



Appeal Decision

Site visit made on 12 January 2026

by **Paul T Hocking BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal Ref: APP/M1710/C/24/3341619

Land at 16B The Green, Rowlands Castle PO9 6BN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Lee Slark against an enforcement notice issued by East Hampshire District Council.
 - The notice was issued on 29 February 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission and within the last 4 years, unauthorised construction of a balustrade and laying of decking on a flat roof and insertion of French doors to facilitate the development.
 - The requirements of the notice are: 1. Remove from the Land the balustrade from the flat roof to the rear of the property, including glass and metal work and posts. 2. Remove French doors from the first floor rear elevation and re-instate with a 1200mm height x 900mm width double sliding sash window of wooden construction consisting of two equal sashes with a central mullion to create two panes of glass per each sash, to match adjacent sash window. 3. Remove resultant debris from the Land.
 - The period for compliance with the requirement is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (g) of the Town and Country Planning Act 1990 (as amended).
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Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld with a correction.

The Enforcement Notice

2. The French doors are alleged to facilitate the development. However, the breach of planning control does not relate to a material change of use, and therefore, much like the balustrade and decking, the French doors are integral to the works that have been undertaken. Reference to facilitation can however be omitted without causing injustice to the parties.

The ground (c) appeal

3. For the appeal to succeed on ground (c) the onus is on the appellant to demonstrate, on the balance of probabilities, that there has not been a breach of planning control. This could be because the matters alleged do not constitute development, planning permission has already been granted for the matters alleged in the enforcement notice or they are permitted development.
4. The notice alleges three developments, namely the construction of a balustrade, laying of decking on a flat roof and insertion of French doors. The appellant provides little evidence to demonstrate on the balance of probabilities that the balustrade does not constitute development for the purposes of Section 55(2) of the Act.
5. I could then see during my site visit that the laying of the decking has materially increased the thickness of what was merely a flat roof and that this was materially

visible from surrounding vantage points in the context of the building as a whole. It is therefore development for the purposes of Section 55(2) of the Act. However, I note that in any event the notice does not require the decking to be removed.

6. The French doors also materially affect the external appearance of the building as they have materially increased the size of the opening from what was merely a window, in contrast to the appeal decision that has been brought to my attention. This change is again materially visible from surrounding vantage points in the context of the building as a whole. It is therefore development for the purposes of Section 55(2) of the Act. The appellant has then provided little evidence to demonstrate on the balance of probabilities that the French doors constitute a form of permitted development.
7. I appreciate that both the main and interested parties have then raised other matters, but as these are not directly relevant to a ground (c) assessment, I am unable to consider these further.
8. The appeal on ground (c) therefore fails.

The ground (g) appeal

9. The appellant requests a 12-month period to enable a planning application for an alternative scheme to be determined by the Council and any subsequent appeal lodged and determined. That however does little to evidence why the time given to comply with the requirements of the enforcement notice are too short and I note that a sufficient period of time has now elapsed since that application was meant to have been made and so its outcome, and that of any subsequent appeal, may well be known. In any event, the requirements of the notice are then straightforward for the 6 months that has been afforded.
10. The appeal on ground (g) therefore fails.

Overall Conclusion

11. For the reasons given above I conclude that the appeal should not succeed. I shall therefore uphold the enforcement notice with a correction.

Formal Decision

12. It is directed that the enforcement notice be corrected by:
 - deleting the words *'to facilitate the development'* from section 3 of the notice.
13. Subject to this correction the appeal is dismissed and the enforcement notice is upheld.

Paul T Hocking

INSPECTOR