



Appeal Decision

Site visit made on 12 November 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/E2001/C/24/3344868

Outbuilding at Elmhurst, Blacksmith Lane, Asselby DN14 7HE

- The appeal is made by Lindsey Boldan under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 24/00051/ENFORC) issued by The East Riding of Yorkshire Council on 17 April 2024.
- The breach of planning control alleged in the notice is "erection of a detached outbuilding".
- The requirements of the notice are as follows: -
 - "1. Demolish the outbuilding shown within the attached photograph marked "Photo A" and as identified by the blue polygon on the attached Plan ; and
 - 2. Remove all demolition waste from the Land"
- The period for compliance with these requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (d) and (f). An application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice as constituting a breach of planning control.

Decision

1. The appeal is allowed and the enforcement notice is quashed.

Reasons for the decision

Ground (d)

2. Ground (d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters stated in the notice. In this instance, the time limit is the end of the period of four years beginning with the date on which the erection of the outbuilding was substantially completed. The appellant must therefore demonstrate on the balance of probability that the outbuilding was substantially complete on 17 April 2020.
3. The evidence submitted by the appellant includes the following: -
 - A statutory declaration made by a roofer that he completed work on the tiled roof of the outbuilding on 10 April 2020. This is supported by his Invoice 190 dated 10/04/2020 for the materials. He remembers that this was Good Friday, when he was due to go away but chose to work instead due to lockdown.

- A statutory declaration made by the co-owner of the property. He states that work on the outbuilding began in October 2019 and that by the 12 April 2020 the outbuilding had a bricked front, block back and sides, a hipped tiled roof, guttering, fascias and PVC windows and French doors. The declaration is supported by invoices for a mini-digger and building materials, a letter from a builder involved in the work up to wall-plate height and photographs of the work as it progressed to this height.
 - A statutory declaration made by an occupier of the property from April 2019 to May 2021. He states that on 12 April 2020 the outbuilding had a fully bricked exterior, a fully tiled roof and UPVC lockable windows and double doors. He recalls that this was Easter Sunday, Sundays being his only day off as a key worker during the pandemic.
 - A statutory declaration made by a worker who states that he completed jobs on the fascias, joints and guttering on 12 April 2020 and that the outbuilding then had lockable windows, French doors, bricked exterior and tiled roof. He recalls that this was Easter Sunday. He states that he did not normally work on a Sunday, but he knew the finishing touches would not take too long, adding that it was lockdown when there were limits on things to do other than work. The statement is supported by his Invoice No. 20575 dated 12 April 2020, which lists the materials used.
 - A statutory declaration by the appellant which confirms the declaration and supporting information given by her co-owner, and gives additional details, invoices and photographs, including photographs of the completed outbuilding dated 23 May 2020. Also attached is (i) a letter from the appellant's agent at the time when a planning application to retain the outbuilding was submitted to the Council, in which he corrects the start and completion dates that were given then due to confusion on his part, (ii) a letter from a neighbour who remembers seeing contactors working on the outbuilding on Easter Sunday 2020, (iii) a letter from a person who made a delivery to the property on 12/04/2020 and recalls that the outbuilding then had a brick exterior, tiled roof, windows and French doors and (iv) a witness statement from a paving contractor who visited the property on Tuesday April 14 2020 in which he confirms that at this time the outbuilding was a brick building with windows, doors and a tiled roof; the statement is supported by his quotation dated 14 April 2020 for external paving relating to the outbuilding.
 - A letter from a former neighbour who confirms that to the best of his knowledge the outbuilding was completed in or around April 2020.
 - A statement from a person who made a delivery to the property on 16 April 2020 who recalls that the outbuilding had been completed at that time.
4. The Council's appeal statement is based on three Google Earth images. The first, endorsed with an Imagery Date of 22 June 2018, shows that work on the outbuilding had not started. The second, endorsed with an Imagery Date of 7 May 2020, shows the outbuilding with its roof timbers in place, but without any roof tiling. The third, endorsed with an Imagery Date of 16 July 2020, shows that the outbuilding was roofed. There is therefore a discrepancy between what

appears on the second image dated 7 May 2020 and the evidence supplied by the appellant about the extension works having been completed on Easter Sunday, 12 April 2020.

5. The Council's final comments in the appeal process seek to cast doubt on the appellant's evidence by making claims about gaps in photographic material and Facebook posts and about the majority of the statements being from family and friends, including friends on Facebook. The appellant's final comments focus on the unreliability of Google Earth imagery dates, which her agent explains is a fairly regular problem in planning enforcement appeals, and the lack of anything in the Council's evidence to authenticate the date on the second image. My assessment of the parties' final comments is that the Council have no substantive evidence to support their case apart from the second image and that my decision turns on the weight to be attached to this image in view of the contrary evidence set out in paragraph 3 above, which in all other respects presents a comprehensive and compelling case why the appeal should succeed on ground (d).
6. I understand that Google Earth imagery dates are not always exact and can be approximate. Google buys imagery from various commercial providers and the date shown may not be the exact capture time. The original providers may be able to provide more precise information if contacted, but the Council have not done this. The discrepancy in the dates covers a short period of time, which appears to be well within the range of accuracy of Google Earth imagery and altogether insufficient to be preferred to the extremely well-documented evidence submitted by the appellant.
7. I have therefore concluded on the balance of probability that the erection of the extension was substantially complete by 17 April 2020 and that on 17 April 2024 when the notice was issued it was too late to take enforcement action. The appeal has therefore succeeded on ground (d).

Grounds (a) and (f)

8. As the appeal has succeeded on ground (d), the notice has been quashed. Grounds (a) and (f) and the deemed planning application no longer fall to be considered.

D.A.Hainsworth

INSPECTOR