



Appeal Decision

Site visit made on 21 April 2026

by **Ms S Watson BA(Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2026

Appeal Ref: APP/P0119/C/25/3360280

Baugh Farm Fouracre Crescent, Bristol, BS16 6PX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Daveene McCallion against an enforcement notice issued by South Gloucestershire Council.
 - The notice was issued on 24 January 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a timber structure (indicated by the area bordered blue on the attached plan and appendix).
 - The requirements of the notice are to: 1. Permanently and completely deconstruct and remove the timber structure from the land; 2. Permanently and completely remove all resultant materials associated with the deconstruction of the timber structure from the land; 3. Return the land, covered by the timber structure, to its condition prior to the occurrence of the breach.
 - The period for compliance with the requirements is: 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (d), (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

The Notice

2. The Appellant says that the photograph attached to the enforcement notice is not of the unauthorised development but of a structure that no longer exists. However, I saw at my visit that the photograph does appear to be of the unauthorised development. I accept that the photograph shows plastic sheeting which has since been removed but as the photograph accurately identifies the location of the structure subject of the notice, no further action is necessary.

Reasons

The Appeal on ground (c)

3. An appeal on ground (c) is that the matters alleged in the enforcement notice do not constitute a breach of planning control. It is the Appellant's case that the structure is just a plant support and it has no fixings to the house or into the ground. The relevant matter, therefore, is whether the structure is a building and therefore development.
4. Section 55(1) defines "development" as "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land". Section 55(1A) of the Town and Country Planning Act 1990 defines "building operations" to include "(a) demolition of buildings; (b) rebuilding; (c) structural alterations of or additions to buildings; and

- (d) other operations normally undertaken by a person carrying on business as a builder.”
5. Section 336(1) defines “building” as including “any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building”.
 6. There are three primary considerations as to whether a structure is a building. These are size, permanence and physical attachment. No one factor is decisive.
 7. I accept that the structure supports plants and I could not see any evidence at my visit that the structure was attached to the wall of the house or to the ground. Nevertheless, it is constructed of large and heavy timbers which are supported by their own weight. They are joined together, partly by slotting into each other and the structure covers a generously sized seating area on the patio. I could see that it is of such a size and configuration that it would have to be constructed on site. It is clearly expected to stand for some time and its hefty construction would allow that.
 8. I find that the structure is a building and constitutes development. Development requires planning permission under s57(1) of the Act. The Appellant does not provide any evidence that it already has planning permission.
 9. The Appeal therefore fails on ground (c).

The Appeal on ground (d)

10. The ground of appeal under s174(2)(d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. In this case the relevant period is 4 years from when the timber structure was constructed. The 4-year period must have occurred before the enforcement notice was served. This means that the unauthorised structure must have been substantially completed by 24 January 2021. The onus of proof is on the Appellant.
11. The Appellant has provided no substantive evidence as part of her appeal. The Council has provided a Google Earth photo dated 29 May 2021 and the structure is not visible. This is later than the relevant date.
12. For the above reasons, and, on the balance of probability, the evidence does not precisely and unambiguously demonstrate that the timber structure was substantially completed at least four-years before the date of the notice. Therefore, I conclude that the ground (d) appeal fails.

The Appeal on ground (f)

13. An appeal on ground (f) requires consideration of whether the steps required by the notice exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
14. The steps required by this enforcement notice are to remove the structure, its materials and to return the land to its previous condition before the breach. The purpose of the notice, therefore, clearly comes under S173(4)(a) of the 1990 Act which is remedying the breach by restoring the land to its condition before the

breach took place. Removal of the materials from the land are part of that. Step 3 will automatically occur as a result of Steps 1 and 2. The requirements are therefore not excessive.

15. I note the appellant's comments that there was a different structure before the unauthorised development took place but no substantive details have been submitted.

16. The Appeal fails on ground (f).

Conclusion

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

Ms S Watson

INSPECTOR