



Appeal Decision

Site visit made on 3 September 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2026

Appeal Ref: APP/Z3825/C/24/3355778

12 Great Lime Kilns, Southwater, Horsham, West Sussex RH13 9JL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Stuart Heather against an enforcement notice issued by Horsham District Council.
 - The notice was issued on 16 October 2024.
 - The breach of planning control as alleged in the notice is the: Installation of new cladding on the ground floor front elevation (constituting operational development) without the required planning permission.
 - The requirements of the notice are to:
 - (1) Remove the cladding and associated materials from the ground floor front elevation.
 - (2) Make good the ground floor front elevation following the removal of the cladding and replace any missing or damaged bricks to match the existing front elevation of the property.
 - (3) Remove from the Land all materials and debris resulting from the compliance with the above steps 1 and 2.
 - The periods for compliance with the requirements are 3 months for step 1 and 4 months for steps 2 and 3.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is:
 - corrected by deleting step 1) under section 5 (what you are required to do) and substituted therefor by the following steps:

“1) Remove the cladding from the ground floor front elevation.”
2. Subject to the correction, the appeal is dismissed, and the enforcement notice is upheld.

Matters concerning the Notice

3. The first requirement of the Notice, under section 5 (What you are required to do) is poorly worded in so far as states: “1) Remove the cladding and associated materials from the ground floor front elevation.” It is unclear what “associated materials” specifically relates to, and the first part of the requirement to remove the cladding is sufficient to remedy the alleged breach of planning control. It is therefore necessary to remove the unnecessary words “associated materials.” My understanding of the Notice is not affected by this. Therefore, I consider that a correction is necessary which can be achieved by using my powers under s176(1)(a) of the Act without causing injustice.

Preliminary Matters

4. Arguments relating to the planning merits of the alleged unauthorised development can only be taken into consideration in an appeal made on ground (a). However, since the ground (a) appeal is barred, I cannot take into account the planning merits of the development put forward by the appellant and interested parties in support of the development. The main parties may wish to consider these comments separately outside of this appeal.

Appeal on ground (c)

5. The ground (c) appeal is that the development enforced against did not constitute a breach of planning control. The burden of providing relevant facts in this appeal rests with the appellant, and the test of the evidence is the balance of probability.
6. For the ground (c) appeal, the appellant considers that the new black timber weatherboard cladding on the ground floor front elevation is granted planning permission by Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO).
7. Subject to limitations and conditions, Class A of Schedule 2, Part 1 of the GPDO permits the enlargement, improvement or other alteration of a house. Paragraph A.1 and A.2, and A.3 set out the limitations and conditions which proposals must adhere to benefit from permitted development rights.
8. Amongst the conditions is Paragraph A.3 (a) which states that the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The expression “similar appearance” requires a fact and degree judgement taking account of the appearance of the existing materials of the dwellinghouse.
9. The Government’s Technical Guidance (TG)¹ provides a useful guide to interpretation of the GPDO. The TG gives an explanation of the rules on permitted development for householders, what these mean and how they should be applied in particular sets of circumstances. In the guidance for A.3(a) it states:

“The condition above is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of similar visual appearance to those in the existing house but does not mean that they need to be the same materials.

• For example: the external walls of an extension should be constructed of materials that provide a similar visual appearance - for example in terms of colour and style of brick used - to the materials used in existing house walls.”
10. The existing materials of the existing detached dwelling comprise predominantly red brick walls with the use of yellow bricks detailing around windows and doors and brown tiles on the roof. The front gable also contains white bargeboards and white fascias and soffits.

¹ The Ministry of Housing, Communities and Local Government’s publication ‘Permitted Development Rights for Householders’ Technical Guidance, September 2019

11. However, the black timber weatherboard material is not of a similar appearance in colour or design to the reddish brick walls and materials found elsewhere on the existing dwelling. I note that the TG is guidance rather than statute, but it has been expressly prepared to give an explanation of the rules on permitted development for householders, what these mean and how they should be applied in particular sets of circumstances.
12. Based on all the evidence before me, the development fails to comply with condition A.3 (a) of Schedule 2, Part 1, Class A of the GPDO. Therefore, planning permission is required for the development, and there is none in place. There has therefore been a breach of planning control, and the appellant has not discharged the onus on him to demonstrate otherwise.
13. The development is not one that complies with all of the conditions of Article 3, Schedule 2, Part 1, Class A respectively of the GPDO, and hence is not lawful.
14. Accordingly, the appeal on ground (c) must fail.

The Appeal on Ground (f)

15. The appeal on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e. the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
16. The Notice requires the removal of the cladding and making good the front elevation to match the existing front elevation. Therefore, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
17. The appellant states that the development uses materials which are commonly used in construction for housebuilding, that the use of contrasting materials adds visual interest to the property and that they are also amenable to changing the colour of the cladding. However, as stated above, since the appeal on ground (a) is barred, there is no deemed planning application. Therefore, the planning merit arguments raised by the appellant can play no part in my decision. Indeed, changing the colour of the external cladding would still require planning permission, which is beyond the scope of this appeal on grounds (c) and (f).
18. Therefore, I must take the Notice at face value, which has been issued to remedy the breach of planning control. That would not be achieved by the steps outlined by the appellant, as it would not remedy the breach of planning control, which is the purpose of the notice and planning permission would still be required.
19. Therefore, the appeal on ground (f) fails.

Conclusion

20. For the reasons given above I consider that the appeal should not succeed. I shall uphold the enforcement notice, with a correction.

R. Satheesan

INSPECTOR