintains that the period for compliance is too short and that a lengthier period of 12 months is necessary. This is firstly due to the need to arrange for the work to be done with several contractors and, secondly, in order to submit a further planning application for a revised scheme.
55. The appellant has cited a shortage in the supply of labourers and has drawn my attention to a RICS press release and article within Building Magazine

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<sup>11</sup> Planning Reference:- 21/2948

which point to a general shortage of skilled labourers. Whilst this may be indicative of a national picture, there is little evidence to corroborate the view that this would cause delay in respect of the appeal scheme. Nor have the works been described as so specialist in nature that they would require an expert in a particular field of work. Similarly, there is no information to suggest that the works are unduly complicated nor that different work elements are incapable of being carried out at the same time with a number of contractors being present on site at any one time.

56. I am mindful that a breach of planning control should not be allowed to continue for more than absolutely necessary. This is because of the harm caused to the character and appearance of the host dwelling and CA.

57. Reference has been made to an enforcement notice at 61 Barn Hill whereby the works required by that notice included reinstatement of a door and windows to the front of that property. The time for compliance in that instance is stated to have been six months. Whilst the appeal scheme includes a greater extent of works, I have not been provided with any compelling justification which demonstrates that these cannot be achieved within the cited time frame and the enforcement notice in respect of 61 Barn Hill does not in my view provide adequate justification for a longer period.

58. Even taking into account the possibility of the submission of a further planning application for a revised scheme, I consider that a six month compliance period would be reasonable in the circumstances. This would strike the appropriate balance between the effect of my decision on the appellant and the taking of enforcement action in the wider public interest. Furthermore, I am mindful that the Council would have the option to extend a compliance period if there were an overriding reason to provide an extension, such as in the instance of a further planning application being received but having not been determined.

## **Conclusion**

59. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

## **Formal Decision**

60. It is directed that the enforcement notice is varied in Schedule 4 by:

- The deletion of Step 1 in its entirety.
- Renumbering Steps 2-9 as Steps 1-8.

61. Subject to the variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

*E Brownless*

INSPECTOR