



Appeal Decision

by **Martin Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/Y3615/C/24/3357485

**Land on the south side of Woodhouse Lane, Holmbury St Mary, Dorking
RH5 6NN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Lord P Harris against an enforcement notice issued by Guildford Borough Council.
 - The notice was issued on 26 November 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, operational development comprising the construction of two extensions to a pre existing garage building.
 - The requirements of the notice are to:
 - i) Demolish the extensions to the garage building, approximately shaded in green on the attached plan.
 - ii) Make good any damage to the garage and reinstate the building as approved under 04/P/00027 as per the plan attached to the notice.
 - iii) Remove all debris and materials resulting from compliance with the above steps.
 - The period for compliance with the requirements is two months after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(f) 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. The appeal form indicates that an appeal was made under ground (a) of Section 174(2) of the Act, that planning permission should be granted for that which is alleged in the Notice. However, where an enforcement notice is issued on or after 25 April 2024, no appeal on ground (a) may be made if the enforcement notice was issued after the making of a related retrospective planning application and within 2 years of the date on which the related application ceased to be under consideration.
3. In this case, the related application was a planning application for car port and gardeners' store extensions to an existing garage. This was refused by the Council, and an appeal¹ against this refusal was dismissed on 16 May 2024. The application for the entirety of the development alleged in the Notice ceased to be under consideration on this date. As this date was less than two years ago, the appellant is barred from appealing under ground (a). Therefore, I cannot consider any planning merits of the development, and the appeal is proceeding under ground (f) only.

¹ APP/Y3615/D/23/3328924

4. As the appeal is proceeding under ground (f) only, I consider that it is not necessary for me to visit the site. The views of the main parties have been sought, and no objection has been raised to this approach.

Ground (f)

5. The appeal on ground (f) is that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. It is essential to understand the purpose of the notice. Under s173(4) of the Act, the purpose of a Notice can be: (a) remedy the breach of planning control that has occurred, or (b) to remedy any injury to amenity which has been caused by the breach.
6. On reading the enforcement notice as a whole, it is clear that the purpose of the notice is to remedy the breach of planning control that has occurred, in that it requires the entirety of the unauthorised extensions to be removed from the building. The Council confirm this in its statement of case.
7. The appellant sets out that they are willing to comply with the notice in respect of part of the works undertaken, that being to remove one of the extensions, referred to as the gardeners' store, but seeks retention of the car port extension. However, this proposition relates to an appeal under ground (a), seeking a grant of planning permission, which as I set out above, I am not able to consider. Given that the purpose of the notice is to remedy the breach, this would not be achieved by anything other than the removal of the whole of the development as set out in the notice.
8. I conclude that the requirements of the notice are not excessive and that they are reasonably required to remedy the breach of planning control. Therefore, the ground (f) appeal fails.

Conclusion

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

Martin Allen

INSPECTOR