Planning Inspectorate

Appeal Decision

Site visit made on 19 October 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2026

Appeal Ref: APP/Y3615/C/25/3373239
6 Fir Tree Road, Guildford GU1 1JJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Ms Julie White against an enforcement notice issued by Guildford Borough Council.
- The notice was issued on 20 August 2025.
- The breach of planning control as alleged in the notice is 'Without planning permission the material change of use from a single residential dwellinghouse to two residential dwellinghouses'.
- The requirements of the notice are to:
  i. Cease the use of the part of the property hatched in black as an independent residential dwelling.
  ii. Remove the front door and replace with bricks of a similar colour to the existing bricks, in accordance with the approved plan '44/05' of planning permission '17/P/00834'.
  iii. Remove the fence and gate that currently divides the residential rear garden in two.
  iv. Insert the internal door between the ground floor rooms described as 'kitchen' and 'utility' as shown in the approved plan '44/02' of planning permission '17/P/00834'.
  v. Insert the internal opening between the first floor of the dwelling and the extension as shown in the approved plan '44/02' of planning permission '17/P/00834'.
  vi. Remove from the Land any and all material and debris resulting from compliance with the previous steps.
- The period for compliance with the requirements is: six months.
- The appeal proceeded on the grounds set out in section 174(2)(f) and (g) of the Act.

Decision

1. It is directed that Section 5 of the enforcement notice (what you are required to do) be corrected and varied as follows:

   ii. Delete the text and replace with *'Remove the front door in the extension and replace it with bricks of a similar colour to the existing bricks; or also insert the window in accordance with the approved plan 44/05 of planning permission 17/P/00834 appended to this enforcement notice'.*

   iv. Delete the text and replace with *'Insert the internal door between the ground floor rooms described as hall and games room as shown in the approved plan 44/02 of planning permission 17/P/00834 appended to this enforcement notice'.*

   v. Delete the text and replace with *'Insert the internal opening between the first floor of the dwelling and the extension as shown in the First Floor Plan Proposed, issue date 06.11.2025 submitted with planning application 25/P/01636 and appended to this enforcement notice for this purpose only'.*

2. Subject to these corrections and this variation, the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. Planning permission was granted for a two-storey side extension to enlarge the house at No.6 Fir Tree Road[1]. The approved extension floor plans show two ground floor internal connecting doors and a first floor internal connecting opening[2].

4. What I saw was not the extension but a self-contained, independent dwellinghouse. It has an external front door and is not connected internally to No.6 by a door or an opening. The appellant's daughter lives in this new house and her son lives in No.6.

5. The appellant accepts requirement i. of the enforcement notice. This is, in essence, to stop using the extension as the new house. I appreciate she considers that the extension is a 'residential ancillary annexe' but this is the subject of a current planning application (PA) and is a separate matter for her and the Council[3]. The appellant also agrees to comply with requirements iii., v. and vi. Accordingly, only requirements ii. and iv. are in dispute.

6. I also saw that the first floor layout of the new house is not in accordance with the approved extension floor plans. It appeared that a void (either on the No.6 side or on the new house side) would prevent use of the internal opening in requirement v. At my request, I have taken into account written comments from the appellant and the Council on the practicality of complying with this requirement.

Enforcement Notice

7. It is important that the notice is in order to begin with.

8. In requirement ii., and as the appellant contends, removing the front door in the new house but bricking up the aperture would not accord with the approved extension plans. This is because the front elevation shows a window in this part of the extension[4]. Given that the Council's objective here is to secure a single front door to the extended house at No.6, this requirement could include the window which the appellant may wish to provide.

9. In requirement v., the appellant and the Council agree that this first floor opening would need to be established as shown in a plan submitted in the PA[5]. It shows the first floor of the new house as built and would overcome the void incompatibility, so as to connect this floor of the extension with the first floor of No.6.

10. I am satisfied that these corrections would not cause injustice to any party.

Ground (f)

11. The notice refers to some amenity considerations in the reasons for issuing it, but these explain why the Council considered it was expedient to take enforcement action. Together with the requirements, it is clear that the purpose of the notice is to remedy the breach of planning control (BPC).

12. There is no ground (a) deemed application for planning permission (it would, in any event, be for the BPC in the notice not a residential ancillary annexe). In these circumstances, planning merits referred to by the appellant, including that parts of

[1] Ref 17/P/00834
[2] Drawing number 44/02
[3] Ref 25/P/01636
[4] Drawing number 44/05
[5] First Floor Plan Proposed, issue date 06.11.2025

the development could serve a lawful use or if the PA results in a grant of planning permission, are not relevant to my assessment in ground (f).

