



Appeal Decisions

Site visit made on 3 February 2026

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 09 February 2026

Appeal A Ref: APP/G1630/C/25/3373394

Appeal B Ref: APP/G1630/C/25/3373395

Land at Brackenwood Lodge, Church End Lane, Twynning, Tewkesbury, Gloucestershire GL20 6DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Phil Hall and Appeal B is made by Mrs A Hall against an enforcement notice issued by Tewkesbury Borough Council.
 - The notice was issued on 18 August 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a building, in the approximate position hatched in black on the attached site identification plan.
 - The requirements of the notice are to:
 1. Demolish the building shown hatched in black on the attached site identification plan in its entirety;
 2. Break out and remove the concrete slab beneath the building, and thereafter lay a minimum of 300mm of topsoil and reseed the area with grass to reinstate it to its previous condition; and
 3. Remove from the land all resulting debris, builder's waste, rubble, spoil, and any other materials arising from compliance with steps (1) and (2) above.
 - The period for compliance with the requirements is 3 (three) calendar months.
 - The appeals are proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. Planning permission was refused by the Council for the erection of a field shelter on the land. An appeal (Ref. APP/G1630/W/24/3336604 dated 7 June 2024) to retain the field shelter was subsequently dismissed. The purpose of the building, which is the subject of this notice, was stated as being for the storage of maintenance equipment used on the land.

Ground (f)

3. An appeal on ground (f) is made on the basis that the steps required by the enforcement notice exceed what is necessary to achieve its stated purpose under section 173(4) of the 1990 Act, that is, either to remedy the breach of planning control under s.173 (4) (a), or to remedy any injury to amenity under s.173 (4)(b). The notice in this case requires the demolition of the building and the restoration of the land to its former condition. On the evidence before me, it is clear that the Council issued the notice with the primary objective of remedying the breach of planning control, rather than remedying injury to amenity.

4. In a ground (f) appeal, the onus rests firmly with the appellants to identify any *lesser steps* that would still meet the purpose of the notice. The appellants submit that full demolition is excessive and propose instead a partial solution: removing 50% of the building and replacing the roof on the remaining section with a sloping pent roof. They argue that this would resolve concerns relating to the building's height, massing, and scale, while retaining a smaller structure suitable for the storage of machinery associated with land maintenance.
5. However, the Council has issued the notice for the purpose of fully remedying the breach of planning control, not for addressing harm to amenity. This distinction is critical. As the appeals relate to the same development previously considered in an earlier appeal against refusal of planning permission, an appeal under ground (a) and the deemed planning application cannot be considered. Consequently, it is not within my remit to revisit the planning merits of the development or to consider whether an alternative, lesser form of building might be acceptable. Section 173(11) prevents the use of ground (f) as a vehicle to effectively grant planning permission for retained parts of a structure by reducing the required steps; doing so would undermine the statutory function of enforcement.
6. The requirements of the notice do no more than oblige the appellants to undo what has been done. As such, they cannot, by definition, exceed what is necessary to remedy the breach in full. Since no lesser steps have been identified that would meet the statutory purpose behind the notice, the appeal on ground (f) must fail.

Ground (g)

7. An appeal on ground (g) concerns whether the three-month period for compliance specified in the enforcement notice is unreasonable. The appellants argue that the period is unreasonably short; however, they have provided no substantive evidence or explanation to demonstrate why three months would be insufficient. They seek instead a compliance period of six months.
8. From the evidence before me, it appears that the timber structure of the building could be dismantled relatively quickly and without the need for specialist contractors. While I acknowledge that the removal of the underlying concrete slab may require a further degree of labour and time, I am nonetheless satisfied that a period of three months represents a reasonable and proportionate timeframe for compliance with the requirements of the notice.
9. The compliance period must balance the need to provide the appellants with adequate time to complete the required works while ensuring that the adverse effects of the breach are not unnecessarily prolonged. Taking into account the reasons for issuing the notice and the nature of the works required, I conclude that the three-month period strikes an appropriate balance. It offers sufficient opportunity for compliance and supports the effective enforcement of planning control. Accordingly, the appeal on ground (g) fails.

S A Hanson

INSPECTOR