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## 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: 22<sup>nd</sup> October 2025**

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**Appeal Ref: APP/E0345/C/25/3360409**

**78 Grovelands Road, Reading RG30 2NY**

- 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 Sean Biggins against an enforcement notice issued by Reading Borough Council.
- The notice was issued on 13 January 2025.
- The breach of planning control as alleged in the notice is the erection of an outbuilding to the rear of the property.
- The requirements of the notice are to:
  - 5(i) Cease the use of the outbuilding;
  - 5(ii) Dismantle the outbuilding and its decking in its entirety;
  - 5(iii) Remove all materials resulting from the dismantling of the outbuilding from the land;
  - 5(iv) Make good the land by reinstating the garden area developed to the condition it was prior to development (eg. Lawn).
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

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

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### Ground (a)

#### *Main issues*

1. Ground (a) is that planning permission ought to be granted for the breach of planning control stated in the notice. This is the erection of an outbuilding.  
The main issues are:
  - the effect of the outbuilding on the character and appearance of the area; and
  - its effect on the living conditions of the occupants of Nos.76 and 80 Grovelands Road and No.1 Drayton Road with regard to outlook, natural light and privacy.

#### *Reasons*

##### Character and appearance

2. No.78 is a mid-terrace house. The staggered set back of these houses at the front is at an angle to Grovelands Road and houses side-on behind. This means the relatively narrow back gardens in the terrace vary in length, including because rear outriggers are different sizes. The back garden at No.78 is not the longest or the shortest. Outbuildings at these houses are an established facet of this area. They vary in size, design and external materials, thus also to what extent they affect how much back garden remains open. This pattern and layout of residential development is locally distinctive. The external materials of the outbuilding in the

back garden of No.78 are typical of this sort of structure and not in dispute. Though it is not clear how big it was, there is evidence of a previous shed at No.78.

3. However, the outbuilding has more in common with the size and design of a small traditional Dutch barn than a domestic shed. This includes a large, essentially square footprint which spans the entire width of the back garden, tight against boundary fences on each side and at the rear. Despite a relatively short outrigger at No.78, an attached open sided veranda juts out behind it in the direction of the outbuilding. As a result, the outbuilding infills most of the bottom end of the remaining back garden and encroaches towards the house to leave a modest intervening gap. Although space remains available for outside domestic use and activity, the outbuilding consumes a significant proportion of the entire back garden.
4. Albeit not by much, the outbuilding floor is raised above ground level and forms a covered deck at the front under a jettied overhang. The eaves height is such that long, horizontal bands of elevation protrude appreciably above the boundary fences. These parts convey an obvious impression of the significant extent of angular, box-like form in the lower part of the outbuilding. The front and rear gables are narrow and modest in area and the roof as a whole is smaller in proportion to the rest of the outbuilding below. Nonetheless, and despite the gambrel pitched roof form with shallower upper roof slopes, the steeper lower slopes and the tall centre main ridge line mean there is significant building volume in this upper, most exposed part of the outbuilding.
5. As a result, in this immediate context, the overall scale, massing and bulk of the outbuilding is not 'modest'. Instead, it appears visually and spatially cramped in this back garden with an imposing, intrusive presence that jars rather than blends in. This overdevelopment of No.78 notably reduces openness on this part of its plot and relative to nearby houses or outbuildings. Despite limited public views from a rear pathway and Drayton Road to one side, it can be noticed by those who live next to No.78 or nearby as at odds with the prevailing size of outbuildings in this area.
6. I accept that some other outbuildings in this area are quite large, including similar in some dimensions or siting to the outbuilding at No.78. But there is little evidence that any of them are the same or directly comparable as a whole, including in size or space left in back gardens, even if planning permission has been granted by the Council. Some planting screens parts of the outbuilding. However, it does not mitigate or compensate for development that is intrinsically inappropriate and cannot, anyway, be relied on indefinitely or where it is off-site. Nor should other residents have to retain or endure planting in order to assimilate development into an area or maintain their residential amenity. The main parties did not suggest any conditions. But given that the outbuilding is fundamentally unacceptable for the reasons outlined above, conditions could not overcome these objections to it.
7. I therefore find that the outbuilding causes appreciable harm to the character and appearance of the area. As such, this consideration carries significant weight. Consequently, it does not comply with Policies CC7 and H9 of the Reading Borough Local Plan, November 2019 (the LP). These include that householder development should maintain and enhance the character and appearance of the area, respect the pattern of neighbouring properties having regard to layout and scale (height and massing) and make a positive contribution to local context to reinforce distinctiveness.

