



Appeal Decisions

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by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 July 2026

Appeal A Ref: APP/Y3940/C/24/3357040

Appeal B Ref: APP/Y3940/C/24/3357041

Land known as The Bungalow, The Banks, Lyneham, Wiltshire, SN15 4NT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Thomas Kevin Lynch and Appeal B is made by Mrs Linda Caroline Lynch against an enforcement notice issued by Wiltshire Council.
 - The notice was issued on 15 November 2024.
 - The breach of planning control as alleged in the notice is without planning permission, operational development comprising the partial erection of two buildings on the Land, identified edged in blue on the attached "Building Identification Plan".
 - The requirements of the notice are to a) demolish the two buildings in full, including the slab of both buildings and b) permanently remove all material and debris resulting from a) from the Land.
 - The period for compliance with the requirements is 4 months from the date the Notice takes effect.
 - The appeals are proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended) (the Act).
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Decisions

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

Ground (g) appeals

2. An appeal on ground (g) is made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed. As the appeals have been made only on ground (g) of section 174(2) of the Act, I may take account of the time that has lapsed since the issue of the notice in deciding what period for compliance is reasonable.
3. The claim made by the appellants is that a compliance period of four months is too short. They state that more time is needed so that they can be sure that the requirements of the notice would not unduly influence the stability of the ground. Such an allegation is based on the removal of the buildings (including slabs) from the land as well as from vibrations from the movement of lorries and the use of heavy machinery in the area. Indeed, the appellants refer to a historic landslip in the locality. The appellants comment that it is first necessary to obtain a land stability report and thereafter to ensure that the works are undertaken in such a manner that it maintains the stability of the land. The appellants make the claim that a compliance period of twelve months is therefore needed.
4. The notice was issued on 15 November 2024. The appellants have therefore already had a significant amount of time to commission and submit a land stability report in association with compliance with the notice. The onus was on the appellants to make their ground (g) appeals including the submission of precise and objective evidence to demonstrate that more than four months was needed to

comply with the requirements of the notice for land stability reasons. No such objective evidence is before me.

5. Despite the passage of time, there is also no evidence to suggest that a land stability report relating to the requirements of the notice has yet been commissioned. In any event, the appellants do not outline, in specific detailed terms, why four months from the notice taking effect would not offer sufficient time to both complete a land stability report and to comply with the requirements of the notice.
6. The appellants state that *'my client has also installed a line of gabions which again appear to have stabilised the bank above them so these should be retained for the same reason'*. I emphasise that the breach of planning control does not relate to the gabions, or to land level changes. Indeed, it does not require the removal of the gabions, or the reinstatement of former land levels.
7. The appellants also make the claim that development approved under planning permission 19/00670/FUL¹ has lawfully commenced under section 56 of the Act. The evidence is that such a planning permission relates to buildings which are in a different location on the land. The appellants' evidence does not provide sufficient precision or certainty in terms of why this is a matter of relevance to the consideration of the ground (g) appeals. The appellants would need to separately apply for a certificate of lawful development if they wanted legal confirmation that planning permission 19/00670/FUL had been lawfully implemented or commenced.
8. I note that planning application PL/2022/0224 was submitted under section 73 of the Act to essentially retain the buildings on the land which are the subject of this appeal. Such a planning permission was refused on 18 December 2023 because the applicant had failed to demonstrate that the development could proceed without adversely impacting upon ground conditions/land stability and because there was an absence of detail to enable the Council to consider the visual impacts, earthworks and regrading. There is no evidence that this decision was appealed.
9. On the evidence that is before me, I conclude that in respect of the breach of planning control a compliance period of four months strikes an acceptable and proportionate balance between removing the unauthorised and harmful development from the land in the public interest, while also affording a reasonable amount of time for the appellants to comply with the requirements of the notice.
10. Should it objectively and reasonably transpire that some additional time over and above four months is needed to comply with the requirements of the notice, then it is noteworthy that section 173A(1)(b) of the Act permits the local planning authority to *'waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9)'*.
11. For the above reasons, the ground (g) appeals fail.

¹ Demolition of existing dwelling, garage, workshop and erection of detached two storey dwelling, garage with associated works.

Conclusion

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

D Hartley

INSPECTOR