



Appeal Decision

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 03 December 2025

Appeal Ref: APP/R3705/C/24/3354003

Land at Blossom Tree Farm, Tamworth Road, Over Whitacre B46 2PJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Aftab Khan against an enforcement notice issued by North Warwickshire Borough Council.
 - The notice was issued on 2 October 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of a single storey side extension, the provision of a dormer roof extension and installation of roof lights and windows, large canopy to front of the barn, internal alterations to that akin of a residential layout, the laying of hardstanding siting of a sauna and erection of stables.
 - The requirements of the notice are to:
 - a. Remove the unauthorised side extension.
 - b. Remove the unauthorised dormer window roof extension.
 - c. Remove the unauthorised roof lights and windows.
 - d. Remove the unauthorised canopy.
 - e. Remove the unauthorised hardstanding (in the area as shown on the plan).
 - f. Remove the sauna structure.
 - g. Remove the unauthorised stable block (as shown on the plan).
 - h. Return the barn (including internal layout and alterations) to that as it was immediately prior to the unauthorised development taking place.
 - i. Following completion of steps a-h, lawfully remove all the resulting materials from the land edged red.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by the deletion of the words in the first sentence of paragraph 4.
2. Subject to the correction the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

3. Considering the matters at appeal it was agreed between the parties that it was not necessary for me to visit the appeal premises. I have therefore based my decision on the evidence submitted by the main parties as a matter of course and as part of the appeal process.

Enforcement Notice

4. The Enforcement Notice was issued on 2 October 2024 and at paragraph 4 advises that it appears to the Council that the alleged breach of planning control has occurred within the last four (4) years. However, with effect from 25 April 2024, Section 171B (1)(a) of the Town and Country Planning Act 1990, as

amended¹, states: “(1) *Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of – (a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed, and.....*”. Having had regard to the details contained within the Council’s Planning Enforcement Report and their service of a Stop Notice on 13 May 2024, there does not appear to be any dispute that the operational development alleged was not substantially completed prior to 25 April 2024. Thus, the requisite immunity period would be ten years and not four as set out in the Notice.

5. Nevertheless, it is not necessary for an Enforcement Notice to include reference to the time period within which the alleged breach of planning control occurred. Therefore, in the interests of precision I shall correct the notice to remove reference to the time period by deleting the first sentence in paragraph 4. That correction would not result in any injustice to either of the main parties.

Appeal on ground (f)

6. The appeal is that the steps required by the notice exceed what is necessary to achieve the purpose of the notice. With regard to the unauthorised development alleged, the objectives of the notice are to restore the building and the Land to its condition before the breach took place. The purpose of the notice is thus to remedy the breach of planning control.
7. The appellant has not provided any explanation as to why he considers that the requirements of the Notice are excessive, and only suggests that he was poorly advised by colleagues and aims to resolve the matter.
8. From the evidence before me the Notice simply requires the unauthorised development to be removed and the Land to be restored to its former condition. The requirements are not therefore excessive to achieve the purpose of the Notice.
9. The appeal on ground (f) fails.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction.

Elizabeth Pleasant

INSPECTOR

¹ Inserted by the Levelling-up and Regeneration Act 2023.