



Appeal Decision

Site visit made on 8 December 2025

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 January 2026

Appeal Ref: APP/R1845/C/25/3359103

Land at Sheris Lodge, St Johns Lane, Bewdley, Worcestershire DY12 2QY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Onkar Chada against an enforcement notice issued by Wyre Forest District Council.
- The notice was issued on 18 December 2024.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a timber frame building within the curtilage of Sheris Lodge ("the Outbuilding") the replacement of opaque glazing units in a window, ("the Window"), at first floor on the northwest (side) elevation of the dwelling house with clear glazed units and the creation of a boundary feature comprising hedgerow and fence in excess of 0.6 meters in height above ground level, within 2 metres back from the near side edge of the carriageway (measured perpendicularly) along the nearside edge of the adjoining carriageway."
- The requirements of the notice are:
 1. Permanently remove the timber frame outbuilding from the land and remove all resulting demolition materials from the site.
 2. Remove the existing clear glazed units from the Window at first floor level and replace with obscure glazed units.
 3. Permanently reduce the height of the Boundary Feature that falls within two metres from the near side edge of the carriageway (measured perpendicularly) for a distance of 11 metres in each direction alongside the near side edge of the adjoining carriageway to no more than 0.6 metres above ground level.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (d) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision The appeal is dismissed and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Application for Costs

1. An application for costs is made by Mr Onkar Chada against Wyre Forest District Council in relation to the appeal. This application is the subject of a separate Decision.

Preliminary Matters

2. The Council's statement of case states, 'side facing windows in both side elevations of the building were altered less than four years before service of the enforcement notice'. However, the alleged breach of planning control only refers to a single window in the northwest elevation.
3. In addition, the appellant states that the window referred to in the allegation was installed as part of an extension undertaken on the building, which they assert required planning permission. The alleged breach of planning control does not include the extension.

4. Comments on this matter were sought from the Council on these matters and they confirm they are only seeking to enforce against the single window in the northwest elevation and they are not seeking to enforce against the extension.

The ground (d) appeal

5. The onus is on the appellant to demonstrate that at the time the notice was issued it was too late to take enforcement action against the alleged breach of planning control. The relevant test of the evidence is 'on the balance of probability' (ie that it is more probable than not). If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided their evidence alone is sufficiently precise and unambiguous.
6. The appellant confirms the ground (d) appeal only relates to the window. As the installation of a window is operational development, the relevant period of immunity from enforcement action is 4 years prior to the date of the enforcement notice being issued.
7. The appellant's statutory declaration states that a number of alterations were made to the appeal property in January 2020, including the extension to the rear, a loft conversion with an extra bedroom, bathroom & dressing room and two front porches. They confirm that these alterations were completed during the covid lockdown period in March 2020. Although this makes no specific reference to the installation of the window, an invoice from B.M Healy Builders, dated 20 February 2020, includes an item 'Construct side elevation – supply and fit staircase, handrails, and windows'. It is reasonable to conclude that this reference to windows included the subject window. There are also invoices from Eighty9 Build, dated 15 March 2020 pertaining to electrical and plumbing works, and an invoice from Moordown Carpets Ltd, dated 10 March 2020 pertaining to the supply and fitting of carpets and underlay.
8. I note the comments from a neighbouring resident stating the window was first installed in 2021. Whilst this conflicts with the appellant's contention that it was installed in March 2020, there is no evidence to support that it was installed in 2021. The appellant's statutory declaration holds more weight than a written statement, and there are three invoices all indicating that works to the property, which included the installation of the window, took place in early 2020. Accordingly, on the balance of probabilities, I find that the window was installed by March 2020.
9. The Council argue that the glazing of the window was altered in 2022 to change it from opaque glazing to clear glazing. However, the same neighbouring resident that states it was installed in 2021 confirms that the window was in fact installed with clear glazing. It was only after neighbours raised concerns with the appellant that a "cling film" was applied to the glazing to make it opaque. It was this "cling film" that was subsequently removed sometime later, rather than the glazing itself being replaced.
10. The covering of the glazing with a "cling film" type material and its subsequent removal do not amount to building operations for the purposes of section 55 of the Town and Country Planning Act 1990 (the Act). As such, it is not an act of development. Therefore, whilst the initial installation of the clear glazing may have

been a breach of planning control, it is now immune from enforcement action through the passage of time.

11. Therefore, I find it has been demonstrated that, on the balance of probabilities, the window was installed with clear glazing four years prior to the notice being issued. The ground (d) appeal, insofar as it only relates to the window, therefore succeeds. To reflect my finding on the ground (d) appeal, I shall delete requirement 2 under section 5 of the notice.

