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## Appeal Decisions

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02<sup>nd</sup> March 2026

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**Appeal Refs: APP/K2230/C/24/3352288/3352289**

**Land at 54 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 Mr Olusegun Oso and Mrs Olamide Oso against an enforcement notice issued on 21 August 2024 by Gravesend 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 a 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 planning permission reference 19970404 requires the land to be kept available as a hardened surface for car parking, but there is limited evidence before me to show this is the likely effect of the planning permission and any associated conditions. Moreover, the photograph attached to the notice shows the land was previously grassed with a path and not a hard-surfaced car parking space.
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 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.
9. The appeals under ground (f) fail.

### **Conclusion**

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

*L Douglas*

INSPECTOR