

# Build them up to kill

Even celebrities must demolish their homes if they disobey planning laws. Don't go there, warns **Emma Wells**

**W**hat do the pop stars Paul McCartney, and Cliff Richard, the mayor of London, Boris Johnson, the TV presenter

Anthea Turner and a Surrey farmer named Robert Fidler all have in common? Not much, at first glance — but all have fallen foul of planning laws and been ordered to demolish structures at their homes, from simple sheds to mock-Tudor castles.

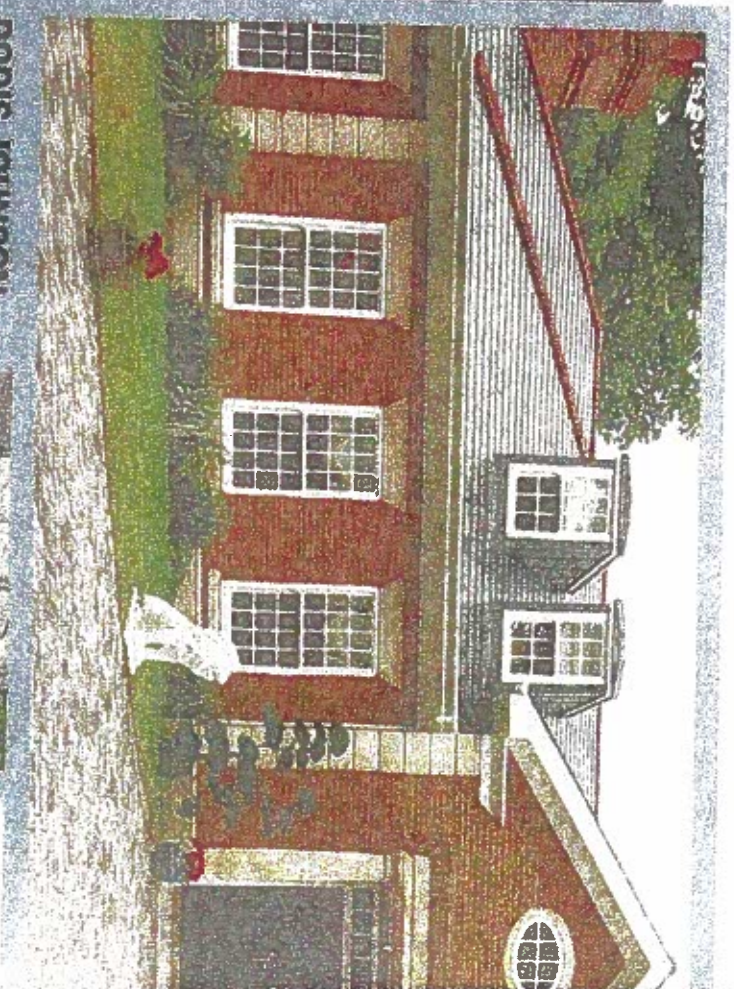
On the Wentworth estate, in Virginia Water, Surrey, where Richard, 69, owns a house, the bulldozers are circling: the clean-cut singer has been given until March 9 to pull down a £30,000 Victorian-style conservatory after losing a seven-month battle with planners at Runnymede council, who warned him last summer he would have to take it down because it broke the rules.

The problem is, it's too big: when the singer built a mansion in 2006 on the site of a bungalow he had bought and demolished, he was allowed to go up to 30% bigger than the size of the original structure. The conservatory, although a modest 17ft by 13ft, pushed that closest to 40% over — and, although he tried to gain retrospective approval, it was refused. His manager, Bill Latham, has spoken of Richard's "frustration".



That's a sentiment McCartney, 67, and Turner, 49, can both relate to. The former Beagle was ordered to demolish a two-bedroom wooden lodge — for which he had also failed to get planning permission — at his 1,500-acre estate in Peasmarsh, East Sussex. Turner and her husband, the property developer Grant Bovey, were forced to destroy a £500,000 floodlit tennis court at their Dunsfold estate, in the Surrey Hills (which they have since sold for just under £11m), after planners ruled that it was "clearly out of place" in an Area of Outstanding Natural Beauty.

Other well-known names have been tripped up by less substantial projects. Last summer, Johnson, 45, was told to remove a wooden shed from a first-floor balcony at his £2.3m, Grade II-listed Georgian family home in north London after neighbours complained that it was an "eyesore" and should not have been put up without planning



**BORIS JOHNSON, WHO YOU MIGHT THINK WOULD BE CAREFUL ABOUT PLANNING LAWS, WAS ORDERED TO DEMOLISH HIS SHED, HE TOOK IT DOWN HIMSELF**

