



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/D5120/C/24/3352624

Land to the rear of Sisters Close and south of 35 Monterey Close, Bexley

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Lynn Li against an enforcement notice issued by the Council of the London Borough of Bexley.
- The notice was issued on 22 August 2024.
- The breach of planning control as alleged in the notice is: a) The material change of use of the land to a leisure plot (*sui generis*); b) Laying of hardstanding as shown in the attached photograph A; c) Erection of a structure as shown in the attached photograph B; d) Erection of a structure as shown in the attached photograph C; and e) Erection of a structure as shown in the attached photograph D.
- The requirements of the notice are: 1) Cease the use of land as a leisure plot; 2) Remove from the land the hardstanding; 3) Remove from the land the structures shown in photographs B, C and D; 4) Remove from the land all associated paraphernalia and items of a domestic garden character; and 5) Remove all debris, waste, materials and equipment resulting from complying with 1-4 above.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).

Decision

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

Preliminary Matters

2. The appeal has been made under ground (b) only. Under this ground the Appellant claims that the breach of planning control alleged in the notice has not occurred as a matter of fact. To determine whether the breach has occurred requires an assessment of written and photographic evidence of the situation that prevailed on the date of issue of the enforcement notice, and nothing would be achieved by visiting the site. The appeals have therefore been determined without undertaking a site visit.

Reasons

3. The Appellant has not disputed that the three structures and the hardstanding are on the land all as shown in the four photographs attached to the enforcement notice. She has disputed the description of the use of the land as a leisure plot. But the land is not in any use that falls within one of the Use Classes set out in The Town and Country Planning (Use Classes) Order 1987 (as amended). The use of the land is therefore in a *sui generis* use and its description as a leisure plot, given the activities described by the Appellant that occur on the land, is reasonable. On the Appellant's own evidence the previous use of the land was the keeping of horses so there has been a material change in the use of the land to a leisure plot. The breach of planning control alleged in the notice has occurred, as a matter of fact. The ground (b) appeal thus fails.

4. The Appellant has referred to a planning application that was ultimately not validated by the Council and to the handling of that application by the Council. She has

also commented on the behaviour of Council Officers and neighbours, and to the efforts that are being made to improve the appearance and biodiversity of the land. Neither these nor any other matters mentioned by the Appellant are relevant to the ground (b) appeal.

John Braithwaite

Inspector