



Appeal Decision

Site visit made on 1 October 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 10th December 2025

Appeal Ref: APP/P0119/C/24/3338439

Frenchay Park House, Old Frenchay Hospital Beckspool Road, Frenchay, BRISTOL, BS16 1YB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Michelle Cake against an enforcement notice issued by South Gloucestershire Council.
 - The notice was issued on 30 January 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of 2 lean-to structures on the roof terrace of Frenchay Park House (shown in attached photographs).
 - The requirements of the notice are 1. Remove the 2 lean-to structures from the roof terrace.
 - The period for compliance with the requirement is: 3 months.
 - The appeal is proceeding on the ground[s] 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. A listed building enforcement notice was issued at the same time as this s174 enforcement notice, directed against the same development. The appeal decision¹ was issued on 3 October refusing listed building consent.

The Appeal on Ground (c)

3. This ground is that there has not been a breach of planning control, in this case, because the structures are not development. The appellant argues the structures are not fixed to the building, they are movable and are akin to garden furniture.
4. As the Council point out *Skerritts*² is the key court case for determining whether movable structures comprise development or not. The three tests of size, permanence and degree of attachment are derived from that court case. The two structures are bulky, wooden erections with roofs designed to provide covered sitting out areas. They sit on top of the flat roof at the rear of a substantial listed building, currently in use as a private house. They fill up the two ends of what is essentially a balcony and clearly have been designed to fit exactly into those spaces. While the level of attachment to the building is minimal and could easily be severed, in terms of size and permanence they are clearly large and not intended to be moved. Indeed to move them would require them to be dismantled. In my view therefore they are not akin to garden furniture but are permanent

¹ APP/P0119/F/24/3338408

² *Skerritts of Nottingham v SSETR* [2000]

structures that meet the definition of development and therefore require planning permission.

5. The appeal on ground (c) fails.

Simon Hand

INSPECTOR