



Appeal Decision

Site visit made on 8 June 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 24 June 2026

Appeal Ref: APP/J1915/C/24/3342391

**Land South of Alston Oak, Harlow Road, Sawbridgeworth, Hertfordshire
CM21 0AJ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mohammed Mirza against an enforcement notice issued by East Herts District Council.
 - The enforcement notice (Ref E/23/0128/ENF) was issued on 15 March 2024.
 - The breach of planning control as alleged in the notice is:
Without planning permission, the change of use of 6 stables/outbuildings to residential dwellings with operations materially affecting the external appearance of the buildings including the addition of cladding and rendering, the installation of fenestration and the erection of fencing to create residential amenity spaces.
 - The requirements of the notice are to:
Cease the use of the buildings for residential purposes.
Remove all external alterations to the buildings including all cladding and rendering and fenestration and revert the buildings back to their original condition prior to the unauthorised use as dwellings.
Remove all fence posts and fence panels sited adjacent to each building.
Remove any domestic paraphernalia sited adjacent to each building.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (b) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act).
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Decision

1. The appeal is allowed and the enforcement notice is quashed.

Procedural Matter

2. At 6-week statement stage, the appellant submitted a great deal of evidence in support of his appeal (particularly as regards ground (d)). The Council had an opportunity to review that evidence and provide comments. It did not.

Ground (b)

3. For success on this ground, I must be satisfied on the balance of probabilities that matters stated in the notice said to constitute a breach of planning control have not in fact occurred.
4. The appellant's ground (b) case initially related to the alleged cladding. However, he has since clarified that the targeted operations have in fact occurred - but not in the 4 years preceding the issue of the notice. That is in effect a ground (d) issue, which I have addressed in dealing with that ground below, rather than an argument to be made under this ground. Accordingly, ground (b) does not succeed.

Ground (d)

5. For success on this ground, the appellant must demonstrate on the balance of probabilities that enforcement action was not possible on the date the notice was issued.
6. As it relates to the appeal development, section 171B of the Act requires enforcement action to have taken place within 4 years of the change of use (to single dwellinghouses) and the substantial completion of the operations. The relevant date, before which the development becomes immune, is therefore 15 March 2020.
7. The appellant has submitted a great deal of evidence, including tenancy documents and statutory declarations, which causes me to find to the required standard of proof that all 6 buildings have been used as dwellings since 8 March 2020 (and for no other use since that date). Further, sufficient documentary and photographic evidence (supported by statutory declarations) has been submitted to persuade me that the operational development targeted by the notice was substantially completed (by Elite Constructions UK Limited) by 15 January 2020.
8. While I acknowledge the Council's point that Council Tax registration dates from 1 December 2021, it is clear to me from the evidence as a whole that occupation of all 6 dwellings had factually occurred by 8 March 2020.
9. I accept the appellant's explanation, solemnly sworn in the presence of a solicitor and relating in part to his health, which had caused him to initially provide alternative information to the Council during its enforcement investigation (including in response to the Planning Contravention Notice issued). Now that he has been professionally represented in the appeal process, the evidence gathered and submitted supports a conclusion that the breach of planning control has acquired immunity.
10. For the above reasons, ground (d) succeeds.

Conclusion

11. Due to success on ground (d) I am allowing the appeal and quashing the enforcement notice. In these circumstances, it is not necessary to consider grounds (f) and (g).

Andrew Walker

INSPECTOR