



Appeal Decisions

Site visit made on 19 May 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08th July 2026

Appeal A Ref: APP/B1930/C/25/3360007

Appeal B Ref: APP/B1930/C/25/3360010

39 The Broadway, Gustard Wood, Wheathampstead, Hertfordshire AL4 8LW

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Charles John Pattison and Appeal B is made by Mrs Hannah Ruth Pattison against an enforcement notice issued by St Albans City Council.
- The notice was issued on 22 January 2025.
- The breach of planning control as alleged in the notice is “Without planning permission, the erection of an outbuilding together with a change in the use of open amenity land to residential garden space by means of the erection of a boundary wall on the Land.”
- The requirements of the notice are:
 - i. Cease using the land hatched blue on Notice Plan A as residential garden
 - ii. Demolish and remove the outbuilding (shown hatched black on the attached Notice Plan B, and in Appendix 2 photos), including associated fixtures, fittings and waste materials, from the Land.
 - iii. Demolish and remove in its entirety the boundary wall (denoted on Notice Plan B as a dashed black line A to B, and in Appendix 2 photos) which facilitates the unauthorised change in the use of open amenity land to residential garden.
 - iv. Remove from the Land and dispose of all rubble, waste materials and debris in relation to compliance with Steps (ii) and (iii) above.
- The period for compliance with the requirements is three (3) 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).

Decisions

1. The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matter

2. Interested parties have raised matters that would be considerations in the determination of a ground (a) appeal. As I have no ground (a) appeal before me, those matters do not fall to be considered.

The Appeals on Ground (f)

3. An appeal on this ground is that the steps required to be taken exceed what is necessary to remedy the breach of planning control or the injury to amenity, whichever may be the case. While the notice does not specify its purpose, given the use is required to cease and all operational development is required to be removed, I find the purpose is to remedy the breach of planning control.
4. The appellants refer to having applied for a lawful development certificate (LDC) for an alternative scheme, which would see the outbuilding relocated to a position within the curtilage of the host dwelling. At the time the appeals were made, that

LDC application was still under consideration, although it has since been refused by the Council and is the subject of a separate appeal.

5. The appellants do not set out how the LDC scheme represents a lesser step to be considered under this ground. The submitted plan, Drawing No. MMCHP/TB/2 Rev A, does show the footprint of the proposed outbuilding partially overlapping the footprint of the existing outbuilding. However, other than that small overlapping part, most of the existing outbuilding would need to be demolished to facilitate the erection of the proposed outbuilding. I do not therefore find that the proposed outbuilding forms part of the matters alleged. Nor would the erection of the proposed outbuilding represent a lesser step to remedying the breach of planning control.
6. Consequently, the requirements of the notice are appropriate and do not exceed what is necessary to remedy the breach of planning control. The appeals on ground (f) therefore fail.

The Appeals on Ground (g)

7. An appeal on this ground is that the period specified in the notice to comply with the requirements falls short of what should reasonably be allowed. The appellants argue the period should be extended as three months is too short a period for the Council to determine the LDC application. They suggest periods of six or nine months would be reasonable.
 8. As set out above, Drawing No. MMCHP/TB/2 Rev A shows the existing outbuilding removed to facilitate the erection of the proposed outbuilding. The existing outbuilding does not therefore affect the outcome of the proposed LDC. Furthermore, its removal would be necessary to facilitate the implementation of any deemed planning permission that may arise if the LDC is successful.
 9. In considering what constitutes a reasonable period for compliance I must have regard to the planning harm identified. The three month period strikes a proportionate balance between allowing the appellant sufficient time to cease the unauthorised activity and remove the outbuilding against the wider public interest of protecting the openness of the Green Belt from inappropriate development.
10. The appeals on ground (g) therefore fail.

Overall Conclusion

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

M Madge

INSPECTOR