



Appeal Decision

Site visit made on 19 May 2025

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2025

Appeal Ref: APP/V1260/C/24/3343759

The land and premises 16 Hilda Road, Poole BH12 2HW

- 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 Lee Foulkes against an enforcement notice issued by Bournemouth, Christchurch and Poole Council.
 - The enforcement notice was issued on 2 April 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a self-contained unit of accommodation.
 - The requirements of the notice are: (i) Cease the use of the building as self-contained residential accommodation. (ii) Demolish the self-contained residential accommodation to ground level. (iii) Remove in its entirety the fencing which sub-divides the rear garden, facilitating the unlawful dwelling. (iv) Remove from the land all debris, items, fixtures, fittings and materials resulting from compliance with points (ii) to (iii).
 - The period for compliance with the requirements is 4 months.
 - The appeal 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. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Summary of Decision

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

The ground (b) and (c) appeals

2. For the ground (b) appeal to succeed the onus is on the appellant to demonstrate, on the balance of probabilities, that the alleged breach of planning control, namely the erection of a self-contained unit of accommodation, has not occurred as a matter of fact. For the appeal to succeed on ground (c) the onus is on the appellant to demonstrate, on the balance of probabilities, that there has not been a breach of planning control. This could be because the matters alleged do not constitute development, planning permission has already been granted for the matters alleged in the enforcement notice or they are permitted development.
3. The appellant asserts the building was erected in December 2021 and was originally built to be used as a workshop. For personal reasons, in/around April 2022 the appellant decided to adapt the building so that he could reside there.
4. There is however very little evidence that the building was actually first used as a workshop before it was then occupied as a self-contained residential unit of

accommodation. Moreover, the appellant's case is merely an assertion provided on his behalf by an appointed agent. There is accordingly no sworn evidence to which I can attach sufficient weight to the appellant's version of events. There is also little evidence of dated photographs which may have provided some evidence of an intervening use. The Council also contend they were advised by the appellant during a site visit that the building had been erected as an annexe. In any event, I can only afford the assertions of the appellant very limited weight, which thus does not demonstrate on the balance of probabilities that there has not been a breach of planning control as a matter of fact.

5. The Council has suggested that the allegation be amended to encompass the erection of a building and its use as a self-contained unit, but that would achieve little more than what has been alleged and is not necessary in light of my above findings. Whilst the Council could also have issued a planning contravention notice to establish certain facts, it has no obligation to do so, as the onus remains firmly on the appellant to demonstrate his case.
6. The appellant then contends the building became a workshop in February 2024, which was prior to the issue of the notice in April 2024, and the fence had been removed. However, there is again very little evidence from the appellant to which I can attach sufficient weight, or which otherwise corroborates his version of events. I do not accept the Council were aware of any change in the situation simply because the appellant answered the door of the main property when the notice was served.
7. It is contended the reasons for issuing the notice only relate to the use of the building as a self-contained unit. There is however a planning objection raised in respect of the building not being of high-quality design. In any event, this has very little bearing on ground (b) and (c) appeals.
8. There is then very little evidence to demonstrate on the balance of probabilities that the building did not amount to development, constituted permitted development or otherwise had the benefit of planning permission.
9. The appeals on grounds (b) and (c) therefore fail.

The ground (f) appeal

10. The purpose of the enforcement notice is clearly to remedy the breach of planning control and it does not seek to under-enforce.
11. The reasons for issuing the notice do not solely relate to its use. If they had been, such reasons could perhaps be overcome through the cessation of the use and removal of the fence, as has already been asserted to be the case and which I subsequently observed during my site visit.
12. There however would still remain an unauthorised building and there is no ground (a) or other appeal before me to consider retaining it. The ground (b) and (c) appeals have also failed and it is therefore, amongst other things, not a building that would have been permitted development. Only removing the kitchen or other internal facilities would also result in an unauthorised building for which there is no planning permission.
13. For a ground (f) appeal to succeed it is necessary for the appellant to explain why the steps required by the notice to be taken exceed what is necessary to

remedy the breach of planning control. It is therefore not a case of suggesting lesser steps that would merely address a reason/s for issuing the notice.

14. It is accordingly not excessive to require the demolition of the building in order to remedy the breach of planning control, and even if the appellant considers this punitive, the appeal on ground (f) must fail.

The ground (g) appeal

15. The appellant contends the time given to comply with the requirements of the notice are too short as 9 months would be appropriate to secure a contractor to undertake the work.
16. However, there is little evidence to demonstrate on the balance of probabilities a shortage of suitable contractors within the period afforded of 4 months in which to undertake the relatively straightforward steps necessary to comply with the requirements of the notice.
17. A period of 4 months therefore strikes the appropriate balance to not unduly perpetuate the breach of planning control.
18. The appeal on ground (g) therefore fails.

Overall Conclusion

19. For the reasons given above I conclude that the appeal should not succeed. I shall therefore uphold the enforcement notice.

Formal Decision

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

Paul T Hocking

INSPECTOR