



Appeal Decision

Site visit made on 12 May 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2026

Appeal Ref: APP/K0425/C/25/3366795

165 Micklefield Road, High Wycombe, Buckinghamshire HP13 7HA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Vasile Dragan against an enforcement notice issued by Buckinghamshire Council.
 - The notice was issued on 23 April 2025.
 - The breach of planning control as alleged in the notice is without planning permission the construction of first floor roof extensions to existing rear outbuilding.
 - The requirements of the notice are: 1. Demolish the first floor roof extensions to the rear outbuilding (shown in photos 1 and 2 attached to the notice and in the approximate position shown hatched on the attached plan). 2. Remove all materials and debris resulting from complying with step 1 of this notice 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)(f) and (g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has 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 Matter

2. The appellant ticked the ground (a) box on the appeal form and provided supporting facts in that respect. However, the effect of the Act at s174(2A) is that ground (a) is barred where the enforcement notice was issued at a time after the making of a related application for planning permission and within two years of the date on which the related application ceased to be under consideration. Sub-section (2AA) explains what is meant by a related planning application. The requirements of s174(2A) have been met, the Council having refused a related planning application on 6 February 2025.¹ As ground (a) is therefore barred and the appeal is proceeding solely on grounds (f) and (g), planning merits considerations cannot form part of my deliberations.

Ground (f) appeal

3. The ground of appeal is that the requirements of the enforcement notice are excessive.
4. The appeal property contains a two-storey, semi-detached dwelling. A residential outbuilding, which I am given to understand was erected pursuant to planning

¹ Council Ref: 24/07742

permission granted during 2012,² is situated immediately to the rear of the dwelling. The notice attacks the erection of extensions to the roof of the outbuilding.

5. 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 (s173(4)(a) of the Act), or it can have the purpose of remedying any injury to amenity caused by the breach (s173(4)(b)). The notice states that its purpose is to remedy the breach. This must be the case; by complying with the steps set out in the notice and demolishing the roof extensions along with removing the resulting materials and debris, the property would be restored to its condition before the breach took place.
6. There is no uncertainty in the notice steps; it is difficult to see how those steps could be made any clearer or more precise. The unauthorised roof extensions are identified unmistakably in step 1, which makes reference to the photographic images attached to the notice. The appellant can therefore be in little real doubt regarding what they have to do to comply with the notice.
7. Other than the roof extensions remaining in situ, no alternative to the notice steps was suggested by the appellant. Any alternative to those steps which led to the roof extensions not being demolished would sustain the breach and so would fail to restore the property to its condition before the breach took place. Such an outcome is not within the scope of what can be achieved through ground (f) where, as in this instance, the purpose of the notice is to remedy the breach and there is no corresponding ground (a) appeal. The power to allow a ground (f) appeal does not extend to granting planning permission. Whether Council officers provided pre-application advice concerning a potential revised scheme has little bearing on this ground of appeal. Therefore, I am not persuaded that there is an obvious alternative to the notice steps.
8. Given the circumstances, the notice steps are not excessive; they are a proportionate remedy, being the minimum actions necessary to remedy the breach and in doing so achieve the purpose of the notice.
9. The ground (f) appeal fails.

Ground (g) appeal

10. The ground of appeal is that the time allowed for complying with the notice requirements is too short.
11. The appellant sought to extend the compliance period from three to six months.
12. Demolishing the roof extensions would be a reasonably straightforward task for a suitably skilled small building contractor. The works involved would be modest in scale, not especially complex, they are unlikely to involve use of specialist plant and equipment and would be capable of being completed fairly quickly. There are most likely a significant number of suitable contractors who would be available to undertake the works, given a reasonable period of advance notice. The three-month period specified would thus afford the appellant sufficient time in which to search for and secure the services of a suitable contractor, raise any necessary funding, make arrangements for the works to be undertaken and for those works to be completed.

² Council Ref: 12/06096/FUL

13. Given the limited details provided, the possibility of planning permission being obtained for a revised scheme does not justify extending the compliance period. Moreover, I am not convinced that the Council's objections to the roof extensions could be overcome through submission of a further planning application.
14. Therefore, the specified compliance period strikes an appropriate balance between remedying the breach as soon as possible whilst also avoiding, so far as is practicable, imposing a disproportionate burden on the appellant. Extending the compliance period on the other hand would do little more than perpetuate the breach.
15. The ground (g) appeal also fails.

Conclusion

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

Stephen Hawkins

INSPECTOR