



Appeal Decision

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2026

Appeal Ref: APP/D1835/C/26/3377929

11 Shap Drive, Worcester WR4 9NX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Aron Davis against an enforcement notice issued by Worcester City Council.
 - The notice was issued on 29 January 2026.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a single-storey outbuilding to the rear of the property providing a self-contained annexe capable of independent occupation, including a kitchen/lounge, bedroom, and wet room, physically separate from the main dwelling, and not functioning as ancillary accommodation.
 - The requirements of the notice are to:
 1. Demolish the annexe building and lift and remove any slabs providing its base (as outlined in blue on the attached plan); and
 2. Remove resulting materials and debris from carrying out step 1 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).
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Decision

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

Preliminary Matters

2. An appeal on ground (a) is barred because the enforcement notice was issued within the two-year period after a related planning application ceased to be under consideration. Thus, 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 my proceeding on this basis.

Ground (f)

3. An appeal on ground (f) is 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 require steps to remedy either the breach of planning control or to remedy any injury to amenity resulting from the breach. In this case it is clear that the purpose of the notice, gleaned from the wording of the requirements for compliance, is to remedy the breach of planning control under section 173(4)(a).
4. The appeal relates to unauthorised development which comprises an outbuilding in the rear garden incorporating a self-contained annexe. The annexe contains facilities including a kitchen/lounge, a separate bedroom, and wet room. Although

adjoined to the garage, it is physically separate from the main dwelling, allowing it to operate as a self-contained residential unit.

5. Planning permission was refused by the Council on 26 June 2023 for a first-floor side extension and retention of a one-bedroom annexe and garage within the rear garden. A subsequent appeal was dismissed on 15 July 2024 under reference APP/D1835/D/23/3332096.
6. In dismissing the earlier appeal, the Inspector concluded that the outbuilding annexe was unacceptable because of its scale and extent, which resulted in overdevelopment of the plot, harm to the character and appearance of the area, and a significant reduction in garden space. In addition, the building was found to lie within the root protection area of a mature oak tree protected by a Tree Preservation Order and, in the absence of satisfactory arboricultural evidence, the potential for long-term harm could not be ruled out. The Inspector also found that the annexe functioned as a self-contained dwelling rather than accommodation used in association with the host dwelling and thus there was conflict with local development plan policy.
7. The appellant contends that complete demolition is excessive and that the identified harm could instead be addressed through a combination of partial demolition, removal of the kitchen and other facilities associated with independent occupation, restriction of the building to ancillary use, and the implementation of tree protection measures. The appellant relies on the building's raft foundation, the relationship of the structure to the protected tree, and a proposed reduction in the size of the annexe as demonstrating that a less extensive remedy would be sufficient.
8. These arguments, however, largely seek to demonstrate that a modified form of development would be less harmful than the development previously considered. That is not the matter before me. The purpose of a ground (f) appeal is not to reassess the planning merits of either the unauthorised development or an alternative or reduced scheme, but to determine whether the steps required by the notice exceed what is necessary to remedy the breach of planning control. The planning merits of the development have already been considered through the earlier appeal, and the conclusions reached in that decision cannot be revisited as through an appeal on ground (f).
9. Having regard to the findings of the previous appeal and the purpose of the notice, I am satisfied that the requirement to remove the annexe and associated base are a proportionate and necessary means of remedying the breach and the resulting harm and there are no identified lesser steps which would achieve that objective.
10. For the reasons given, I consider that the requirements to comply with the notice are proportionate and 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 seeks a compliance period of between six and nine months. It is argued that additional time is required to design and implement revised works, engage contractors, arrange lawful removal of materials and ensure that any

demolition works are undertaken carefully to avoid harm to the nearby protected tree.

13. The appellant has not demonstrated why this period would be insufficient to undertake the demolition, site clearance and lawful disposal of materials required by the notice. While I acknowledge that appropriate care may be required when carrying out works in proximity to the protected tree, I have seen no substantial evidence that a longer period is necessary. Consequently, I am satisfied that six months provides a reasonable and proportionate period for compliance with the requirements in the notice.
14. The appeal on ground (g) therefore does not succeed.

S A Hanson

INSPECTOR