



Appeal Decision

Site visit made on 29 September 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 13 October 2025

Appeal Ref: APP/E0345/C/24/3353651

10 Anglefield Road, Caversham, Reading RG4 5HP

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Liyana Liyanage against an enforcement notice issued by Reading Borough Council.
- The notice was issued on 13 September 2024.
- The breach of planning control as alleged in the notice is the erection of a rear extension.
- The requirements of the notice are to:
 - 5(i) Dismantle the rear extension and reconstruct the rear of the dwelling so as to conform to existing plans as submitted in application 211335 namely drawing GDR-GL-20 Sheet No 00101 Rev C, dated 2021-04-26;
 - 5(ii) Remove any materials not used to reconstruct the rear of the dwelling from the land to a suitable place of disposal;
 - 5(iii) Make good the land around the dwelling in the interest of the amenity of the host dwelling and the surroundings.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected then upheld.

Preliminary Matter

1. Planning permission was granted for a rear extension¹ and subsequently for amended plans². There is little to suggest other than that planning permission Ref 211335 was implemented by works on this extension started in accordance with the approved plans but not completed on this same basis. I appreciate that much of the extension as built conforms to those approved plans but significant parts do not, including roof and fenestration. Even if the unauthorised parts amount to a minor material amendment, the discrepancies are therefore sufficient in substance to render the entire extension as built without planning permission. This is properly set out in the breach of planning control.

Enforcement Notice

2. I have a duty to make sure the notice is in order.
3. Because of section 173(11) of the Act, the notice as issued could result in the conditions of planning permission Ref 211335 ceasing to have effect. Including reference to these in requirement 5(i) would put the appellant in the same position as when this planning permission was granted and achieve the Councils intention at that time of the extension complying with those approved plans and conditions.

¹ Ref 210882

² Ref 211335 (not 211355 as set out in the reasons for issuing the notice)

4. Part of requirement 5(ii) to remove materials 'to a suitable place of disposal' is vague, so unenforceable. In requirement 5(iii) a notice cannot require improvements to land, or restoration beyond its previous condition and to do so 'in the interests of the amenity of the host dwelling and the surroundings' is subjective, so unenforceable.
5. I will therefore correct the requirements accordingly and am satisfied that no injustice will be caused to the main parties.

Ground (f)

6. Requirement 5(i) requires that the extension be dismantled and reconstructed. That is, only insofar as is necessary for the elevations to conform with the relevant approved plan to remedy the breach of planning control, including (as corrected) the conditions of planning permission Ref 211335.
7. The appellant advanced some option plans in ground (f) and addressed amenity considerations set out in the reasons for issuing the notice. These plans show some parts of the extension as per the approved plans and other parts retained as built or to be further modified, either in accordance with the approved plans or as part of a new scheme.
8. However, the option plans would not result in a rear extension that conformed with the approved plans and ground (a) was barred, so there is no deemed planning application. Accordingly, ground (f) cannot be used in this case as a substitute to consider planning merits or to effectively grant planning permission for alternative proposed development.
9. It is clear from the requirements of the notice that its purpose is to remedy the breach of planning control and that the Council does not seek to under enforce. Consequently, the option plans would not remedy the breach of planning control. No other obvious alternative or lesser step has been suggested.
10. In these circumstances, I am satisfied that the (corrected) steps required by the notice to be taken do not exceed what is necessary to remedy the breach of planning control. I therefore find that they are not excessive and accordingly ground (f) fails.

Ground (g)

11. I accept that dismantling and reconstructing the extension to conform to the approved plans would involve significant works, especially to the roof of this upper part of the house. There would be commensurate costs and disruption to living conditions meantime. However, not unusual or uncommon for works of this sort.
12. Furthermore, the appellant did not argue that 6 months was not enough time for these works to be instructed and carried out in practical terms. There is also little objective evidence, such as an itemised schedule of works and costings, to establish a build cost or to substantiate claimed inability to meet such costs within this time period. There is, therefore, little to justify that an additional 6 months is necessary in order to budget for the works or to avoid undue financial hardship.
13. The Council referred to its powers under section 173A(1)(b) of the Act. These give it discretion to extend the period for compliance, such as in light of the information

outlined above. That would, though, be a matter for the main parties whereas the period set out in the notice must be sufficient to begin with.

14. In these circumstances, on the evidence before me, I consider that 12 months sought by the appellant to comply with the requirements of the notice would be a disproportionate extension of time. It would unduly perpetuate the harm caused by the breach of planning control, as set out in the reasons for issuing the notice. Consequently, the 6 month period in the notice to take the steps required by it does not fall short of what should be reasonably allowed and ground (g) therefore fails.

Formal Decision

15. It is directed that the enforcement notice is corrected as follows:

- Requirement 5(i) – after ‘...dated 2021-04-26’ insert ‘*and in accordance with the conditions of planning permission 211335*’.
- Requirement 5(ii) - delete ‘...to a suitable place of disposal’.
- Requirement 5(iii) – delete this wording and replace with ‘*Make good the land around the dwelling and restore it to its condition before the development took place*’.

16. Subject to these corrections, the appeal is dismissed and the enforcement notice is upheld.

Robin Buchanan

INSPECTOR