Planning Inspectorate

Appeal Decision

Site visit not required

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2026

Appeal Ref: APP/M4320/C/25/3372529
29 Warren Road, Blundellsands, Liverpool, L23 6UA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Veena Singh against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The notice was issued on 31 July 2025.
- The breach of planning control as alleged in the notice is without planning permission the installation of two air conditioning units / air source heat pumps on the side elevation of the property.
- The requirements of the notice are to remove the two air conditioning units / air source heat pumps from the side elevation of the property.
- The period for compliance with the requirement is 1 month from the date the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(c) and (f) of the Town and Country Planning Act 1990 (as amended).

Decision

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

Preliminary Matters

2. While there is no ground (a) appeal and deemed planning application to be considered as part of this appeal (such an appeal was barred), a separate appeal[1] under section 78 of the Act and following the refusal of planning permission for the same development, was determined by a different Inspector on 21 November 2025. I have considered the comments made by that Inspector in so far as they are relevant to the consideration of the grounds (c) and (f) appeals below.

3. In this case, it was not necessary to undertake a site visit given the grounds of appeal and the comments made by the respective parties.

Ground (c) appeal

4. The appeal made on ground (c) is that the matters alleged do not constitute a breach of planning control. The onus is on the appellant to make a case on the legal grounds of appeal.

5. The appellant states that when the breach of planning control occurred, one of the air source heat pumps was permitted development. Reference is made to Class G, Part 14, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This was subsequently revised on 29th May 2025, in so far as allowing for two air source heat pumps to be installed on detached properties.

[1] Appeal reference APP/M4320/D/25/3372582

6. The air source heat pumps did not accord with Class G, Part 14, Schedule 2 of the GPDO when they were installed. This is because the evidence indicates that two were installed and Class G permitted only one. Indeed, prior to Class G, Part 14, Schedule 2 of the GPDO being revised on 29 May 2025, it stated that such development was not permitted if *'in the case of the installation of an air source heat pump, the development would result in the presence of more than 1 air source heat pump on the same building or within the curtilage of the building or block of flats'*. It is not therefore the case that in respect of the breach of planning control, one air source heat pump is permitted development and hence did not require planning permission.

7. In addition, the appellant has not provided detailed evidence to demonstrate that G2(d) has been satisfied, i.e., that the volume of each of the air source heat pump's outdoor compressor unit (including any housing) does not exceed 0.6 cubic metres.

8. For the above reasons, I conclude that the ground (c) appeal fails.

Ground (f) appeal

9. The appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control, or to remedy any injury to amenity which has been caused by any such a breach.

10. The purpose of the notice is to remedy the breach of planning control. It requires the removal of the two air source heat pumps from the side elevation of the detached dwellinghouse. The requirement of the notice is not therefore excessive as it remedies the breach of planning control.

11. The appellant considers that the requirement to remove the units is excessive in so far that it would now be possible to install two air source heat pumps at the property utilising current Class G, Part 14, Schedule 2 GPDO permitted development rights. In other words, the appellant considers that a permitted development fallback position should be considered as part of this ground (f) appeal.

12. In respect of the position of the two air source heat pumps which are the subject of the breach of planning control, I do not find that there is a permitted development fallback position. Class G includes several conditions that also need to be satisfied for two air source heat pumps to be permitted development. This includes G.3(b) and G.3(c) which respectively state that '*the air source heat pump is, so far as practicable, sited so as to minimise its effect on the external appearance of the building*' and '*the air source heat pump is, so far as practicable, sited so as to minimise its effect on the amenity of the area'.*

13. It is noteworthy that the Inspector who considered the appeal made under section 78 of the Act for the two units concluded that *'it has not been adequately demonstrated that the proposal would not cause significant harm to the living conditions of neighbouring occupiers by way of noise and disturbance, and this harm could be long lasting'*. I have no reason to disagree with the conclusion reached by the other Inspector about amenity matters. The evidence does not therefore support a view that the air source heat pumps have, so far as practicable, been sited so as to minimise their effect on the amenity of the area.

14. I therefore find that the requirement of the notice is not excessive. It remedies the breach of planning control. It remains to be seen if the appellant could satisfy all the limitations and conditions of Class G, Part 14, Schedule 2 GPDO permitted development rights in terms of the possible installation of two air source heat pumps elsewhere within the curtilage of this detached dwellinghouse, and following compliance with the requirement of the notice. As the appellant has pointed out, such legal certainty could be obtained by way of the submission of an application for a certificate of lawful development under section 192 of the Act.

15. In this case, the existence of national permitted development rights for air source heat pumps within the curtilage of the appeal property does not mean that the requirement of the notice is excessive. Moreover, the appellant suggests that I could impose a condition requiring the units to be moved so that they are below the gutter line. There is no ground (a) appeal and deemed planning application before me and so it is not possible to consider the imposition of a condition. Even if this had been possible (such a change would not have related to the breach of planning control), it would not in any event have overcome the concern relating to the fact that it has not been demonstrated that the units are, so far as practicable, been sited so as to minimise their effect on the amenity of the area.

16. I therefore conclude that the ground (f) appeal fails.

Conclusion

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

D Hartley

INSPECTOR