Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2026

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2026

Appeal Ref: APP/Q3115/C/25/3374598
Land at 1 Long Wittenham Road, North Moreton, Didcot, Oxfordshire OX11 9AZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Dr Angela Wilson against an enforcement notice issued by South Oxfordshire District Council.
- The notice was issued on 4 September 2025.
- The breach of planning control as alleged in the notice is Without planning permission the erection of a building in the approximate location shown edged blue on the attached plan.
- The requirements of the notice are to (i) Demolish the building sited on the Land in the approximate location shown edged blue on the attached plan, including its foundations; (ii) Permanently remove from the Land all materials and waste resulting from compliance with step 5.(i); (iii) Reinstate and restore all areas of the Land disturbed as a result of compliance with steps 5(i) and 5(ii) to its former condition, natural levels and fall before the breach of planning control took place.
- The period for compliance with the requirements is Eighteen (18) months.
- The appeal is made on the grounds set out in section 174(2)(a), (d) and (e) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

1. The grounds of appeal originally comprised (a), (d) and (e). The appellant has since confirmed the ground (d) appeal is now withdrawn. I therefore take no further action in respect of that appeal.

2. The appellant has also submitted further information that relates to the present appeal, long after the deadline for receipt of final comments. The first such document comprised a summary which was concerned with clarification of ownership and interest in the property, and in particular, the steps that had been taken by the appellant to notify the Council of this, after the enforcement notice had been issued[1].

3. It is unclear why these representations could not have been made prior to the deadline for final comments. Nevertheless, in the interests of transparency I have dealt with these summary representations succinctly, as part of the consideration of the ground (e) appeal below. However, for the avoidance of doubt, I am declining to invite any further update, including the document (and exhibits) seeking to revise the appellant's statement of case, as previously returned by the Planning Inspectorate[2].

4. The second document[3] formed part of the appellant's submissions in relation to a subsequent application for a certificate of lawful development (LDC), regarding the

[1] Dated 10 July 2026.
[2] See email dated 10 July 2026.
[3] Dated 27 September 2026.

same development that the present enforcement notice is concerned with. A separate appeal has been lodged in relation to that application, and for the avoidance of doubt I will be the appointed Inspector determining that appeal[4] in due course. However, the existence of that appeal has no bearing on the timetable for deciding the present appeal.

5. Again, the information contained within this document, insofar as relevant, is provided long after the deadline for submission of final comments regarding the present appeal. It includes an explanation as to why the appellant did not receive a copy of the enforcement notice, that was purported to have been sent to them by the Council electronically. I can see no reason why that explanation could not have been provided as part of the appellant's final comments on the Council's case. That it was not so provided, bears on the credibility of the explanation. I have also considered this matter succinctly below.

6. Case law concerning the interrelationship between the enforcement notice and lawful development certificate appeals is also referred to within this documentation. For the avoidance of doubt, I do not need to deal with the significance of this case law for the purposes of determining the present appeal.

The appeal on ground (a)

7. The appeal was also initially made on ground (a). However, before the enforcement notice was issued, a related application for planning permission had been made in respect of development, which included the matters specified in the notice as constituting the breach of planning control. The circumstances in section 174(2A) of the1990 Act therefore apply and an appeal may not be brought on ground (a).

8. I am aware that the applicant who made that planning application, Mr Harold Wilson, subsequently died after appealing against its refusal, and that the position concerning that separate appeal has yet to be resolved. I recognise the concern that this creates as to when the planning merits of the development will ultimately be considered through that route.

9. Nevertheless, those subsequent circumstances do not alter the statutory restriction in section 174(2A). I cannot therefore determine whether planning permission ought to be granted for the matters alleged in the enforcement notice. Nor, because of the legal position, as referred to above, would it be appropriate for the planning appeal to be linked to this one. However, for the avoidance of doubt nothing in this decision determines the status or future consideration of the separate planning appeal.

