



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 29 July 2025

Appeal refs: APP/C3620/C/25/3363297 & 3363324

Land known as Hare House, Flanchford Road, Leigh, Reigate, Surrey, RH2 8NW

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mr & Mrs R and C Lewis against an enforcement notice issued by Mole Valley District Council.
- The notice was issued on 25 March 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, the erection of single storey side extension in the approximate location outlined in brown on the attached plan".
- The requirements of the notice are: "i. Demolish the link extension in the area outlined in brown on the attached plan. ii. Remove from the land all building materials and rubble arising from compliance with requirement (i) above".
- The time period for compliance with the notice is: "Five (5) months after this Notice takes effect".
- The appeals are proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeals are dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appellants consider that the 5 months given for compliance with the requirements of the notice is too short and that more time is required in order to plan and arrange for the works to be contracted and carried out. They therefore request that the compliance period be extended to 12 months. I also note that the appellants made a request for the appeals to be held in abeyance pending the outcome of a possible revised application as they believe the Council would be minded to grant permission for the retention of the unauthorised development, subject to a suitably worded section 106 agreement. However, this request was refused.
2. While I note the appellants' reasons for requesting this extension, I am also mindful that nearly 4 months have elapsed with enforcement action effectively suspended. As the compliance period will begin again from the date of the decision, the appellants will effectively have had nearly 9 months in which to arrange for suitable contractors and to ensure the necessary works are carried out. I consider this period to be more than reasonable, and I am not satisfied there is good reason to justify extending the compliance period further. The appeals fail accordingly.
3. However, while I am dismissing the appeals I note there are that there are ongoing discussions with the appellants and the Council on possible ways to proceed and there is the potential for a new application to be submitted.

Therefore, the Council point out that should the appellants experience any genuine difficulties, the Council will look to exercise their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they consider it necessary.

Formal decision

4. For the reasons given above, the appeals are dismissed and the enforcement notice is upheld without variation.

K McEntee