Planning Inspectorate

Appeal Decision

Site visit made on 17 September 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 19th September 2025

Appeal Ref: APP/X1735/C/24/3350496
4 ESHER GROVE, WATERLOOVILLE, HAMPSHIRE, PO7 6HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Kelly Williams against an enforcement notice issued by Havant Borough Council.
- The notice was issued on 31 July 2024.
- The breach of planning control as alleged in the notice is unauthorised building works- erection of a garage on the front driveway of the property shown hatched black on the attached plan.
- The requirements of the notice are (i) permanently remove the unauthorised garage from the principal elevation shown approximately hatched black on the attached plan. (ii) Permanently remove all fixtures/ fittings and consequent waste materials from the premises.
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 (as amended). 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.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The appellant argues the alleged building is not permanent. This is in effect a hidden ground (b) that the matters alleged have not occurred, and I shall deal with this briefly before the ground (a).

Appeal on Ground (b)

3. While the garage may have been erected from a kit and not be specifically concreted to the ground it has all the appearance of a permanent building. It is not designed to be moved easily around the garden, nor does it seem to be the intention of the appellant to move it. Consequently, in planning terms, I consider it to be a building and so its erection is development that requires planning permission.

The Appeal on Ground (a)

4. The garage lies in the front garden next to the boundary with the road. The road is predominantly characterised by houses set back from the road behind modest front gardens and presents a generally open character that is important to the overall pleasant, suburban, quality of the area. Next to No4 is a large bungalow set in a corner plot and that has a number of structures in front of the dwelling. However, this looks out of place and the addition of the garage on the adjacent plot reinforces the harm caused.

5. I also note it is used for car repairs as part of a hobby. The appellant has suggested without the garage she will be forced to store cars on the front drive instead. That however, is quite different from a permanent seeming garage which facilitates noisy activities, whether for a hobby or not. In my view the garage is harmful to the character and appearance of the area and so does not represent good design as encouraged by policy CS16 of the local plan. I shall dismiss the appeal and uphold the notice.

Simon Hand

INSPECTOR