The ground (a) appeal and the deemed planning application

12. The appellant confirms that they seek deemed planning permission only for the timber-framed building and that the boundary feature will be removed. However, section 174(2)(a) states that 'An appeal may be brought on any of the following grounds—(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.' Therefore, a ground (a) appeal is that planning permission ought to be granted for the breach of planning control as alleged in the notice. Planning permission cannot be sought for only part of the matters alleged.
13. Notwithstanding the above, Section 177(1)(a) of the Act only allows the grant of planning permission in respect of matters stated in the notice as constituting a breach of planning control "whether in relation to the whole or any part of those matters". Therefore, it is open to me to grant planning permission for the building and not the boundary feature as that would be part of the matters alleged in the notice and therefore can be considered under s177(1)(a). Accordingly, for the purpose of the ground (a) appeal, I will focus on the matters in dispute, ie the timber-framed building.

Main issue

14. In light of the above, the main issues are as follows:
- The effect of the development on the character and appearance of the area; and
 - The effect of the development on the living conditions of the occupants of neighbouring residential properties, with regard to outlook.

Character and appearance

15. The surrounding residential context is characterised by substantial dwellings set within generous, landscaped plots, reflecting the semi-rural location adjacent to the edge of Wyre Forest. The neighbouring properties at Oak House and Birch Cottage comprise large, two-storey dwellings constructed in red brick with slate roofs. Notwithstanding these common elements, the wider street scene is defined by a notable diversity in building design, form and scale, which is a key characteristic of St John's Lane. The appeal property is sited within a significantly smaller plot than its neighbouring properties.
16. The timber-framed building appears to be at an incomplete stage of construction, with both the walls and roof currently finished with only in a vapour barrier exterior. Notwithstanding this, the structure is clearly substantial in scale, extending to

almost the full width of the appeal site and occupying a large proportion of its rear area.

17. Owing to its extensive width, considerable height and siting within the plot, the building lacks the degree of subservience with the host holiday let typically expected of ancillary development. Rather than reading as a visually secondary or subordinate structure, it competes directly with the host holiday let for prominence within the site. Consequently, the building appears overly dominant within its context and results in a disproportionate form of development that undermines the established hierarchy between the principal building and ancillary structures.
18. Whilst the building is not readily visible from the Lane, it is clearly visible from neighbouring properties and within the site itself, where it would be read as an unduly prominent feature.
19. I acknowledge that the materials used in the construction of the building are of a high quality. However, this does not justify the harm I identify above.
20. Therefore, I find that the development significantly harms the character and appearance of the area, contrary to Policies DM.24 and SP.20 of the Wyre Forest District Council Local Plan 2022 (the LP), which seek to ensure development integrates effectively with its surroundings, in particular the scale, height and massing of development must be appropriate to the setting of the site.

Living Conditions

21. By virtue of its extensive width, the building is positioned in close proximity to the shared boundaries with the neighbouring residential properties at Oak House and Birch Cottage. This relationship leaves limited spatial separation between the appeal development and these adjoining dwellings, intensifying its visual presence when experienced from within these properties and their gardens.
22. Furthermore, the considerable height of the building, which rises substantially above the existing boundary treatments, greatly reduces opportunities for screening or visual mitigation. As a result, the building would be highly prominent in views from the adjoining properties, presenting an imposing and overbearing structure seen across a substantial length of the shared boundaries.
23. As a result, the building presents as an unduly large and overbearing feature when viewed from Oak House and Birch Cottage. Its scale, bulk and height combine to dominate the outlook from these properties, creating a sense of enclosure that would be at odds with the spacious character of the surrounding plots. Consequently, the development would give rise to an unacceptably dominant visual impact on the neighbouring residential environment, causing harm to the outlook of neighbouring occupiers.
24. I find therefore, the development would significantly harm the living conditions of the occupants of neighbouring residential properties, with regard to outlook. As such, it is contrary to Policies DM.24 of the LP, which seeks to ensure development provides an adequate level of outlook and should not be unduly overbearing.

Other Matters

25. Concerns have been raised regarding the use of the site and the building for the storage of camper vans as part of a business. However, the enforcement notice only relates to operational development. Accordingly, I have not taken into consideration what the use of the building would be for.

Conclusion on the ground (a) appeal and the deemed planning application

26. For the reasons given above, having considered the development plan as a whole and all material considerations, I conclude that planning permission should not be granted in response to the ground (a) appeal against the enforcement notice and deemed planning application.

Formal Decision

27. It is directed that the enforcement notice is corrected and varied by the deletion of requirement 2 under section 5 of the notice.
28. Subject to the correction, the appeal is allowed insofar as it relates to the appeal on ground (d) concerning the window.
29. The appeal is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the erection of a timber-frame building within the curtilage of Sheris Lodge and the creation of a boundary feature comprising hedgerow and fence in excess of 0.6 meters in height above ground level, within 2 metres back from the near side edge of the carriageway (measured perpendicularly) along the nearside edge of the adjoining carriageway.

A Walker

INSPECTOR