13. I acknowledge that planning enforcement should be remedial, not punitive and I also appreciate that the appellant's alternatives would involve less cost and disruption to her. But for ground (f) to succeed, the appellant must demonstrate that the steps required by the notice to be taken exceed what is necessary to remedy the BPC. Any lesser step that would not remedy the BPC cannot be accepted through ground (f) given that the power to vary the terms of a notice under section 176(1)(b) of the Act cannot be used to attack the substance of a notice.

Requirement ii. – front door

14. I appreciate that discontinuing use of the extension as the new house would *cease* the BPC. But this is not the only objective of the notice given that it cannot require lawful use as a single, extended house at No.6 is actively carried out.

15. Sections 173(3), (4)(a) and (5) of the Act provide that the steps required to be taken by a notice to *remedy* (not just cease) a BPC can include restoring land to its condition before the breach took place. This can be by alteration or removal of any buildings or works and the carrying out of any building or other operations.

16. Relevant caselaw has established that ancillary or incidental works to facilitate a material change of use, such as a front door in this case (or internal door in requirement iv.) can be subject to the requirements of a notice directed at a use. This is so even if the works are not development that required planning permission or would have been permitted development had they not been part and parcel of the BPC.

17. In this context, removing the front door is integral to achieving the Council's objective of a remedy, including to address likelihood of the planning harm identified in the notice. The Council does not seek to under-enforce.

18. Consequently, notwithstanding that the appellant agrees to stop using the extension as the new house, varying or omitting requirement ii. (so that the front door was retained) would not achieve the same end to restore the land to its condition before the BPC took place.

19. The steps to be taken in requirement ii. are, therefore, consistent with remedying the BPC so are necessary, proportionate and not excessive. Accordingly, ground (f) fails in this respect.

Requirement iv. – internal door.

20. There is no dispute that the ground floor of No.6 and the extension should be connected internally. A door inserted in the position specified in requirement iv. would coincide with a door shown in the extension ground floor plan but would require the removal and alteration of part of the kitchen in No.6. Instead, the appellant prefers an alternative door position, as shown in a plan in the PA[6].

21. The alternative door would be in the same position as another door in the extension ground floor plan, not required by the notice (as issued) to be provided. But it would still achieve the Council's objective here to ensure that the occupant(s) of a single,

[6] Ground Floor Plan Proposed, issue date 06.11.2025

extended house at No.6 could access the entire ground floor of this property, albeit with a room through room layout in the extension.

22. Consequently, while the intent of the specific step to be taken in requirement iv. is consistent with remedying the BPC, it is not the only apparent means to achieve this outcome. In these circumstances, it would not be necessary or proportionate but excessive. Ground (f) therefore succeeds to this extent and I shall vary the notice accordingly.

Ground (g)

23. For ground (g) to succeed, the appellant must demonstrate that the six-month period specified in the notice to take the steps required by it falls short of what should reasonably be allowed.

24. The appellant seeks an additional three months, so nine months in total. However, allowing time for the PA to be determined is not the matter in hand in ground (g). Moreover, it is not certain that planning permission will be granted by the Council or that more time would then be justified or needed to carry out 'remedial works' not challenged in this appeal. But in any event, section 180(1) of the Act provides that where planning permission is granted after the issue of an enforcement notice for any development already carried out, the notice shall cease to have effect insofar as it is inconsistent with the planning permission.

25. It appeared to me that requirement iii. (to remove a fence and gate) may have been complied with. Furthermore, requirements ii., iv., v. and vi. are not extensive in nature or overly complicated, nor would they require specialist equipment or machinery or a large workforce to carry out. It is routine work for a general builder. I accept that the practical and organisational arrangements mentioned by the appellant would need to be made. But there is little evidence that these (including finding a builder and completing this work) could not be achieved in six months, so not be sufficient time to begin with. Nor that these temporary works would cause significant disruption to living conditions meantime.

26. I am also mindful that the Council has discretion under section 173A(1)(b) of the Act to extend the period for compliance, if warranted. That would, though, be a separate matter for the appellant and the Council.

27. There is, therefore, little to justify the appellant's request for an additional three months. Consequently, the six-month compliance period does not fall short of what should reasonably be allowed. For these reasons ground (g) fails.

Other Matters

28. Alleged undue delay in determining the PA is not within the scope of this appeal or therefore a matter for me. My decision is informed by contemporary circumstances and other evidence before me.

Overall Conclusion

29. Ground (f) succeeds in part and although ground (g) fails, the appeal is successful to this extent. I shall therefore uphold the corrected and varied enforcement notice.

Robin Buchanan
INSPECTOR