



Appeal Decision

by **Ken McEntee**

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 7 January 2026

Appeal ref: APP/W1525/C/25/3369061

Land at 47A Duke Street, Chelmsford, Essex, CM1 1JA

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr Burcak Nizamoglu (Tropiway) against an enforcement notice issued by Chelmsford City Council.
- The notice was issued on 18 June 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, the construction of a rear extension".
- The requirements of the notice are: "i. Demolish the extension shown outlined in blue at the appropriate location on the attached plan. ii. Remove from the land all debris and other material resulting from the works carried out at step (i). iii. Restore the land affected by the works carried out at step (i) to its pre-development condition".
- The time period for compliance with the requirements of the notice is "Steps (i) - (iii) above to be complied with in full within three months of the date on which this Notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appellant states that more time is required to comply with the requirements of the notice in order to find and arrange for a builder to carry out the necessary works. I note the appellant does not suggest an alternative time period. I also note that a planning appeal (APP/W1525/W/25/3369089) against the refusal of a retrospective application to regularise the unauthorised development was made around the same time as this one. That appeal was dismissed on 4 December 2025.
2. While I acknowledge the reasons given for requesting more time, I am mindful that some 6 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 9 months in which to seek out and arrange for a builder to carry out the necessary works to comply with the requirements of the notice, although I appreciate that in that time the appellant will have been hoping for a successful decision on the planning appeal. Nevertheless, I consider the time period for compliance with the requirements of the notice to be reasonable, and I am not satisfied there is good reason before me to justify extending the compliance period further. The appeal fails accordingly.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee