



Appeal Decision

Site visit made on 3 August 2026

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 7 August 2026

Appeal Ref: APP/Q3115/C/24/3346078

Land at 5 Bank Cottages, Main Street, Forest Hill OX33 1EA

- 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 Richard Mellis against an enforcement notice issued by South Oxfordshire District Council.
 - The enforcement notice was issued on 2 April 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the construction of a terrace with wooden handrails and wooden steps on the Land.
 - The requirements of the notice are:
 - (i) Remove from the Land the wooden decking that has been laid on top of the existing single storey extension.
 - (ii) Remove from the Land the wooden handrails, wooden steps and wooden handrails surrounding the steps.
 - (iii) Remove from the Land any materials associated with undertaking steps (i) and (ii) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: the appeal is dismissed and the enforcement notice is upheld

Procedural Matters

1. On the date of my site visit, the breach of planning control alleged in the notice had been substantially complied with. The wooden steps providing access to the terrace, together with the wooden handrails surrounding the steps, have been removed. There are a few residual elements of the structure still in place but the terrace alleged in the notice can no longer be used as such.
2. The appeal had been made only on ground (a) as set out in section 174(2) of the Town and Country Planning Act 1990 (the 1990 Act) namely that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. It follows from the above that I could not assess the planning merits of the breach of planning control alleged in the notice for the purposes of the appeal made under, purely on the basis that the terrace (together with the wooden steps and wooden handrails surrounding the steps) alleged in the notice was no longer there. I therefore cannot consider that ground of appeal and I must proceed on the basis that the breach of planning control did cause the harm alleged in the notice. In part, this is reinforced by the objection to the development made by the occupier of a neighbouring property. Consequently, the appeal will be dismissed and the enforcement notice upheld.

3. Section 181(1) of the 1990 Act states that compliance with an enforcement notice shall not discharge that notice. It is a matter entirely for the Local Planning Authority whether it wishes to pursue full compliance with the notice through the removal of the residual elements of the structure. In any event, as a consequence of the dismissal of this appeal, the notice will now take effect. It follows that the re-building of the wooden decking that had been laid on top of the existing single storey extension, together with the wooden steps and wooden handrails, would be a contravention of the enforcement notice that would be liable to prosecution.

Formal Decision

4. The appeal is dismissed and the enforcement notice is upheld.

Paul Freer

INSPECTOR