Planning Inspectorate

Appeal Decisions

Site visit made on 4 November 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2026

Appeal A Ref: APP/G2245/C/24/3357785
Appeal B Ref: APP/G2245/C/24/3357786
Land at 24 Ashen Grove Road, Knatts Valley, Kent TN15 6YE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- Appeal A is made by Mr William Primrose and Appeal B is made by Mrs Lillie Primrose against an enforcement notice issued by Sevenoaks District Council.
- The notice was issued on 29 November 2024.
- The breach of planning control as alleged in the notice is 'Without planning permission: Erection of a dwelling (marked as X and edged in red on the attached plan.)'
- The requirements of the notice are: 1. Demolish the dwelling. 2. Remove all resultant material and waste from the land.
- The period for compliance with the requirements is 9 months from the date the notice takes effect.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (d), (f), and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- Appeal B is proceeding on the grounds set out in section 174(2)(d), (f), and (g) of the Act.

Decision

1. The appeals are allowed and the enforcement notice is quashed.

Applications for costs

2. Applications for costs have been made by Mr William Primrose and Mrs Lillie Primrose against Sevenoaks District Council. These form the subject of a separate decision.

The appeals on ground (d)

3. To succeed under this ground of appeal the appellants need to show that at the date when the notice was issued, no enforcement action could be taken in respect of the erection of the dwelling. Under section 171B of the Act and the relevant transitional provisions[1], the appeals will succeed on this ground if the erection of the dwelling was substantially complete by 29 November 2020 (at least 4 years before the notice was issued). The planning merits of the development are not relevant to this ground of appeal.

4. The onus is on the appellants to make out their case to the standard of the balance of probabilities, and their evidence should not be rejected simply because it is not corroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted.

[1] The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024

5. The appellants have provided various statutory declarations (SDs). It is an offence under the Perjury Act 1911 to knowingly and wilfully make a false statement in an SD, and I therefore attach significant weight to the claims made in the SDs where they are sufficiently precise and unambiguous.

6. The SD of Lillie Primrose sets out that she purchased the plot on which the dwelling was erected in 2015 and with the help of her father, Mark Ayton, began works on that building in early 2020. She claims the dwelling was structurally complete in May 2020 and fully complete by 18 July 2020, with windows, external doors and flooring in place, and plumbing, electrical and carpentry first fixes carried out. Mrs Primrose explains the significance of 18 July 2020 is that this was her birthday, when a small party was held at the dwelling. This was before she began living there with her husband, William Primrose, from 14 August 2020, and their son since his birth in January 2024. Mrs Primrose's SD goes on to explain that Mr Ayton and his building team assisted with various works to the building since, including the replacement of an original set of second-hand patio doors with a new bifold door in February 2021 and the replacement of the rear master bedroom window with sliding patio doors. The signed statement of Mr Primrose also refers to him living in the dwelling with Mrs Primrose since 14 August 2020 and their son since his birth in 2024.

7. The above claims, including those relating to the replacement of old patio doors with bifold doors in 2021, are consistent with the SD of Mr Ayton. Mr Ayton's SD also explains that a working toilet, shower, basin, oven, hob, kitchen sink, electric circuits including lighting, running water and waste services were present in the dwelling on 14 August 2020. Hot water, heating and the oven and hob relied on bottled gas and electricity provided by a mix of solar equipment and a generator which had been used during the construction of the dwelling. Mr Ayton recalls the date of 14 August 2020 as he suffered a heart attack that day in the knowledge that there was no further work to be carried out to the dwelling. This is supported by the signed statement of Mr M Khan, who lives nearby and confirms he was shown around the dwelling by Mr Ayton on 14 August 2020 prior to seeing an ambulance at the site that evening.

8. The SD of Mr Ayton also refers to Thomas Harris sleeping in the dwelling after Mrs Primrose's birthday party on 18 July 2020. This is corroborated by an SD provided by Mr Harris. The SD of Mr Harris also states that on 18 July 2020 the dwelling had a working toilet, basin, shower, oven, hob, sink, lighting, sockets, and all services installed and beds and furniture in place. It goes on to explain that he assisted in the replacement of the second-hand patio doors with bifold doors and plastering of an internal wall in February 2021.

9. Marcus Kenneth Singleton's SD explains that he worked on the construction of the dwelling and considered it substantially complete prior to Mr Ayton's heart attack on 14 August 2020. Mr Singleton was employed as a gardener at the site by Mr Ayton and his SD sets out that he was aware of the second-hand patio doors being replaced with bifold doors and an internal wall being plastered in February 2021.

10. The SDs submitted in support of the appellants' case provide a good level of clear and consistent detail as to how and when the dwelling was constructed. Photographs dated 29 April and 14 May 2020 show internal works on the dwelling progressing, while an invoice dated 2 June 2020 refers to works on the supply of a

hot and cold water system, the fitting of two bathrooms and the plumbing in of the kitchen to a newly built timber home at the site being complete. Separate invoices refer to the hanging of 8 doors with furniture, skirting, architrave and the fitting of a kitchen with oven, hob and dishwasher being complete at the site by 2 June 2020 and the installation of bifold doors and plastering of internal walls being complete by 28 February 2021. An aerial photograph provided by the Council dated 5 September 2020 is of poor quality, but it shows the dwelling in place. The poor quality of that photograph makes it difficult to ascertain whether the erection of the dwelling was substantially complete at that time.

11. The appellants' evidence therefore explains why a photograph dated 17 February 2021 referred to by the Council in its Enforcement Report shows a large opening in the rear elevation of the dwelling with a person carrying out work to an internal wall. The Council had relied on this photograph as evidence that works on the erection of the dwelling remained ongoing on that date, and that the building was not substantially complete by that time. However, the SDs and invoices provide clear explanations that this photograph shows second-hand patio doors being replaced with bifold doors and a wall being plastered. These explanations are consistent with the bifold doors and internal walls I saw during my site visit.

12. I note the written submissions of a neighbour, Kathryn Elizabeth Benwell, who claims the dwelling was substantially incomplete and not watertight on 6 August 2020, with the building missing windows and patio doors and the interior being a shell at that time. These claims are not clearly set out and rely to some extent on the photograph dated 17 February 2021. On balance, Ms Benwell's claims do not lead me to doubt, and nor do they outweigh, the more detailed evidence presented in support of the appellants' case in the form of SDs. I reach this view even if council tax has not been paid on the dwelling and any utility connections have been made to neighbouring properties without appropriate consent.

13. Overall, taking the submissions made by all parties into account, the evidence is sufficiently precise and unambiguous to show on the balance of probabilities that the erection of the dwelling was substantially complete by 29 November 2020. As such, with regard to section 171B of the Act and the relevant transitional provisions, no enforcement action could be taken against that development on 29 November 2024.

14. The appeals on ground (d) therefore succeed.

Conclusion

15. For the reasons given above, I conclude that the appeals should succeed on ground (d) and the enforcement notice will be quashed. In these circumstances, the appeals on grounds (a), (f) and (g) and the application for planning permission deemed to have been made under section 177(5) of the Act do not fall to be considered.

L Douglas

INSPECTOR