

From: Adrian Munday <adrian.munday1@westberks.gov.uk>
Sent: 23 February 2026 06:33
To: Sallyann Taylor <sallyann.taylor@stratfield-mortimer.gov.uk>
Cc: Jayne Todd <Jayne.Todd@stratfield-mortimer.gov.uk>; Lee Goodall <Lee.Goodall@westberks.gov.uk>; Fenella Woods <Fenella.Woods1@westberks.gov.uk>; Lauren Powell <Lauren.Powell2@westberks.gov.uk>
Subject: RE: Enforcement enquiry

Good morning, Sallyann

Many thanks for sharing, but alas it strikes me that as this was effectively a “condition precedent”, I suspect that legally it could be argued that the planning permission was never lawfully implemented. Therefore, we must assume that when the change of use commenced from veterinary surgery to offices B1(a) it was technically unauthorised in planning terms. In that case surely it is liable to the issue of an enforcement notice if the planning permission was never lawfully implemented due to non-compliance with a condition that went to the heart of the permission? Unfortunately, not so. This is because had this been brought to the applicant’s attention within the five years from the date of this permission, then technically the local planning authority could still have discharged this condition; however, outside the life of a planning permission, this is no longer possible and would potentially be ultra vires. Moreover, because 10 years or more has gone by since the unauthorised material change of use occurred, the applicant would be entitled to a Lawful Development Certificate. This is because with a change of use of land and buildings that was unauthorised when it commenced, under the 10-year rule in place at the time, the council as local planning authority is effectively time-barred from issuing an enforcement notice. The development is therefore lawful by default.

Of course, you are free to raise it on the portal for it to be logged, but unfortunately I cannot see the investigation achieving anything positive for the people in St Johns Road, but it does serve as another good example of the need to be vigilant over the monitoring of conditions, but regrettably due to other priorities and resource issues there is always room for improvement, but I am afraid that the horse has bolted in this example and the law is on side of the applicant.

Hope this helps to clarify my professional opinion at the officer level.

Many thanks

Adrian Munday (he/him)

Senior Planning Enforcement Officer

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Reporting a planning breach

You can [report a suspected breach of planning control online](#). If your email is an urgent matter regarding an existing enforcement case, please direct it to planningenforcement@westberks.gov.uk, stating the reference number. The value of

pre-application advice [Negotiation and amendments during a planning application - West Berkshire Council](#)

Note: In line with the Council's Flexible Working arrangements, I occasionally send emails outside of working hours. If this arrives outside your normal working hours, please do not feel compelled to respond immediately.

Please note that my work pattern now excludes Fridays.

From: Sallyann Taylor <sallyann.taylor@stratfield-mortimer.gov.uk>
Sent: 20 February 2026 14:45
To: Adrian Munday <adrian.munday1@westberks.gov.uk>; Planningenforcement <Planningenforcement@westberks.gov.uk>
Cc: Jayne Todd <Jayne.Todd@stratfield-mortimer.gov.uk>
Subject: Enforcement enquiry

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Adrian,

I wonder if you help me with a very old enforcement issue. I haven't raised it on the portal yet as its so old and I was seeking your advice. In 1991 the applicant Mr Jewell submitted attached planning application which was to convert a veterinary surgery to offices. There was a condition in that planning application which required the applicant to upgrade and maintain the unadopted and unmetalled road from the Summerlug Footpath to its junction with West End Road. No subsequent planning application appears to have been submitted in relation to this condition, and the required works were not carried out and it wasn't enforced. We have had a few complaints from people in St Johns Road about the dangerous state of that section. They are fully aware that as this is an unadopted road the residents have to maintain it, apart from this particular section. The site plan is in the attached document.

Please can you advise the best way to proceed here. Can Mr Jewell still be forced to metal the road?

With kind regards

Sallyann Taylor - FSLCC
Deputy Clerk
Stratfield Mortimer Parish Council
07436 807543