



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

Appeal Ref: APP/K2230/C/24/3354330

143-145 Wellington Street, Gravesend, Kent DA12 1JF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Kaler Group against an enforcement notice issued by Gravesend Borough Council.
 - The notice was issued on 19 September 2024.
 - The breach of planning control as alleged in the notice is: The demolition and rebuilding of the front and side walls of the building on the Land, the construction of a first floor extension and the installation of two new shopfronts.
 - The requirements of the notice are: (i) Demolish in its entirety the unauthorised front and side elevations (including the two new shop fronts), and the first floor addition to the building, the subject of this notice; (ii) Reinstate the building to the same design and appearance as was previously present using identical where available, or similar where not, materials and finishes as detailed in the photographs annexed to this notice; (iii) Remove all resultant rubble and debris from the Land upon compliance with the above steps, utilising an authorised waste carrier.
 - The period for compliance with the requirements is: 6 calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) & (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the Enforcement Notice (EN) is varied by:
 - deleting steps (i), (ii) and (iii) at paragraph 5 and substituting them with “(i) Reinstate the building to the same design and appearance as was previously present using identical where available, or similar where not, materials and finishes as detailed in the photographs annexed to this notice; (ii) Remove all resultant rubble and debris from the Land upon compliance with the above step”;
 - Deleting the sentence at paragraph 6 and replacing that with “The requirements in paragraph 5 shall be completed within 9 months from the date when the notice takes effect”.
2. Subject to these variations, the appeal is dismissed and the EN is upheld.

Preliminary Matters

3. There is no deemed planning application. As such, there are no planning merits to consider that may have needed a visual inspection of the site and its surroundings to assess the effect of the appeal development on, for example, the setting of the former Wellington Brewery building. Furthermore, the grounds (f) and (g) appeals do not require an on-site assessment of the building. Consequently, I have determined the appeal without visiting the site. No appeal party has been prejudiced by this course of action.

Ground (f)

4. The EN alleges the demolition and rebuilding of the front and side walls of the building, along with a new first floor extension and two new shopfronts. The EN then requires the front wall that includes the shopfronts, the side wall and the first floor to be demolished and for the building to be reinstated to match what was there prior to the unauthorised works occurring. All resulting waste and debris should then also be removed. Therefore, despite the reasons for issuing the EN, the purpose of the EN is to remedy the breach of planning control by restoring the land to its condition before the breach took place. That purpose falls squarely under s173(4)(a) of the 1990 Act. This purpose sets the context for determining the ground (f) appeal.
5. The photo of the front of the building annexed to the EN showing it prior to the unauthorised works, which the EN requires the building to look like after complying with the notice, matches the photo in the Council officer delegated report that considered planning application Ref: 20220299. It also matches the front elevation plan No. WL/05 approved under planning permission Ref: 20110285. Furthermore, the flank wall photo annexed to the EN corresponds with drawing No. WL/06 also approved under the earlier planning permission. In these circumstances there is no doubt about how the building should look after complying with the EN. It also appears that despite the front and side walls being demolished, the front wall at least has been rebuilt with bricks that match those used in the previous front wall.
6. With all this in mind, I agree with the appellant that it is excessive to require the entire front and flank walls to be demolished, only for them to be partly rebuilt to comply with the second step in the EN. By deleting the first step in the EN, the purpose of the notice to remedy the breach of planning control by restoring the land to its condition before the breach took place, would still be achieved.
7. On a minor point, the third requirement of the EN specifies that any resulting waste and debris should be removed from the land using an authorised waste carrier. Whilst that should of course be the case, the control over that exists under other legislation and is not a matter that should be controlled under this EN.
8. I shall vary the EN accordingly. To this extent the ground (f) appeal succeeds.

Ground (g)

9. Based on the appellant's evidence, the previous building needed major remedial works due to the consequences of vegetation ingress from adjoining Network Rail land. To access the flank wall of the appeal building and to put up the necessary scaffolding so that the works required by the EN could be carried out, the overgrown vegetation would need cutting back. Given that the problems caused by the vegetation have been raised with Network Rail since 2017, it would be reasonable to have a longer compliance period to allow for site preparation work to be completed first.
10. A period of nine months would in my view strike the right balance between seeking compliance with the EN while also allowing more time to negotiate with the adjoining landowner over the necessary land clearance. The Council does have the power under s173A(1)(b) of the 1990 Act to extend the period specified in the

EN if that was considered reasonable. However, that would depend on circumstances arising after this appeal, over which I would have no control or say.

11. I intend to vary the EN accordingly. The ground (g) appeal succeeds.

Conclusion

12. I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the period for compliance with the notice falls short of what is reasonable. I shall vary the EN prior to upholding it.

Gareth Symons

INSPECTOR