



Appeal Decision

Site visit made on 31 August 2022

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

an Inspector appointed by the Secretary of State

Decision date: 13 September 2022

Appeal Ref: APP/Y5420/C/21/3271745

283 Alexandra Park Road, London N22 7BP

- 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 Mr Nikolay Kolev against an enforcement notice issued by the Council of the London Borough of Haringey.
- The enforcement notice was issued on 15 February 2021.
- The breach of planning control as alleged in the notice is the erection of a shed, rear boundary fence, pergola and raised decking.
- The requirements of the notice are:
 1. Remove the unauthorised shed, rear boundary fence, pergola and raised decking in their entirety;
 2. Remove from the land any resultant debris.
- The period for compliance with the requirements is three (3) months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.

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

The appeal on ground (f)

1. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the entire removal of the shed, rear boundary fence, pergola and raised decking, the purpose is to remedy the breach. Leaving any part of the development in place would not achieve that purpose. In this respect the appeal on ground (f) fails.
2. Since there is no appeal on ground (a) and the purpose of the notice is to remedy the breach of planning control, any lesser steps that would not remedy the breach cannot be accepted through ground (f).

The appeal on ground (g)

3. The ground of appeal is that the time given to comply with the requirements is too short. The three months would be sufficient to demolish the shed, rear boundary fence, pergola and raised decking and remove from the land resultant debris. The appellant has not provided an alternative timescale which would give time to explore an alternative solution. Consequently, the appeal on ground (g) does not succeed.

Formal Decision

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

A A Phillips

INSPECTOR