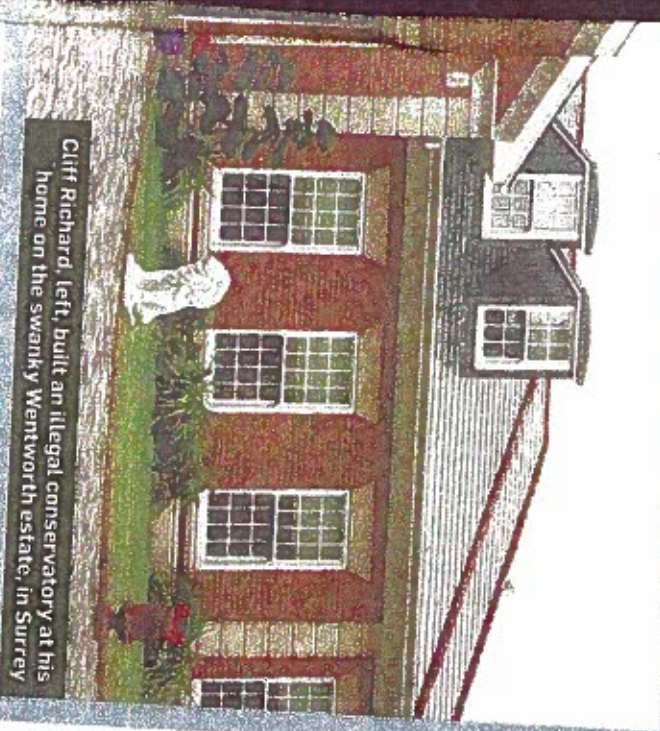


Johnson's shed, on the balcony of his £2.3m north London home



# LOCK THEM DOWN

Alan Otley/Camera Press; Craig Hibbert/Mail on Sunday/Sci; Gareth Fuller/PA; Daily Mirror



Cliff Richard, left, built an illegal conservatory at his home on the swanky Wentworth estate, in Surrey



Robert Fidler's Surrey 'castle' must be destroyed

permission. The embarrassed mayor — who you might think would be more circumspect regarding the capital's planning laws — took it down himself.

All of these famous names, however, have been outdone in the sneaky stakes by Fidler, who had hoped to get away with building a half-timbered castle in Surrey, with turrets, ramparts, a minstrel's gallery and replica cannon, by hiding it behind some straw bales.

Fidler, 61, and his wife, Linda, 40, started work back in 2002 on their dream four-bedroom home at Honeycroft, their 250-acre farm near Redhill. Having been locked in a dispute with Reigate and Banstead council for nine years over their plans to convert a cow shed for residential use, and sick of sleeping in an out-building office space, the couple, who have a son, Harry, 9, decided to build from scratch.

It would seem they hoped to take advantage of what is effectively a statute of limitations in planning law: if a structure has been in place for four years and nobody has noticed — or at least objected — you can make it legal by applying for a certificate of lawful development.

Remarkably, they managed to keep the triple-gabled house — which has an arched doorway and a Victorian stained-glass dome on the roof — hidden until August 2006, when the bales got soggy and started to collapse, exposing the property behind. In March 2007, the council issued an enforcement notice ordering them to tear it down. This was upheld by the planning inspectorate in spring 2008.

The Fidlers appealed to the High Court on the grounds...

that their home had been "substantially completed" for long enough without anyone objecting. Earlier this month, however, a judge ruled against them. The removal of the straw bales constituted an integral part of building operations, he said, so the clock would effectively start from zero again — meaning that the four years the property had stood there undetected would not count in their favour.

"We love the house — it's fantastic," says Linda, "but we have been told to get it down within a year." They plan to take their case to the European Court of Human Rights.

The Fidlers are taking comfort from the case of Alan Beesley, a property developer, and his wife, Sarah, who built a £500,000, three-bedroom home disguised as a barn on a protected green-belt land near Porters Bar, in Hertfordshire. They kept it hidden for four years, and the Court of Appeal ruled late last month that they had acted within the law.

While few people are prepared to risk building an entire house without permission, planning consultants say plenty of homeowners bend the rules in pursuit of a must-have addition. Minor changes — such as a cheery roof terrace that does not directly overlook the neighbours, or a back extension a few feet larger than it should have been — often slip through the net.

Fall foul of the neighbours at your peril, however: they may denounce you to the planners, prompting a visit from an enforcement officer, who will compare what you have built with what should be there. "Lots of people hope nobody

up, and think loopholes will make them safe," says Michael Haslam, Home's planning expert and director of Michael Haslam Associates. "Do they really want to run the risk of enforcement action, then having to pull down what they have built?"

Haslam cites a recent example: a man in Norfolk who built a

## What you can get away with

You won't get away with putting up a castle in your back garden, but there's plenty you can do without planning permission (although building regulations will apply).

- You can build a single-storey extension up to 4 metres back from a detached house, or 3 metres from a semi or terrace (or if you go onto two floors). It must cover less than half the area of the original garden.

- Most outbuildings don't need consent, but they must be no higher than 4 metres.

- You don't normally need permission to reroot your house or add roof lights, skylights or solar panels. Different rules apply in conservation areas and for listed buildings. For details, visit [planningportal.gov.uk](http://planningportal.gov.uk).

"barn" in a field, claiming that it was agricultural and did not need planning permission. As it came out of the ground, however, it was clear that it looked like a dwelling. It ended with the council sending in demolition contractors.

Although it is not illegal to build without planning permission, ignoring an enforcement order — which instructs you to stop building or demolish what you have built already — is against the law. After a case in the 1990s when a planning enforcement officer was shot dead by an irate homeowner who had been told to pull down his unauthorised bungalow, the police are often called in by the council. Those who break the law can face prosecution and unlimited fines.

As Susan Taylor, chairwoman of the National Association for Planning Enforcement, points out, most people who fall foul of trick them. As with other laws, planning rules can be subject to different interpretations.

A further complication came from changes in October 2008 to rules on "permitted development" (see panel). The main effect was to increase the amount of changes homeowners could make without planning permission, but some things became more difficult.

"Many people unwittingly fail to comply with planning permission because the laws are not always easy to interpret," Taylor says. "You should seek planning advice before undertaking work."

For properties with listed buildings, visit [planningportal.gov.uk](http://planningportal.gov.uk).

