



Appeal Decision

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 2 FEBRUARY 2026

Appeal Ref: APP/P2935/C/25/3364972

13 Fairholme Avenue, Haltwhistle, Northumberland, NE49 9EX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Darren Clark against an enforcement notice issued by Northumberland County Council.
 - The notice was issued on 8 April 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of timber decking with associated handrail, as shown in the approximate position and outlined in red on the attached plan.
 - The requirement of the notice is to remove the timber decking with associated handrail from the Land.
 - The period for compliance with the requirement is 8 weeks.
 - The appeal is proceeding on the ground set out in section 174(2)(d) 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. This appeal was determined without a site visit which was not required as the relevant matters took place in 2021.

Ground (d)

3. An appeal on this ground is on the basis that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters stated in the notice. In order to succeed the appellant must prove on the balance of probabilities that the works alleged in the notice were substantially completed more than 4 years before 8 April 2025, i.e. before 8 April 2021. The planning merits of the development are not relevant in the determination of this appeal.
4. The appellant's case is that the works to the decking began on 22 March 2021 and were completed on 25 March 2021. He has provided some photographs in support which show the stairs and horizontal platform which forms the raised decking, and which are dated 25 March 2021. However, the fence/handrail around the decking and the vertical elements to the stairs and at the front of the decking which provide the panel to ground level are not shown as constructed in these photographs. These elements are an integral part of the operational development without which it would be very unsafe and so these photographs do not show the operations to be substantially completed at that time. The handrail is specifically referred to in the allegation in the notice, and the works form one operation taken as a whole, and cannot be split into separate parts.

5. The appellant provided some further photographs which are undated but he states that they were taken of the decking whilst under construction between 18 March 2021 and 14 April 2021. It is not evident from these undated photographs or the information provided with them as to when the works overall were substantially completed.
6. The Council does not have any evidence of its own regarding the date of the building works but the appellant's evidence alone is not sufficiently precise and unambiguous to prove that the works were substantially completed before 8 April 2021, and the appeal cannot succeed.

Conclusion

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

Zoë Frank

INSPECTOR