



Appeal Decision

Site visit made on 27 April 2026

by **Paul T Hocking BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 May 2026

Appeal Ref: APP/A1720/C/24/3351788

Land at 76 Moody Road, Stubbington, Fareham PO14 2BX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Joseph D'Souza against an enforcement notice issued by Fareham Borough Council.
 - The notice was issued on 14 August 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of two front roof extensions.
 - The requirements of the notice are: (i) Remove the two front roof extensions from the dwellinghouse; (ii) Lay roof tiles to match materials used on the existing roof to restore the roof covering where the two front roof extensions had been; and (iii) Remove all resulting material from the Land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld subject to variations.

Preliminary Matter

2. As there is no appeal against the refusal of a planning permission or a ground (a) appeal before me, I am unable to consider the planning merits or planning policy considerations surrounding the development that has been enforced against.

The ground (c) appeal

3. For the appeal to succeed on ground (c) the onus is on the appellant to demonstrate, on the balance of probabilities, that there has not been a breach of planning control. This could be because the matters alleged do not constitute development, planning permission has already been granted for the matters alleged in the enforcement notice or they are permitted development.
4. The appellant contends that planning permission and minor amendments have each been approved by the Council and therefore two front dormers have been accepted. There has also been no point in time when the property has been devoid of dormers on the front elevation.
5. That may well be so, however, the Council has provided a comparison drawing of what has actually been constructed and assert that the smaller roof extension has been built approximately 1m wider and 0.1m taller and the larger roof extension 0.7m wider and 0.7m taller than anything that has been granted planning permission or the subject of an approved amendment.

6. The appellant does not dispute this. Indeed, the appellant must also accept that the roof extensions are materially different to anything that has been granted planning permission or approved as remedies are then proposed to reduce the size of the roof extensions, amongst other things. That is however not a matter for a ground (c) appeal and therefore does very little to demonstrate on the balance of probabilities that there has not been a breach of planning control in respect of what has been constructed.
7. The appellant has also provided other documentation, including a resident survey, but these largely relate to the planning merits of retaining the development, when no such appeal is before me. I also appreciate that the roof extensions, as constructed, may have arisen due to structural considerations, but this again does very little to demonstrate on the balance of probabilities that there has not been a breach of planning control.
8. There is then very little evidence to demonstrate on the balance of probabilities that the roof extensions do not constitute development or amount to a form of permitted development.
9. The ground (c) appeal therefore fails.

The ground (f) appeal

10. The purpose of the enforcement notice is clearly to remedy the breach of planning control and it does not seek to under-enforce. Therefore, for an appeal on ground (f) to succeed it would be necessary for the appellant to explain why the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control and propose alternative steps.
11. The appellant would like to amend the roof extensions to match the elevations that have previously been approved. The Council has invited me to vary the notice to include an alternative requirement so that the roof extensions comply with the most recent planning permission, Council ref P/22/0501/FP and which is said to have otherwise been implemented. This is in recognition that an enforcement notice cannot abrogate, and thus do away with, the rights of an extant planning permission.
12. The provision of an alternative requirement would therefore also remedy the breach of planning control by ensuring the unauthorised roof extensions are altered to accord with the terms and particulars of a planning permission.
13. The appeal on ground (f) therefore succeeds to this extent.

The ground (g) appeal

14. The appellant contends that the time given to comply with the requirements of the enforcement notice are too short.
15. Whilst no specific revised period is seemingly suggested, I am mindful that I have now varied the notice to provide an option to alter the front roof extensions to accord with what has previously been granted planning permission.
16. In these circumstances a period of 6 months would therefore strike the appropriate balance and would not unduly perpetuate the breach of planning control.
17. The appeal on ground (g) therefore succeeds to this extent.

Overall Conclusion

18. For the reasons given above I conclude that the appeal should not succeed. I shall therefore uphold the enforcement notice subject to variations.

Formal Decision

19. It is directed that the enforcement notice be varied by:

- deleting the words in section 5 of the notice in their entirety and replacing them with the words:

‘EITHER

(i) Remove the two front roof extensions from the dwellinghouse;

(ii) Lay roof tiles to match materials used on the existing roof to restore the roof covering where the two front roof extensions had been; and,

(iii) Remove all resulting material from the Land.

OR

(i) Alter the two front roof extensions on the dwellinghouse to comply with the terms of planning permission ref P/22/0501/FP dated 13 May 2022 including the conditions subject to which that permission was granted; and,

(ii) Remove all resulting material from the Land.’

- substituting ‘Six months’ as the time for compliance in section 6 of the notice.

20. Subject to these variations the appeal is dismissed and the enforcement notice is upheld.

Paul T Hocking

INSPECTOR