



Appeal Decision

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th August 2026

Appeal Ref: APP/Q4625/C/25/3371460

55 Castle Lane, Olton, Solihull B92 8DE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Zahida Mirza against an enforcement notice issued by Solihull Metropolitan Borough Council.
 - The notice was issued on 23 July 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a two-storey side and rear extension on the land.
 - The requirements of the notice are to:
 - (a) demolish the entire unauthorised extension; OR
 - (b) carry out works to ensure the approved plans for planning approval PL/2020/02500/MINFHO are fully complied with and
 - (c) remove all materials created by the taking of step (a) and (b) above from the Land.
 - 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).
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Decision

1. It is directed that Part 5 of the enforcement notice be varied by deleting step (b) and substituting it with “(b) carry out works so as to comply with the terms of the planning permission PL/2025/00637/MINFHO, granted by appeal ref. APP/Q4625/C/25/3371192 dated 15 December 2025.”
2. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. Since the enforcement notice was issued, planning permission ref. PL/2025/00637/MINFHO, has been granted on appeal for “part retrospective planning application for a two-storey side and part two-storey, part single-storey rear extension (Resubmission of planning application PL/2023/02451/PPFL)”. The appeal was allowed on 15 December 2025 ref. APP/Q4625/C/25/3371192.
4. While the matters allowed on appeal do not relate fully to the development identified in the Notice, the Council considered that the Notice could be varied accordingly to reference the scheme permitted on appeal. This would enable revised compliance steps to be specified, requiring the extension to be altered in accordance with the permission granted on appeal. The Appellant confirmed, by email dated 30 June 2026, their consent to such a variation in the terms of the Notice.
5. There is no appeal on ground (a) therefore an application for planning permission has not been made. Consequently, it is 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)

6. An appeal on this ground is that the steps required by the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, any injury to amenity resulting from the breach. In this case, the purpose of the notice is to remedy the breach of planning control.
7. The appellant considers that the requirement to demolish the unauthorised extension is excessive, given that the Council accepts that the breach can alternatively be remedied by carrying out works to bring the development into accordance with the extant planning permission.
8. The notice, however, does not require demolition as the sole means of compliance. Rather, it provides two alternative means by which the breach may be remedied. The notice requires *either* the demolition of the unauthorised extension *or* the undertaking of works to bring the development into accordance with the extant planning permission, as referred to in my preliminary matters above.
9. Section 173(4)(a) of the Act provides that an enforcement notice may require steps to remedy a breach of planning control either by making development comply with the terms (including conditions and limitations) of any planning permission that has been granted in respect of the land or by restoring the land to its condition before the breach took place. The demolition of the unauthorised extension would achieve the latter objective, while the carrying out of remedial works would achieve the former.
10. As either course of action would remedy the breach of planning control, I am satisfied that both are legitimate means of securing compliance with the enforcement notice. The notice does not compel the appellant to undertake demolition. Instead, it leaves the choice of how compliance is achieved to the appellant. In these circumstances, the inclusion of demolition as an alternative means of compliance does not render the notice excessive or more onerous than is necessary.
11. Accordingly, I am satisfied that the requirements of the notice, as varied, do not exceed what is necessary to remedy the breach of planning control and are therefore not excessive.
12. The appeal on ground (f) does not succeed.

Ground (g)

13. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant considers that a compliance period of 6 months is insufficient and that it should be extended to 12 months due to difficulties in securing builders and financial considerations. The appellant also sought a longer compliance period to allow for the determination of the appeal against the refusal of planning permission ref. PL/2025/00637/MINFHO. That appeal was determined on 15 December 2025.

14. The Council considers the specified compliance period to be fair and sufficient. However, it raised no objection to a modest extension of time, if deemed necessary, to allow for the determination of the planning application for a revised scheme, or for any subsequent remedial works.
15. I have not been presented with substantive evidence to demonstrate that the steps to comply with the notice could not reasonably be completed within the specified period. Furthermore, the appeal against the refusal of planning permission ref. PL/2025/00637/MINFHO has now been determined. Taking these matters into account, and bearing in mind the discretion available to the Council under section 173A of the Act to extend the compliance period, if necessary, I am satisfied that a period of 6 months provides sufficient time to comply with the notice.
16. Accordingly, the appeal on ground (g) does not succeed.

S A Hanson

INSPECTOR