



Appeal Decision

Site visit made on 8 April 2025

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/Y3615/C/24/3338846

Land lying to the south-west of Cobbett Hill Road, Normandy, Guildford

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Owen Gardner against an enforcement notice issued by Guildford Borough Council.
- The notice was issued on 11 January 2024.
- The breach of planning control as alleged in the notice is: Without planning permission operational development consisting of the erection of a tree house.
- The requirements of the notice are to: (i) Remove the tree house from the Land, which is approximately marked with an X on the attached plan; (ii) Remove from the Land all resulting material and debris resulting from compliance with Step i).
- The period for compliance with the requirements is: 2 months after the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

Reasons

1. The appeal is made on ground (c), that the matters described in the enforcement notice do not constitute a breach of planning control. The appellant's case is that the tree house benefits from the planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").
2. I understand that there are numerous examples of forestry buildings that have been deemed by the Council to benefit from the permission given by the GPDO, specifically that described in Schedule 2, Part 6, Class E. The appellant has outlined the purposes of the tree house, including for the storage of woodland management tools, shelter and improvements to security at the site.
3. However, even if I were to accept that the structure was reasonably necessary for the purposes of forestry, to benefit from the permission given by the GPDO, it is first necessary to apply to the Council for a determination as to whether prior approval will be required as to its siting, design and external appearance. The appellant accepts that this was not done.
4. While I understand that the appellant is willing to comply with any requirements retrospectively, permission granted by the GPDO can only exist if all of the requirements set out are complied with as stipulated. In other words, permission for the tree house cannot exist if the requisite prior approval was not sought. As the tree house is present on the site, it is not possible to obtain prior approval for it, and the conditions of the GPDO cannot be complied with now or in the future. Therefore, no planning permission has been shown to exist for the tree house on the appeal site.

5. For the above reasons, whether or not there are any justifiable planning reasons to grant express planning permission for the tree house in the future, I find that the matters alleged in the enforcement notice do constitute a breach of planning control. Accordingly, the appeal on ground (c) must fail.
6. As the appeal has not been made on any other ground, specifically ground (a) where it could be considered whether planning permission should be granted, the appellant's reasons for wanting the tree house cannot be further considered.

Conclusion

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

M Bale

INSPECTOR