



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date 10 October 2025

Appeal Ref: APP/C3810/C/24/3346301

Unit 18, Durban Road, Bognor Regis, West Sussex PO22 9QT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Callan Wood against an enforcement notice issued by Arun District Council.
 - The notice was issued on 17 May 2024.
 - The breach of planning control as alleged in the notice is the erection of a roof structure, roller door and other associated paraphernalia.
 - The requirement of the notice is 'Remove the roof structure, roller door and any other associated paraphernalia, along with any debris arising from this removal, restoring the land to as it was'.
 - The period for compliance with the requirement is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) 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.

Preliminary Matters

2. The appeal has been made under ground (c) only. In these circumstances and given that the appeal must be determined on the basis of the situation that prevailed on the date that the notice was issued, visiting the site is unnecessary. The appeal has therefore been determined without undertaking a site visit.

Reasons

3. Planning permission has not been granted for the development that is the subject of the enforcement notice and no claim is made that it is development permitted under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015. It is claimed, however, that the structure is temporary and can easily be taken down; the suggestion being that the structure does not constitute 'development' for which planning permission is required.
4. The structure has been inserted in a gap between two parts of an industrial building; the flat roof of the structure being about one metre above the adjoining flat roofs. The roof is metal corrugated sheeting on timber joists supported by scaffolding that is bolted together. The sides are timber sheeting fixed to the scaffolding and a roller shutter door spans the frontage with a fascia sign above. The structure could be easily taken down, but no more easily than any framed structure of similar size, and there is no indication in evidence that the structure is intended to be anything other than a permanent addition to the industrial building. The structure is development for which planning permission is required.
5. The effect of the structure on the character of the area is a matter for consideration under a ground (a) appeal, which has not been made, and is not a matter that can

influence a ground (c) appeal. Other matters mentioned in support of the appeal are not relevant to a ground (c) appeal.

6. The structure is not permitted development and is development for which planning permission is required. The ground (c) appeal thus fails.

John Braithwaite

Inspector