10. I have therefore determined this appeal solely on ground (e).

The appeal on ground (e)

11. This ground of appeal is that copies of the enforcement notice were not served as required by s172 of the 1990 Act. S172(2) requires that the notice be served on owners, occupiers and anyone with an interest in the land subject to the notice.

12. S329 of the Act sets out various alternative means of effectively serving a notice. These include delivering it to the intended recipient in person or by recorded

[4] Appeal reference 6013120.

delivery and delivering to anonymous owners and occupiers, or named occupiers by the same methods, or by affixing the notice conspicuously to an object on the premises. It would be a requirement to address the notice, such as to "the owner" or "the occupier" as appropriate, and for it to be marked so as to be plainly identifiable as a communication of importance.

13. The appellant's case is that the enforcement notice was not served at all on any of the deceased occupant's six siblings who, as trustees and beneficiaries, are joint owners of the appeal property. Those persons, they say, have not therefore been given a reasonable opportunity to appeal against the notice. Despite the present appeal being lodged, the Council's failure to serve the notice correctly meant this had to be hurried, and was therefore prejudicial to the submission of a robust appeal case.

14. From the Council's evidence, including witness statements and a photograph, copies of the notice were served on the 'Personal Representative of the Estate' of the deceased, the wife of the deceased and 'Any Owner' and 'Any Occupier' of the appeal property. These persons were served by affixing copies of the notice to the wooden entrance gates at the front of the appeal property. A further copy of the notice was served on the (ex) spouse or civil partner of the deceased by 'signed for delivery'.

15. The Council has set out that prior to issuing the enforcement notice it took various investigative steps to identify interested parties. In response to a Planning Contravention Notice (PCN), Mr Harold Wilson confirmed he was the freehold owner of the property, also that no other persons had an interest in the land[5]. This was consistent with information contained on land registry entries[6], with the exception that the earlier entry identified the name and address of the (ex) spouse or civil partner of the deceased. Notwithstanding the latter entry acknowledging that Mr Wilson had died, there is no reference within these documents to the trust / beneficiary arrangements which, for whatever reason, appear to have remained formally undisclosed at this time. This was also consistent with records held by the Council's electoral services and Council tax teams.

16. The appellant states that they were only made aware of the enforcement action following a chance meeting with a third party on 12 October 2025. However, correspondence on the planning appeal file includes an email from the appellant to the Planning Inspectorate, dated 28 August 2025, stating that the Council had made them aware that enforcement action was imminent (within the next week or so).

17. The appellant has provided an extract from the 1993 Trust document, which sets out the Trust Arrangements. This refers to the appellant being authorised in all matters concerning the Trust arrangement.

18. It therefore seems to me, having regard to the August 2025 correspondence, that the appellant had the opportunity to request that the Council include them and the other trustees / beneficiaries, as interested parties, for the purposes of serving the notice, prior to the notice being served. Prior to this, there is no dispute the Council had contacted the appellant seeking information regarding the representative of Mr Wilson's estate in connection with the enforcement

[5] PCN response dated 6 February 2023.
[6] Documents dated 7 May 2025 and 28 October 2025.

investigation[7]. There is therefore no reason to think it would have been a surprise to the appellant that the Council would wish to include, those with an ownership interest in the property, in any impending enforcement action.

19. Furthermore, according to the Council's statement of case, the appellant was sent a copy of the enforcement notice by the Council, by email on 4 September 2025[8]. Whilst there is no dispute that the email was sent, the appellant claims not to have received it, due to their computer system failing around that time. However, this explanation was not provided when the appellant had the opportunity to formally respond to the Council's statement of case, as would have been reasonably expected, but rather only several months later, within the context of submissions regarding the aforementioned LDC appeal. I consider this harms the credibility of the explanation.

20. I am not therefore persuaded that the email containing a copy of the notice was never received. Moreover, if it was received, it seems plausible that the appellant could have alerted the various siblings, regarding the enforcement action, including by forwarding a copy of the notice to them when the appellant was sent a copy of the notice by the Council on 4 September 2025. In these circumstances, upon receiving a copy of the notice, the appellant could also have requested, at that time, the notice be formally served by the Council on them and the other trustees / beneficiaries, as interested parties.

