



Appeal Decisions

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02nd March 2026

Appeal Refs: APP/K2230/C/24/3352352/3352353

Land at 52 Ruffets Wood, Gravesend, Kent DA12 5JQ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeals are made by Miss Chloe Lush and Mr James Bennett against an enforcement notice issued on 21 August 2024 by Gravesham Borough Council.
 - The breach of planning control as alleged in the notice is Without the benefit of planning permission, the formation of a vehicular access off a classified highway, including the laying of a hard surface, to the front of the Property.
 - The requirements of the notice are: (i) Remove the hardstanding to the front of the Property; (ii) Restore the garden area to its former condition (as illustrated at appendix 1 of this notice) including reseeded the front garden with grass; and (iii) Remove all resultant rubble and debris from the Property upon compliance with the above steps.
 - The period for compliance with the requirements is within three calendar months from the date when the notice takes effect.
 - The appeals are proceeding on the ground set out in section 174(2)(f) of the Act.
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Decision

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

Preliminary Matters

2. I have not undertaken a site visit as it would not affect my decision.
3. The submissions refer to the planning merits of the development and personal circumstances. However, there is no valid appeal under ground (a) before me, and as such there is no deemed application for planning permission for me to consider these points.

Main Issue

4. As the appeals have been made under ground (f) only, the main issue is whether the steps required to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by the breach.

Reasons

5. The notice requires the hardstanding to the front of the property to be removed, the garden area shown in the photograph attached to the notice to be restored to its former condition, and for all resultant rubble and debris to be removed. The notice therefore seeks to restore the land to its condition before the breach took place, consistent with section 173(4)(a) of the Act, and its purpose is to remedy the breach, rather than any injury to amenity. With this in mind, I need to consider whether the breach could be remedied with less cost or disruption.

6. It is claimed that the requirements are excessive to address any breach of condition attached to the planning permission for the house. However, the notice does not allege any breach of condition.
7. There is the potential to damage pipes or wires under the hardstanding while complying with the notice. Such risk is inherent in any works, and it would be a matter for the appellants to carry out any reasonably necessary checks and precautions when undertaking remedial works. There is no evidence that any such risk in this particular case would likely be so significant as to make compliance with the notice dangerous or unachievable.
8. It would likely be necessary for the reseeded grass to be watered as part of its normal maintenance, but I do not see how this would be prevented by the lack of an outside tap, or how this would make compliance with the notice unreasonably difficult. It has not been shown the land is incapable of being restored to its former condition.
9. Alternative possible solutions have been suggested, but these would not remedy the breach as they would not restore the land to its former condition before the breach took place. Also, while the Council may have suggested different, possibly less onerous, remedial measures prior to issuing the notice, the information before me suggests these would not remedy the breach either. It would be a matter to discuss separately with the Council whether any alternative works which would not remedy the breach could be appropriate.
10. It has not been shown that the purpose of the notice could be achieved with less cost or disruption. The steps required to be taken are not therefore excessive to remedy the breach, which is the purpose of the notice in this case.
11. The appeals under ground (f) fail.

Conclusion

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

L Douglas

INSPECTOR