



Appeal Decision

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2026

Appeal Ref: APP/R2520/C/25/3374194

Red Lion, High Street, Wellingore, Lincoln LN5 0HW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Gavin Mills against an enforcement notice issued by North Kesteven District Council.
 - The notice was issued on 10 September 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the carrying out of operational development, namely the erection of a timber shed.
 - The requirements of the notice are: (a) Remove the timber shed from the land. (b) Restore the land to its condition prior to the unauthorised development by rebuilding the northern gable end of the stone building with limestone blocks to match the existing limestone walling. (c) Remove all remaining resultant debris and materials from the land associated with undertaking step (a).
 - The period for compliance with the requirements is three months
 - The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee had not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.
3. There is no deemed planning application following the making of an appeal on ground (a) and the relevant fee has not been paid. Therefore, planning merits considerations cannot form part of my deliberations.

Background

4. The enforcement notice attacks a timber shed erected at the rear of a public house.

Ground (f) appeal

5. The ground of appeal is that the requirements of the notice are excessive.
6. An enforcement notice can have the purpose of remedying the breach of planning control, including by restoring the land to its condition before the breach took place, or it can seek to remedy any injury to amenity caused by the breach. Although the notice does not state as such, its purpose must be to remedy the breach. The steps required by the notice include removing the shed. By taking this and the other steps, the property would be restored to its condition before the breach took place.
7. The appellant proposed staining the shed walls and covering the roof with red pantiles, with planting undertaken in the environs. Nevertheless, as this would lead

to the shed remaining in situ it would sustain rather than remedy the breach and so would not restore the property to its condition before the breach took place. Consequently, the appellant's proposals do not represent an obvious alternative to the steps set out in the notice. No other alternative to those steps was suggested and to my mind, nothing less would remedy the breach.

8. Moreover, any substitute step which did not require removal of the shed would attack the substance of the notice. That would not fall within the scope of what can be achieved in a ground (f) appeal where, as in this instance, the purpose of the notice is to remedy the breach and there is no ground (a) appeal. An enforcement notice which requires land to be restored to its condition prior to the breach cannot be made into something less by relying on ground (f) alone; the power to allow an appeal on this ground does not extend to granting planning permission.
9. I am aware that since the notice was issued, planning permission has been granted to erect a timber storage shed at the property.¹ However, this has limited implications in terms of the current appeal. Having regard to s180(1) of the Act, the notice would only cease to have effect so far as it is inconsistent with that permission.
10. Therefore, the notice requirements are not excessive; they are a proportionate remedy, being the minimum steps necessary to restore the property to its condition before the breach took place and in doing so achieve the purpose of the notice.
11. The ground (f) appeal fails.

Conclusion

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

Stephen Hawkins

INSPECTOR

¹ Appeal Ref: 6000953