21. Drawing all the above considerations together, I am in no doubt the Council took all reasonable steps to discover who the relevant owners, occupiers and persons with an interest in the appeal property were; furthermore that those interested parties were then properly served. The fact that some of the information the Council relied on, including land registry entries, is said to have been inaccurate is not the Council's fault. It does not detract from the fact that it took reasonable steps to identify interested parties.

22. I am mindful case law has found that a land registry address is proper service if an LPA has not been given another[9]. It seems to me that more could have been done by the trustees and beneficiaries, to enable their ownership interest in the property to be formally identified. I am not persuaded that this responsibility was discharged by the disclosure of ownership arrangements to the Council's Council tax team, on an unrelated matter, subsequent to the service of the notice. It is not for the LPA to check the ongoing, up to date records held by other Council departments; the statutory framework points to the knowledge of the LPA as relevant for the service of the enforcement notice.

23. So far as it could be said that certain individuals served may not have had an interest in the property, that in itself is neither here nor there, for the purpose of this appeal, because no injustice can have arisen from this. This would not have triggered a requirement to re-serve the notice. I have also noted the appellant's representations regarding the alleged unauthorised occupation of the appeal property, and the actions purported to have been taken to rectify this situation. However, this does not alter the above findings.

[7] Email dated 7 May 2025.
[8] Email dated 4 September 2025, as contained within Council's SOC Appendix 13.
[9] *Newham LBC v Miah [2016] EWHC 1043 (Admin).*

24. I have noted the appellant's point that the front entrance gate to the appeal site was not bolted, and that as such it would have been possible for the Council to gain access to the house in order to serve the notice. However, neither this, nor the possibility that the notice documents may have been removed soon after being displayed, detracts from my findings that there was proper service in any event.

25. I therefore conclude, on the balance of probability, the enforcement notice was served as required by s172 of the 1990 Act. However, even if I am wrong on this point, it is important to bear in mind that even if the notice had not been correctly served, section 176(5) of the 1990 Act provides that failure to serve may be disregarded if the appellant, or person required to be served, has not been substantially prejudiced by the failure to serve them [my emphasis].

26. For the reasons set out above, in my judgment the appellant was made aware of the enforcement action shortly before and as it was taken; could have alerted the other trustees and beneficiaries with an interest in the land to this action, at least that it was impending; and, in any event, has taken the opportunity to lodge an appeal against the notice, albeit they say the appeal was lodged in haste. Even if the appeal was submitted in a hurry, I consider the fact that it is ground (a) barred and that the ground (d) appeal was subsequently withdrawn, militates against the notion of substantial prejudice having been caused.

27. Furthermore, I consider the fact it has not proved possible for the Council to establish true ownership credentials prior to serving the notice, due to such information remaining concealed, despite PCN and land registry enquiries, must also count against the notion of substantial prejudice. In addition, it is undisputed that the various trust beneficiaries were officially notified by the LPA, via the appellant, of the enforcement action on 20 November 2025 and provided with an opportunity to make comments. Other than from the appellant, I have not been made aware of any comments having been received from the persons in question. I conclude that any persons required to be served have not been substantially prejudiced.

28. Drawing the above considerations together, the ground (e) appeal does not therefore succeed. For the avoidance of doubt this does not go to the question of whether the notice is a nullity, in relation to which I have no reason to doubt that it is not. Nor is my decision influenced in any way by the possibility that it would be open to the LPA to issue another notice in accordance with s171B(4) of the Act.

Conclusion

29. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice. I recognise the appellant's concern about the consequences of the position concerning the separate planning appeal. Nevertheless, I note that the enforcement notice provides an unusually long compliance period of 18 months, which should provide an element of reassurance to the appellant regarding the planning appeal procedure. My decision on ground (e) does not determine the planning merits of the development or the status of the separate planning appeal.

Formal Decision

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

R Merrett

INSPECTOR