



Appeal Decisions

Site visit made on 9 December 2025

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal A Ref: APP/P4605/C/25/3358399

Appeal B Ref: APP/P4605/C/25/3358400

610 Washwood Heath Road, BIRMINGHAM, B8 2HG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- Appeal A is made by Mr Noshad Lone and Appeal B is made by Mrs Roomi Lone against an enforcement notice issued by Birmingham City Council.
- The notice was issued on 4 December 2024.
- The breach of planning control as alleged in the notice is *without planning permission, the unauthorised erection of a first floor rear extension in the approximate position marked in green on the attached plan.*
- The requirements of the notice are:
 - i. *Demolish the unauthorised first floor rear extension in its entirety; and*
 - ii. *Reinstate the Premises to the condition it was in prior to the development; and*
 - iii. *Remove all demolished building materials and rubble from the Premises arising from compliance with requirement (i) and (ii) above.*
- The period for compliance with the requirements is: *5 months after this enforcement notice takes effect.*
- The appeals are proceeding on the ground set out in section 174(2)(g) of the 1990 Act (as amended).

Formal Decisions

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

Appeal A and B on ground (g)

2. For the appeals on ground (g) to succeed, it is to be demonstrated that the period specified in the enforcement notice for compliance in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed.
3. The appellants highlight that the appeal site is at the rear of a business premises, and a leaseholder undertook building works without their knowledge. The operational development consisted of the construction of a timber extension at the first floor above a single storey rear extension. From the information before me the leaseholder did not co-operate with the appellants, refusing to remove the unauthorised structure and it has taken some time for the appellants to regain control of their premises. However, the appellant has indicated that the unauthorised structure would be removed following them retaking possession of the premises.
4. At the site visit it was clear that the leaseholder has moved away, and the appellants are now in control of the premises. Nevertheless, the structure remains at the site. There is no ground (a) appeal before me and therefore I cannot consider any planning merits, furthermore there is no evidence before me that any planning application has been submitted to retain the structure as built, and I cannot speculate whether one will be submitted in the future.

5. The first floor rear extension consists of hexagonal timber framing with a timber roof covered with corrugated sheeting. The works required by the notice would be within the capabilities of a competent person within the building trade and could be undertaken within 5 months of the date of this decision.
6. The compliance period has been suspended during the course of the appeal process and resumes if the appeal is dismissed and the notice upheld, as is the case here. Given that approximately one calendar year has passed since the enforcement notice was served, I find that the 5 month timeframe would strike an appropriate balance between the remedial rather than punitive requirements of the enforcement notice, whilst also maintaining public confidence in the planning system.
7. I therefore conclude that both appeals on ground (g) fail.

Conclusion

8. For the reasons given above, I conclude that neither Appeal A or Appeal B should succeed, and I shall uphold the enforcement notice.

Robert Naylor

INSPECTOR