



## Appeal Decision

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by J de-Courcey BSc LLB MTPI MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 01/10/2025

Appeal reference: CAS-04281-N9X1B9

Site address: Land at Millers Arms Pub, Mathern Road, Mathern, Monmouthshire, NP16 6JD

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- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
  - The appeal is made by Shaun Barnsley against an enforcement notice issued by Monmouthshire County Council.
  - The enforcement notice was issued on 28 April 2025.
  - The breach of planning control as alleged in the notice is: Large timber outbuilding erected within grounds of Pub without consent.
  - The requirements of the notice are:
    1. Remove the outbuilding as shown in Appendix A enclosed, in its entirety from the land shown edged in red.
    2. Remove all resulting material from the land shown edged in red.
  - The period for compliance is three months from the date that this Notice takes effect.
  - The appeal is proceeding on the ground set out in section 174(2)(c) of the Act.
  - A site visit was made on 23 September 2025.
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### Decision

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

### Background

2. A planning application (DM/2024/00526) for retention of the timber building subject of this enforcement notice was refused by the Local Planning Authority (LPA) on 13 June 2024.
3. A subsequent appeal (CAS-03747-T5M5P5) was dismissed on 6 February 2025.

### The appeal on ground (c)

4. An appeal on ground (c) is that the matters alleged do not constitute a breach of planning control.
5. There is no contention that the building subject of the enforcement notice does not constitute development for which express planning permission is required. I am satisfied that its erection constitutes development in accordance with section 55(1) of the Act.

6. The appellant's evidence largely relates to the perceived planning merits of the case.
7. In accordance with s174(2D) of the Act an appeal may not be brought on the ground that planning permission ought to be granted in respect of the alleged breach of planning control, i.e. an appeal on ground (a), as the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under s78 of the Act. Consequently, the planning merits of the alleged unauthorised development cannot be considered in the context of this appeal.
8. The appellant also expresses discontent with how the LPA handled the planning application subject of the previous appeal. That matter is not germane to my consideration of his appeal on ground (c).
9. In so far as it is relevant to the appeal on ground (c), account has been taken of CADW's submission.
10. Ground (c) is one of the 'legal' grounds of appeal whereby the onus is on the appellant to make his case to the standard of the balance of probabilities. Taking account of the evidence and for all the foregoing reasons, on the balance of probabilities, there is no persuasive evidence that the erection of the timber building does not constitute a breach of planning control. Accordingly, the appeal on ground (c) fails.

### **Conclusion**

11. For the reasons given above and having regard to all other matters raised in so far as they are material to the appeal on ground (c), I conclude that the appeal should be dismissed and the enforcement notice upheld.
12. In reaching my decision, account has been taken of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*J de-Courcey*

INSPECTOR