



Appeal Decisions

Site visit made on 29 September 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 15th October 2026

Appeal A: Ref APP/B1550/C/24/3349621

Appeal B: Ref APP/B1550/C/24/3349622

107 Louis Drive West, Rayleigh, Essex SS6 9DZ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mrs Jeanette Richer and Appeal B is made by Mr Jason Richer against an enforcement notice issued by Rochford District Council on 11 July 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a flat roofed front dormer not in accordance with the approved plans and decision of application 22/00127/FUL.
 - The requirements of the notice are to: 1. Remove, in its entirety, the front dormer. 2. Remove the steel supporting beam and structure in its entirety. 3. Reinstate the original roof line to its former condition prior to the breach of planning control occurring with materials to match in colour, form and texture to the existing roof material. 4. Remove from the site, all resultant materials, debris, and waste arising from carrying out the above steps.
 - The period for compliance with the requirements is 15 months.
 - The appeals are 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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Decisions

1. Appeals A and B are each dismissed and the enforcement notice is upheld.

Procedural Matters

2. The appeals are not proceeding on any other grounds than (f) and (g). Accordingly, the appellants accept that a breach of a planning control has occurred and that the development has not been carried out in accordance with planning permission 22/00127/FUL¹. Indeed, the appellants' appeal statement explicitly refers to both the dormer and supporting steel beam being larger than consented.
3. The appellants have made a number of arguments as to why the unlawful dormer and/or steel beam should be allowed to remain, whilst setting out a case that 22/00127/FUL cannot be implemented because of structural reasons. However, in the absence of a ground (a) appeal, I cannot consider the merits of the development and my power to vary the terms of the notice under ground (f) cannot be used to attack its substance.
4. Moreover, Inspector Kemmann-Lane has already considered whether or not to grant permission for the development. He refused to do so, and dismissed Appeal Ref APP/B1550/D/23/3324735 for the reasons set out in that Decision.

¹ Section 285(1) of the Act

Ground (f)

5. For success on this ground, I must be satisfied that the requirements of the notice are excessive in achieving its purpose.
6. It is clear from the way the notice has been drafted that its purpose is to remedy the breach of planning control (as alleged in section 3), by restoring the land to its condition before that breach took place. The requirements of the notice do no more than that, and accordingly are not excessive.
7. Clearly, retaining elements of the unlawful development would not remedy the breach of planning control and would not restore the land to its condition before the unauthorised development took place.
8. Accordingly, ground (f) does not succeed.

Ground (g)

9. For success on this ground, I must be satisfied that the 15 month compliance period of the notice falls short of reasonable.
10. The appellants require "at least 5 years" in order to save money to pay for the remedial work. However, the appellants have submitted no substantive evidence (financial or otherwise) to support their stated need for such a very long compliance period (which would be tantamount to a temporary planning permission).
11. In any case, it seems to me that 15 months is a very generous compliance period and an amply reasonable time in which to arrange, finance and complete all the steps of the notice. It is both proportionate and reasonable in all the circumstances.
12. Accordingly, ground (g) does not succeed.

Andrew Walker

INSPECTOR