



Appeal Decision

Site visit made on 6 September 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/H5390/C/21/3289703

41 Rannoch Road, London W6 9SS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Mr Allan Cobb against an enforcement notice issued by London Borough of Hammersmith and Fulham.
 - The notice, numbered 2021/00455/BOUND, was issued on 11 November 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a secure bin/bike store in the front garden and the installation of timber fencing above the front boundary wall in excess of 1m.
 - The requirements of the notice are to:
 1. Remove the store from the front garden
 2. Remove the timber fencing situated above the front boundary wall, with a height greater than 1 metre, as measured from ground level
 - The period for compliance with the requirement is two (2) months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended.
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Decision

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

Reasons

2. Section 173(4) of the Town and Country Planning Act 1990 (as amended) (The Act) sets out that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. In this case, the notice requires the removal of the unauthorised development in its entirety. This is consistent with the purpose of remedying the breaches of planning control in accordance with s173(4)(a).
3. Appeals under s174(2)(f) of The Act are made on the basis that the requirements of the notice are excessive. Whilst it is suggested that the appellant would be amenable to reducing the size of the store, no firm details of what form such a reduction might take have been provided and caselaw has established that the requirements of an enforcement notice must be clear. But, in any event, that course of action would not serve to remedy the breach of planning control that has occurred. The removal of the store and the fencing are necessary steps in order to achieve this and are therefore not excessive. Accordingly, the appeal on ground (f) fails.
4. The appellant has made reference to the impact of the development in general terms, including to the presence of other similar stores in the locality, their

wish to utilise cycling as a primary form of transport and to security concerns relating to cycle storage. However, an appeal has not been made under s174(2)(a) of The Act which would represent the making of a deemed planning application, nor has the required planning fee been paid. As a result, I am not able to consider the planning merits of the case as part of my determination of this appeal.

Conclusion

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

Graham Wraight

INSPECTOR