

---

# Appeal Decision

**by A A Phillips BA(Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 October 2020**

---

**Appeal Ref: APP/N5660/C/20/3249269**

**Ground Floor, 121 South Lambeth Road, London SW8 1XA**

- 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 appeal is made by A Richards & Son (Battersea) Ltd against an enforcement notice issued by the Council of the London Borough of Lambeth.
- The enforcement notice was issued on 5 February 2020.
- The breach of planning control as alleged in the notice is the erection of a pre-fabricated shed at the rear of the premises.
- The requirements of the notice are to remove the unauthorised pre-fabricated metal shed from the premises.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the ground set out in section 174(2) (e) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.**

---

## Application for costs

1. An applications for costs was made by A Richards & Son (Battersea) Ltd against London Borough of Lambeth. This application is the subject of a separate Decision.

## The appeal on ground (e)

2. The ground of appeal is that the notice was not properly served on everyone with an interest in the land. The appellants' criticism is that the Council failed to serve the enforcement on the freehold owner of the property. The registered address of the freehold company was changed in March 2004 and the Council sent the Notice to the old address. The appellants therefore contend that the local planning authority's failure to use the current and correct address serves to automatically negate proper service of the Enforcement Notice.
3. The requirements relating to the service of an enforcement notice in S172(2) of the Act provide that an enforcement notice shall be served on the owner and occupier of the land to which it relates and on any other person having an interest in the land, being an interest which in the opinion of the authority is materially affected by the notice. Furthermore, S176(5) of the Act states that if a person who was required to be served was not served, that fact may be disregarded if neither the appellant nor the person required to be served has been substantially prejudiced by the failure to serve.

4. Although the evidence before me shows that the enforcement notice was sent to the incorrect address, persons with a relevant interest in the land have clearly received the notice. Furthermore, the actions of the Council have not prevented the appellants from appealing and presenting their case in full. Indeed, there is no indication in the appellants' own Statement that the Council's actions have caused injustice. Therefore, no prejudice has been demonstrated.
5. The appeal on ground (e) must therefore fail.

### **Conclusion**

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

### **Formal Decision**

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

*A A Phillips*

INSPECTOR