Planning Inspectorate

Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2026

Appeal Ref: APP/M2270/C/26/3377417
Land at Windmill House, Hastings Road, Matfield, Tonbridge TN12 7HF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr J Fuller against an enforcement notice issued by Tunbridge Wells Borough Council.
- The notice was issued on 9 December 2025.
- The breach of planning control as alleged in the notice is the retention of the original dwellinghouse (currently known as Windmill Cottage) following the occupation of the replacement dwelling in breach of condition 9 of the planning permission reference 20/03572/FULL.
- The requirements of the notice are: (i) Demolish the dwellinghouse (currently known as Windmill Cottage) shown in its approximate location with a blue 'X' on the plan attached to the notice. (ii) Remove from the land all resultant materials, rubble and rubbish resulting from compliance with step (i) above.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Decision

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

Preliminary matter

2. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.

Ground (g) appeal

3. The ground of appeal is that the period specified for complying with the requirements of the enforcement notice falls short of what should reasonably be allowed.

4. Occupying a countryside setting in the High Weald National Landscape, the appeal property contains two dwellings. A condition of planning permission[1] requires the original dwelling (Windmill Cottage) to be demolished by no later than the first occupation of the replacement dwelling (Windmill House). A further planning application, seeking to retain Windmill Cottage for use as a residential annexe, was refused by the Council, a subsequent appeal being dismissed in June 2025.[2]

5. The appellant's case is that twelve months would be a reasonable period to allow for carrying out the remedial works. In my view however, the six-month period specified affords the occupiers of Windmill Cottage more than sufficient time in which to raise any necessary funds to finance suitable alternative living accommodation, for them to search for and secure the same and to vacate the

[1] Council Ref: 20/03572/FULL
[2] Appeal Ref: APP/M2270/W/24/3358112

dwelling, as well as for the appellant to arrange for and have the remedial works carried out. There is scant firm evidence before me which might suggest otherwise.

6. Moreover, since the appeal is made solely on ground (g) and the length of the compliance period is the only matter before me, the appellant cannot have any reasonable expectation of the notice being quashed. By making this limited appeal, they have already delayed the date when the notice will come into effect in the full knowledge that the remedial works would have to be carried out.

7. In the circumstances, I can find little sound reason to support a further delay to complying with the notice requirements beyond the end of the period specified in the notice. The compliance period is not too short and is reasonable; there is an appropriate balance struck between remedying the breach as soon as practicable, whilst also avoiding imposing a disproportionate burden on the appellant. Extending the compliance period on the other hand would serve little purpose other than to perpetuate the breach and would not be conducive to maintaining public confidence in the planning system.

8. Therefore, the ground (g) appeal fails.

Conclusion

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

Stephen Hawkins

INSPECTOR