



Appeal Decision

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2026

Appeal Ref: APP/D1835/C/25/3376648

217 Newtown Road, Worcester, WR5 1JB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Clair Birch against an enforcement notice issued by Worcester City Council.
 - The notice was issued on 25 November 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a two-storey outbuilding with utilities to facilitate a self-contained planning unit following the demolition of an existing garage.
 - The requirements of the notice are to:
 - 5.1 Demolish the unauthorised outbuilding down to the level of the existing floor slab (as shown in green on the attached plan);
 - 5.2 Remove the fencing that separates the outbuilding from the main dwellinghouse (as shown in blue on the attached plan);
 - 5.3. Remove resulting materials and debris from carrying out (5.1) & (5.2) from the site and dispose of lawfully.
 - The period for compliance with the requirements is: 6 (six) 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) (the Act).
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Decision

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

Preliminary Matters

2. An appeal has not been brought on ground (a) and it is therefore not for me to consider the planning merits of the development as alleged in the notice, and whether planning permission should be granted. In these circumstances, a site inspection was not required. The parties were informed of my decision not to visit and provided with the opportunity to comment. No objections were received. Accordingly, I consider that neither appeal party has been prejudiced by me proceeding in this manner.

Ground (f)

3. An appeal on ground (f) is made on the basis that the steps required by the enforcement notice exceed what is reasonably necessary to achieve its stated purpose. Section 173(4) of the Act provides that an enforcement notice may seek either to remedy the breach of planning control or to remedy any injury to amenity. In this case, the notice expressly states that its purpose is to remedy the breach of planning control under section 173(4)(a).
4. Planning permission was sought for the construction of a “1 bedroom annex building to replace existing garage and outbuildings”. The application was refused by the Council and the subsequent appeal dismissed under reference 6002336 dated 16 February 2026.

5. In determining that appeal, the Inspector considered whether the development amounted to the creation of a new dwelling, its effect on the character and appearance of the host dwelling and surrounding area, and its impact on neighbouring living conditions. Although the building was accepted as being used as an annexe and was not found to harm neighbouring amenity, the appeal was dismissed because of the adverse effect of the building on the character and appearance of the host dwelling and the locality.
6. Under their ground (f) appeal, the appellant argues that the requirements of the notice are excessive because the development could be regularised by restricting the building's use to ancillary accommodation associated with 217 Newton Road. On that basis, they contend that demolition is neither necessary nor proportionate.
7. While the previous appeal accepted that there was an intended functional dependency between the building and the host dwelling, specifically in relation to the occupation of the building by a family member, that was not the reason for dismissal. The Inspector's concern was with the physical form of the structure and its impact on the character and appearance of the site and surrounding area. A condition limiting the use of the building would not alter its scale, design or visual presence and would therefore not address the identified harm. Such a restriction would not make the development acceptable in planning terms.
8. The appellant's case seeks, in effect, to revisit planning considerations that have already been determined. The purpose of a ground (f) appeal is to establish whether the requirements of the notice go beyond what is necessary to remedy the breach of planning control. It is not a mechanism for reconsidering whether planning permission should be granted subject to conditions. Furthermore, a ground (a) appeal is not available where the planning merits of the development have already been determined through a previous planning application and appeal. The Inspector's decision of 16 February 2026 therefore represents the final determination of those matters.
9. The breach of planning control identified in the notice is the unauthorised erection of the two-storey outbuilding. The purpose of the notice is to remedy that breach. The alternative put forward by the appellant would leave the unauthorised building substantially unchanged and would not address the reason why planning permission was refused and subsequently dismissed on appeal. It would therefore fail to achieve the purpose of the notice and does not demonstrate that the requirements of the notice exceed what is reasonably necessary.
10. For the reasons given, the appeal on ground (f) therefore fails.

Ground (g)

11. An appeal on ground (g) is made on the basis that the period specified in the notice for compliance falls short of what should reasonably be allowed.
12. The appellant considers that six months is insufficient because the building currently accommodates their daughter, who has specific needs, details of which were provided with the appeal submissions. It is argued that compliance within six months would cause disruption to her living arrangements and that a period of 18 months should be allowed to secure alternative suitably adapted accommodation or to regularise the development.

13. While I acknowledge the appellant's concerns regarding their daughter's accommodation needs, those personal circumstances do not alter the fact that the development has been found unacceptable on its planning merits. The compliance period is intended to provide a reasonable opportunity to make the necessary arrangements and carry out the required works, it also provides the appellant with time to explore whether some other form of development might be considered more acceptable by the Council.
14. Moreover, the steps required by the notice are straightforward and comprise removal of the unauthorised building and the removal of resulting materials from the land. No substantive evidence has been provided to demonstrate that those works could not reasonably be undertaken within six months.
15. Accordingly, I am satisfied that a period of six months provides sufficient time to comply with the requirements of the notice. Should the appellant need more time, Section 173A(1)(b) provides the local planning authority with the ability to extend the time for compliance with the notice, if considered necessary.
16. The appeal on ground (g) therefore fails.

S A Hanson

INSPECTOR