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## Appeal Decision

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 11 July 2025

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**Appeal Ref: APP/Y3940/C/25/3359639**

**Combe Barn, Grittleton, Chippenham SN14 6AQ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mrs Annabel Anstey against an enforcement notice issued by Wiltshire Council.
  - The notice was issued on 14 January 2025.
  - The breach of planning control as alleged in the notice is: Without planning permission, the erection on The Land of structure and its associated hardstanding slab (hereinafter identified as "Building 1" and edged in blue on "Appendix 1 - Building Location Plan and Photograph" attached to this Notice) and erection of gate, piers and wall to the access (hereinafter identified as "Gate, piers and wall" and edged in blue on "Appendix 1 - Structures Location Plan and Photographs" attached to this Notice).
  - The requirements of the notice are to:
    - a) Demolish and permanently remove from the Land "Building 1", including its associated hardstanding slabs
    - b) Demolish and permanently remove from the land the "Gate, piers and wall"
    - c) Permanently remove all the demolition materials arising from steps (a) and (b) from the Land
    - d) Seed the area of the removed hardstanding slabs arising from step (a) with grass seed
  - The period for compliance with the requirements (a), (b) and (c) is 6 (six) months and for step (d) "before 31st March 2026 or before the end of the next planting season following the end of the period of compliance with steps (a) whichever date is the greater"
  - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended) (the Act).
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### Decision

1. It is hereby directed that the enforcement notice is varied by deleting:
  - requirement d) and substituting it with 'd) Restore the land to its condition before the breach took place'; and
  - the period for compliance for step (d) and substituting it with '9 months from the date this notice takes effect'.
2. Subject to the correction, the appeal is dismissed and the enforcement notice is upheld.

### Matters concerning the notice

3. The steps required by the notice to seed part of the land exceed what is necessary to remedy the alleged breach of planning control. It is enough to require that the land is restored to its condition before the development took place. Therefore, by virtue of s176(1) of the Act, without injustice to the parties, I will vary the requirement in the notice and the compliance period accordingly.

### **Preliminary Matters**

4. Given that the appeal is proceeding on ground (g) only and there are no matters of planning merit for consideration, there was no need to see the site. Neither appeal party has been prejudiced by me not doing a site visit.

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

5. An appeal on ground (g) is that the compliance period specified in the notice in accordance with s173(9) of the 1990 Act, falls short of what should be reasonably allowed. The appellant states personal reasons for her wish to extend the compliance period. These are dependent on court procedures, however, no extended time frame is suggested.
6. The Council acknowledges the issues raised by the appellant and appreciates that a change of ownership into their possession would simplify matters for them in achieving compliance with the notice. Nevertheless, the Council states that it has reservations on how robust the guarantees are and further believes that the current circumstances are not impassible. It is also noted that compliance is the responsibility of all parties served, including the current title holder.
7. The notice has been appealed for the sole reason of securing more time and in the expectation that the notice will be upheld as it was issued. Given the reasons for issuing the notice and the time that has passed since the notice was issued, I consider that the stated compliance period is reasonable in the circumstances
8. The appeal on ground (g) therefore fails.

*S A Hanson*

INSPECTOR