### Living conditions

8. As was evident at my site visit, the outbuilding can be seen as on higher or lower ground, due to the slope of Grovelands Road, from some rear windows and the back gardens of Nos.76 and 80 Grovelands Road and No.1 Drayton Road. However, there is no right to a distant view and intervening features such as outbuildings are inevitable in urban areas. The outbuilding is not so close to these windows or to most parts of these back gardens that it abruptly truncates the extent of views towards it, which are also at an angle. Views in other directions are largely towards a mainly more open vista or skyline and not obstructed by the outbuilding.
9. The ends of these other back gardens are also where there are some other outbuildings. The outbuilding is therefore further away, than closer to, the most private parts of these gardens, immediately behind these houses. These parts include some paved areas or outside seating and tables and are likely the most used and least overlooked. These back gardens are otherwise largely open with a spacious aspect in most other directions and can be enjoyed as such for normal domestic use and activity given this innate, relatively close arrangement of back gardens. As a result the upper parts of the outbuilding, including the expansive roof slopes, are not unduly overbearing.
10. These houses are broadly south or west facing, so these windows and back gardens are not overshadowed by the outbuilding to a significant degree and natural light for a large part of the day is unobstructed by it. Two high level windows face towards the backs of Nos.76 and 80. However, these are narrow and give natural light to a small mezzanine floor with restricted height. I saw that it is only suitable for storage or young children's play, with these uses more likely to be transient or occasional in nature. As a result, the outbuilding does not render rooms or parts of back gardens at these other properties overly gloomy or subject to intrusive overlooking.
11. I therefore find that the outbuilding does not cause unacceptable harm to the living conditions of the occupants of Nos.76 and 80 Grovelands Road and No.1 Drayton Road with regard to outlook, natural light and privacy. Consequently, it complies with LP Policies CC8 and H9. These include that householder development should not cause detrimental impact on the living environment of existing residential properties in terms of privacy and overlooking, access to sunlight and daylight, visual dominance and overbearing effects or harm to outlook.

### *Other matters*

12. It is common ground that Article 3(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO) does not grant planning permission retrospectively for unlawful development, thus for the outbuilding. Be that as it may, the appellant claims that the lower part of the outbuilding would otherwise meet the limitations for buildings provided within the curtilage of a dwellinghouse in Schedule 2, Part 1, Class E of the GPDO. In essence, that planning permission could be granted for this part of it subject to a condition to require that details of a roof be submitted for the Council's approval.
13. However, there is little evidence to demonstrate, on the balance of probabilities, that the lower part of the outbuilding meets all of the relevant limitations, or that a resulting outbuilding could – such as in height, roof form and siting or how much of the plot would be covered by buildings other than the original house. It would,

anyway, be a materially different building to the outbuilding pursued by the enforcement notice and given that there are no plans before me, the planning merits of an alternative outbuilding are not apparent. I therefore cannot be certain the Council's objections and those I have identified earlier could be overcome in this way. Notwithstanding this, the outbuilding is a single integral structure and it is the only matter pursued by the enforcement notice. This means that the lower part cannot be severed from the upper part and I cannot anyway issue a split decision. In these circumstances, there is no realistic alternative fallback position or basis to grant planning permission under section 177(1) of the Act to allow some parts of the outbuilding to remain as part of a modified structure.

