
Appeal Decision

Site visit made on 20 January 2026

by **M Ollerenshaw BSc (Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st April 2026

Appeal Ref: APP/M0655/C/25/3367649

Land to the rear of 340 Thelwall Lane, Warrington, WA4 1NJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Luke Perret against an enforcement notice issued by Warrington Borough Council.
- The notice was issued on 14 May 2025.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a detached building used as, or capable for use as, an independent dwellinghouse.
- The requirements of the notice are to remove the building and all associated material and debris from the land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Applications for costs

1. Applications for costs were made by Mr Luke Perret against Warrington Borough Council, and by Warrington Borough Council against Mr Luke Perret. These applications are the subject of a separate Decision.

Preliminary Matters

2. Planning permission was granted for a 'proposed annex to the rear of end terraced house to create additional living accommodation' in August 2020¹ (the 2020 permission). However, a materially different building was constructed. The notice alleges that this is 'a detached building used as, or capable for use as, an independent dwellinghouse'. The Council has refused planning permission for this development and a subsequent s78 appeal for the 'retention of dwelling' was dismissed in April 2025².
3. The appellant says that members of the same family occupy both the original dwelling (340 Thelwall Lane) and the appeal building. Nevertheless, there is no ground (b) appeal, and the appellant does not dispute that the development has occurred. The previous Inspector was clear that the appeal building was not ancillary to No 340 but should be considered as an independent dwelling given its size, the degree of separation from the original dwelling, and the provision of all the facilities necessary for independent living. I see no reason to disagree with that conclusion based on the evidence before me.

¹ Council ref. 2020/36854

² Council ref. 2023/01480/FUL, Appeal ref. APP/M0655/W/24/3352224

4. There are references in the appellant's submissions and the third party's comments to the effect of the development on, amongst other things, the living conditions of neighbours and the character of the area. However, as there is no ground (a) appeal before me I am not considering the planning merits of the development.

The ground (f) appeal

5. An appeal on ground (f) is that the steps required by the notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
6. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. S173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or (b) remedying any injury to amenity which has been caused by the breach.
7. The requirement of the notice to remove the building and all associated materials is consistent with s173(4)(a) of the 1990 Act and is necessary to remedy the breach of planning control.
8. Where there is no ground (a) appeal (as is the case here) and the purpose of the notice is to remedy the breach of planning control, any lesser step that would not remedy the breach cannot be accepted through the ground (f) appeal. Thus, allowing the development to remain but in an altered form would not remedy the breach.
9. The appellant suggests that the requirement to remove the building is excessive given the 2020 permission for the annexe, and that the notice should have required the building to be altered to comply with that permission, rather than be demolished entirely. In this regard I am mindful of s173(4)(a) of the 1990 Act which indicates that a notice can seek the remedying of the breach of planning control by making the development comply with the terms (including conditions and limitations) of any planning permission granted in respect of the land.
10. However, there is insufficient evidence before me to demonstrate that the 2020 permission for the annexe was lawfully commenced and remains capable of being implemented, particularly as a materially different building was constructed instead. On that basis I cannot be sure that the 2020 permission is extant and that it represents an obvious alternative to the requirements of the notice. Nor am I aware of any other lesser steps that would remedy the breach.
11. I therefore conclude that the requirements of the notice do not exceed what is reasonably required in order to remedy the breach of planning control.
12. The appeal on ground (f) fails.

The ground (g) appeal

13. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. The notice requires the building and all associated material and debris to be removed from the land within 6 months.

14. The appellant requests that this period be extended to 12 months to allow for negotiations with the Council on a potential alternative scheme, and for an application to be submitted and approved and the alterations to be carried out. The appellant also refers to the costs of the works required by the notice and resulting financial stress.
15. For an experienced building contractor, the works required would be relatively straightforward and could be completed within 6 months. However, the occupiers will also have to find suitable alternative accommodation, the appellant will need to source a suitable contractor, and they may need to secure any necessary finance for the works. Additional time may also be needed for the parties to continue discussions about an alternative scheme and for planning permission to be sought.
16. The 6 month compliance period may not be sufficient to address all these matters. However, the 12 month compliance period requested has not been fully justified. I am also mindful that the breach of planning control has subsisted for a number of years and the current appeal has delayed the notice from coming into effect. There is a need to ensure that the breach and the harm arising from it are not prolonged unnecessarily. I therefore consider that 9 months would strike an appropriate balance in this instance. I will vary the enforcement notice by extending the compliance period accordingly.
17. The appeal on ground (g) therefore succeeds to that extent.

Conclusion

18. For the reasons given above, I conclude that the appeal on ground (f) fails but that the appeal on ground (g) succeeds, and I shall uphold the enforcement notice with a variation.

Formal Decision

19. It is directed that the enforcement notice is varied by the deletion of “6 months” in paragraph 6 and the substitution of “9 months” as the period for compliance.
20. Subject to that variation, the appeal is dismissed and the enforcement notice is upheld.

M Ollerenshaw

INSPECTOR