



Appeal Decision

Site visit made on 7 July 2026

by **Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2026

Appeal Ref: APP/G3110/C/24/3349449

Land lying to the west of Church Way, Iffley

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Jonathan Brown against an enforcement notice issued by Oxford City Council.
- The notice was issued on 9 July 2024.
- The breach of planning control as alleged in the notice is Without planning permission, the erection on the Land of a riverside outbuilding and raised decking with steps (in the approximate location shown coloured blue on the attached plan).
- The requirements of the notice are to:
 - (i) Demolish or dismantle the outbuilding, raised decking and steps, and
 - (ii) Remove all materials resulting from compliance with step (i) from the Land.
- The period for compliance with the requirements is: 2 months from the date this notice takes effect.
- 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).

Summary Decision: The appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

1. The grounds of appeal originally included ground (a). However, Section 174(2A) of the Town and Country Planning Act 1990, prevents appellants from having multiple attempts at getting planning permission for the same development within a two-year period. In this case, a related application has already been refused planning permission, in April 2023, less than two years before the enforcement notice was issued.
2. Consequently, an appeal may not be brought under ground (a) and in determining this appeal, I am unable to take account of any planning merits. My consideration is therefore confined to matters relating to the grounds (f) and (g) only.

Appeal on ground (f)

3. An appeal on ground (f) is brought on the grounds that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters stated in the notice or, as the case may be, remedy any injury to amenity which has been caused by such breach.
4. Section 173(4) of the 1990 Act states that the purpose of an enforcement notice is to (a) remedy the breach of planning control, or (b) remedy any injury to amenity which has been caused by the breach. The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.

5. In this case the requirements of the notice are to demolish, dismantle and remove the outbuilding, raised decking, steps and resultant materials. Accordingly, the purpose is clearly to remedy the breach of control.
6. As previously mentioned, the appellant cannot progress a ground (a) appeal, that is to say that planning permission should be granted for the development. In the absence of a ground (a) appeal, and a deemed planning application, I am unable to consider the planning merits of any alternative schemes for its re-siting and raised floor levels.
7. Therefore, as the notice does no more than seek remedy of the breach, it is not excessive. There are no other lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the notice.
8. The appeal on ground (f) therefore fails.

Appeal on ground (g)

9. The appeal on ground (g) is made on the basis that the period specified in the notice falls short of what should reasonably be allowed. The period for compliance is 2 months as set out in the header of this decision.
10. The appellant considers this period to be too short due to the development's location next to the river, which may result in poor ground conditions for its dismantling at certain times of the year. It is argued that this could be dangerous and cause harm to ecology, including the many trees in the locality. It has also been put forward that a barge may be required, due to insufficient road space to load materials, and that this would require additional time to hire. A period of 6 months has been sought for compliance with the requirements.
11. I have not been provided with any details to pinpoint how long it would take to hire a barge. Nevertheless, there is no evidence before me to demonstrate that it is not possible to dismantle and remove the development by land. Indeed, the dismantling of the outbuilding, decking and steps is likely to be a relatively small-scale and straightforward operation for a suitably experienced small building contractor.
12. Whilst I appreciate that the route back to Church Way is heavily vegetated and restricted in places, this is mainly due to it being overgrown and a lack of maintenance. I also saw a medium sized arborist's van parked on Church Way at the time of my site visit and did not observe any highway safety issues due to the highway width. As such, I have no reason to suppose that a similar sized vehicle, could not be utilised for the loading and removal of all of the materials off the site.
13. Furthermore, the next 2 months would provide ample opportunity for the remedial works to be undertaken during the late summer, when weather conditions are likely to be more favourable. As such, I have no substantive reason to conclude that these works would be dangerous and could not be completed without harming ecology.
14. I am therefore not persuaded that there is need to extend the period for compliance in the notice to any extent. Accordingly, I am satisfied that it is a proportionate response to the breach of planning control that has occurred.

15. The appeal on ground (g) therefore fails.

Conclusion

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

Formal Decision

17. The appeal is dismissed, and the enforcement notice is upheld.

Mark Caine

INSPECTOR