



Appeal Decisions

Site visit made on 7 October 2025

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 11 DECEMBER 2025

Appeal A Ref: APP/Y0435/C/24/3346271

Appeal B Ref: APP/Y0435/C/24/3346272

Appeal C Ref: APP/Y0435/C/24/3346273

8 Knights Crescent, Bletchley, MILTON KEYNES, MK2 2FJ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Gregory Primus D'Souza and Mrs Othelia Sabina Fernades against an enforcement notice issued by Milton Keynes Council.
 - The notice was issued on 23 May 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the rear extension with rooflights ("the unauthorised development") following the refusal of planning permission ref 23/00449/HOU and dismissal of the appeal ref: 23/00036/REF.
 - The requirements of the notice are to: (i) Permanently remove the single storey rear extension with rooflights as dismissed at appeal and refused in 23/00449/HOU (ii) Permanently remove from site all materials and debris that arise from carrying out step (i).
 - The period for compliance with the requirements is: 9 months.
 - The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Applications for costs

2. An application for costs was made by the Council against the appellants. This application is the subject of a separate decision.

Grounds of Appeal

3. The ground (a) appeal and deemed planning application was barred in this case and as such, the planning merits of the development and the amended scheme suggested by the appellant do not fall to be considered. The appeals are proceeding on ground (d) only.

Ground (d)

4. An appeal under this ground is on the basis that, at the date when the notice was issued, no enforcement could be taken in respect of the alleged breach of planning control. The appellants argue that the Council remained silent about the works until January 2023 and therefore failed to intervene at the right time.
5. The operational development in this case would have become immune from enforcement action after the end of the period of four years beginning with the date on which the operations were substantially completed. The appellant has confirmed that the works began on 29 September 2022 and were completed in

December 2022, and this is less than 4 years prior to the date of the issue of the notice on 23 May 2024. As such, the operations have not been substantially completed more than 4 years before the issue of the notice, and the development cannot be immune from enforcement action.

6. The appellant also state that they protest against the enforcement action under the Human Rights Act, although no further details are provided. However, the ground (d) appeal does not allow for consideration of human rights or personal circumstances as the question is whether, as a matter of fact and law, the matters alleged are immune from enforcement.
7. The ground (d) appeal does not therefore succeed.

Conclusion

8. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

Zoë Frank

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/Y0435/C/24/3346271	Mr Gregory Primus D'Souza
Appeal B	APP/Y0435/C/24/3346272	Mrs Othelia Sabina Fernandes
Appeal C	APP/Y0435/C/24/3346273	Mr Gregory Primus D'Souza