14. I accept that outbuildings are not unusual or uncommon and can, as in this case, provide additional space to meet some family needs. But there is little to suggest that the outbuilding is the only way to achieve this, whereas the planning system operates in the wider public interest about matters of acknowledged planning importance. These personal circumstances therefore carry little weight.

#### *Planning balance and conclusion*

15. Notwithstanding my finding in respect of living conditions, the benefits of the outbuilding do not outweigh the harm to the character and appearance of the area and it conflicts with the development plan. Other material considerations do not indicate that ground (a) should be determined other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above, planning permission should not be granted so ground (a) fails.

#### **Ground (f)**

16. The Council referred to some amenity objections as reasons for issuing the notice. However, 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.
17. Given little evidence to the contrary from the Council, requirement 5(i) – to cease the use of the outbuilding – is an oversight given that the notice is directed at operational development. It is anyway superfluous because requirement 5(ii) to dismantle the outbuilding would have the same outcome in the same time period.
18. After complying with the requirements of the notice, including 5(ii) to dismantle the outbuilding, there is no dispute that the GPDO would allow another outbuilding to be provided in the back garden of No.78. The appellant therefore contends that requirement 5(ii) should instead allow parts of the outbuilding to be altered to meet the relevant limitations of the GPDO. I am mindful that planning enforcement should be remedial, not punitive and that this, on the face of it, proportionate approach might be at less cost and disruption to the appellant.
19. However, even if the outbuilding was altered, this would not remedy the breach of planning control or achieve the purpose of the notice. This is because these relate to the entire outbuilding, thus including the parts that remained unaltered. Furthermore, varying the notice in this way would under enforce and, in effect, grant planning permission for another outbuilding under the provisions of section 173(11) of the Act. There is little to suggest that the relevant limitations of the GPDO could be specified in the requirements of the notice in a precise and enforceable way, so they would not therefore apply to a planning permission

granted by this means. Moreover, as explained earlier, I am not certain that the limitations can be met, even if a resulting outbuilding was similar or in some respects the same as the existing outbuilding. Consequently, in terms of requirement 5(ii) there is no obvious alternative and no other lesser step to achieve the purpose of the notice has been suggested.

20. A future outbuilding within the limitations of the GPDO would be a new chapter in the planning history of No.78 and a separate matter for the appellant. Meantime, the time period specified in the notice to comply with the requirements would allow a planning application to be submitted to the Council for a different outbuilding, including to retain part of the existing outbuilding, if the appellant wished.
21. With regard to requirement 5(iii), there is unchallenged evidence that the appellant is a carpenter by trade and profession. I accept that he may want to salvage the timber and other materials used to construct the outbuilding but the notice does not prevent this. I appreciate that storing these items at No.78 would be convenient but there is no enforceable planning mechanism to ensure they would be used to erect a new outbuilding, as has been suggested, or when. Furthermore, stored in connection with the appellant's employment or business may not be for a purpose incidental to the occupation of No.78 as a dwellinghouse as such and there is no lawful development certificate to this effect.
22. Requirement 5(iv) means that the part of the land developed with the outbuilding (reasonably described as 'the garden area') should be reinstated to a condition it was prior to the development. The reference to 'lawn' is given as an example, so it is not prescriptive. The appellant is best placed to know what the pre-existing condition of this part of the land was.
23. Considering the above, I am satisfied that requirement 5(i) exceeds what is necessary to remedy the breach of planning control. Ground (f) therefore succeeds to this extent and I will vary the notice accordingly. Ground (f) otherwise fails.

### **Formal Decision**

24. It is directed that the enforcement notice is varied as follows:

- Section 5 – delete requirement (i).
- Section 5 – renumber requirements (ii), (iii) and (iv) as (i), (ii) and (iii) respectively.

25. Subject to these variations the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

*Robin Buchanan*  
INSPECTOR