



Appeal Decision

Site visit made on 15 July 2025

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/Q1445/C/24/3353949

23C Shirley Drive, HOVE, BN3 6NQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Michael Deller against an enforcement notice issued by Brighton & Hove City Council.
 - The notice was issued on 1 October 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a dwellinghouse on the Land, in the approximate position shown hatched black on the attached plan.
 - The requirements of the notice are to:
 1. Demolish the dwellinghouse in its entirety.
 2. Remove from the Land all debris and materials resulting from compliance with Step 1.
 3. Return the Land to its former condition.
 - The period for compliance with the requirements is 18 months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

The appeal on ground (f)

2. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are to remedy the breach of planning control (s173(4)(a) of the Act) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the entire dwellinghouse to be demolished, the purpose is to remedy the breach. Leaving any part of it in place would not achieve that purpose. Therefore, the appeal on ground (f) fails.
3. Since there is no ground (a), and the purpose of the Notice is to remedy the breach, any lesser step that would not remedy the breach cannot be accepted through ground (f). Furthermore, the appellant's evidence mainly focuses on the Council's reasons for issuing the Notice, but in these circumstances I have no power to deal with planning merits and general planning considerations through ground (f).

Conclusion

4. For the reasons given above, I conclude that the appeal should not succeed.

A A Phillips

INSPECTOR