



Appeal Decision

Site visit made on 12 May 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal Ref: APP/Z2260/C/23/3327546

Little Upton, Vale Road, Broadstairs, Kent CT10 2JJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (The Act).
 - The appeal is made by Mary Ulldemolins against an enforcement notice issued by Thanet District Council.
 - The notice was issued on 6 July 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a timber structure within the grounds of a Listed Building.
 - The requirements of the notice are to:
 - 1) Remove the unauthorised timber structure from the Land and dispose of the materials away from the Land.
 - 2) Restore the Land to its original state
 - The period for compliance with the requirements is: 5 months from the date this notice takes effect.
 - 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 correction and variations in the terms set out below in the Formal Decision.**
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Preliminary Matters

1. Since the appeal was lodged, the appellant has sadly passed away. A copy of probate, granted in February 2025, has been submitted. The appellant's wife, upon whom a copy of the Enforcement Notice (EN) was served, is identified as an executor of the appellant's Last Will and Testament. In light of this, the agent has confirmed that the appellant should now be recorded as the wife of the former appellant, and the banner heading has been amended accordingly.

The Enforcement Notice

2. The area outlined in red on the plan attached to the EN does not identify the precise position of the timber structure referred to in the allegation. The appellant has referred to two timber structures within the red-edged area, neither of which benefits from planning permission. In light of this, the parties were invited to confirm whether an updated plan could be provided and agreed which clearly identifies the structure to which the EN relates.
3. The Council has since submitted a plan identifying the location of the timber structure it seeks to enforce against, although this plan does not show the wider site. I have therefore used the submitted plan to update the original plan by hatching the relevant timber structure in black. Given that the parties agree the location of the timber structure, I am satisfied that no injustice would arise to either the appellant or the Council if the EN were corrected to include the revised plan.

4. Now that the revised plan identifies the location of the timber structure, varying Requirement 1) of Section 5 of the EN, to refer to this plan would ensure that the requirement reflects the allegation to which it relates and provides the necessary precision.
5. Requirement 2) of Section 5 of the EN requires the restoration of the land to its original state. Given that section 173(4)(a) of the Act provides that an Enforcement Notice may require the land to be restored to the condition it was in before the breach took place, this requirement will be varied accordingly, as this represents a more appropriate and precise form of wording.
6. These variations would not give rise to injustice to either party. This is because the location of the timber structure has been agreed between parties. Furthermore, the requirement to restore the land to its condition prior to the breach is less onerous than the original requirement, given that no structure was present on the land before the erection of the timber structure. It also provides a clear and precise basis for compliance.

The ground (f) appeal

7. An appeal is made on ground (f) on the basis that the steps required by the EN exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity arising from that breach.
8. In this case, the EN does not explicitly state which of these purposes it seeks to achieve. However, the Council has advised that the purpose of the Notice is to remedy the breach of planning control, and the requirements include the removal of the timber structure. On this basis, I find that the purpose of the EN is to remedy the breach of planning control.
9. The appellant submits that the harm arising from the timber structure, namely its effect on views of the listed dwelling, would be addressed by dismantling the timber structure whilst retaining the resultant materials on site. However, this approach conflates the harm arising from the breach with the purpose of the EN. Given that the purpose of the EN is to remedy the breach of planning control, compliance requires the complete removal of the unauthorised structure from the land.
10. The appellant further contends that the requirement to dispose of the materials arising from the removal of the development is excessive. It is argued that this would prevent the sale of the building and that, once dismantled, the exposed contents of the timber structure including replacement windows for the listed building would necessitate the siting of a caravan on the land as alternative storage. However, in the context of a ground (f) appeal, any lesser steps which would fail to achieve the purpose of the EN cannot be accepted. I am satisfied that the requirement to remove the materials used in the construction of the development from the land is reasonably related to remedying the breach and therefore necessary to secure the complete removal of the unauthorised development.
11. The appellant raises concerns regarding the prior condition of the land, including the presence of mains drainage and a drain cover beneath the timber structure. However, the requirements of the EN do not necessitate the removal of these

features, and their retention would not conflict with the steps required to remedy the breach of planning control.

12. Consequently, I find that the steps required by the notice to be taken, do not exceed what is necessary to remedy the breach of planning control. The appellant has not advanced any lesser steps that would achieve the same outcome and therefore the ground (f) appeal fails.

The ground (g) appeal

13. An appeal on ground (g) is brought on the grounds that the period specified for compliance falls short of what is reasonable. Specifically, the appellant seeks an extension from five to ten months to allow time to submit a planning application for an amended scheme. At the time the ground (g) appeal was made, no application had been submitted. However, the position has since changed.
14. The appellant has provided evidence that an application was submitted and was in the process of validation on 12 May 2026. Given that the application has been lodged, and that the statutory determination period would fall within the five-month compliance period, I am satisfied that there is sufficient time for the application to be determined and for the appellant to take any necessary steps in response, without the need to extend the compliance period.
15. Based on the evidence before me, I am not persuaded that the period for compliance is unreasonably short or that an extension to ten months is necessary. Whilst the specified period may not allow for the submission and determination of a subsequent appeal if planning permission is refused, I must have regard to the planning harm identified, which arises from the unauthorised development. The five-month period strikes a proportionate balance between allowing the determination of the application and the need to remedy the breach of planning control promptly. Accordingly, the appeal on ground (g) fails.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variations.

Formal Decision

17. It is directed that the enforcement notice is corrected by:

- *the substitution of the plan annexed to this decision for the plan attached to the EN.*

And varied by:

- *the deletion of requirements 1) and 2) of section 5 of the EN and their substitution with:*
 - 1) *Demolish the unauthorised timber structure shown hatched black on the plan attached to the EN.*
 - 2) *Remove all materials arising from step 1 from the land and return the land to its condition before the breach occurred.*

18. Subject to the correction and variations, the appeal is dismissed, and the enforcement notice is upheld.

V Goldberg

INSPECTOR



Plan

This is the plan referred to in the decision letter dated: **28 May 2026**

by **V Goldberg**

Land at: **Little Upton, Vale Road, Broadstairs, Kent CT10 2JJ**

Reference: **APP/Z2260/C/23/3327546**

Scale: Not to Scale

