



Appeal Decision

Site visit made on 1 November 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/N5090/C/22/3294423

12 and 12a Queens Way, London NW4 2TN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr V Singhania against an enforcement notice issued by London Borough of Barnet.
 - The notice, numbered ENF/0108/22, was issued on 26 January 2022.
 - The breach of planning control as alleged in the notice is Without planning permission the erection of a single storey canopy to the rear of the property.
 - The requirements of the notice are to:
 1. Demolish the single storey canopy to the rear of the property.
 2. Remove all constituent materials from the works listed in 1. above from the property.
 - The period for compliance with the requirement is: 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 and the removal of the constituent materials from the property. This is consistent with the purpose of remedying the breach 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. In this instance, the appellant does not consider it necessary for the materials to be removed. Instead, they state that they should be able to retain the materials and store them on site or within the property, as they could be reutilised for another purpose. They also consider that their removal would not be a particularly sustainable course of action.
4. However, the materials used on the canopy are of a poor appearance and there does not appear to be an option to store them outside of the property other than in the rear garden or front parking area. Although the appellant says that they can be stored discreetly I have not been provided with details of how this could take place, which is of particular importance given that the site occupies

a prominent corner location. Likewise, there are no details as to how or where the materials could be stored internally within the property. There is also no suggestion as to what alternative use the materials might be put to. Therefore, I regard the requirement that they be removed to be an appropriate measure in order to ensure that the breach of planning control is fully addressed, and that the appearance of the site is not harmed. Accordingly, the appeal on ground (f) fails.

Conclusion

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

Graham Wright

INSPECTOR