



Appeal Decision

Site visit made on 24 January 2023

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/G5750/C/22/3303113

127 Claremont Road, Forest Gate, London E7 0PY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mr Abdul Wahid against an enforcement notice issued by the Council of the London Borough of Newham.
- The notice, numbered 22/00066/ENFC, was issued on 6 July 2022.
- The breach of planning control as alleged in the notice is without planning permission, the installation of block paved driveway to the front of the property.
- The requirements of the notice are to:
 1. Remove the block paved driveway and any associated sub-base (as shown in the approximate location edged in blue on the attached plan).
 2. On completion of step 1 above, remove all materials and debris from the site.
- The period for compliance with the requirements is: three 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.

Decision

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

Procedural Matters

2. The appellant ticked the box stating that it is essential for me to enter the site to check measurements or other relevant facts on their appeal form. However, the Council advise it considers this to be unnecessary and I am satisfied that I could see the works sufficiently from the public domain.

Ground (f)

3. An appeal under ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
4. Section 173(4) of the Act sets out the purposes of a notice are (a) remedying the breach by making any development comply with the terms of any planning permission, by discontinuing any use of the land or by restoring the land to its condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. It is clear from the wording of the notice, that its purpose is to remedy the breach.
5. The appellant states it is proposed to amend the layout of the front garden and construct a boundary wall (pier) so that the scheme is in accordance with the LB Newham front garden layout contained in the Woodgrange Design Guide. However, I have no details of an amended scheme before me and while the

appellant has referred to the Woodgrange Design Guide, it is not clear which front garden layout the appellant is referring to.

6. Even if I did have full details of a scheme, there is no ground (a) appeal and so I cannot consider the planning merits of any scheme submitted. Moreover, even if the appellant had appealed under ground (a), the construction of a boundary wall does not form part of the matters stated in the notice as constituting the breach and may itself require planning permission.
7. It is suggested that an application is to be made to the Council. However, no such application is before me, and I have no evidence to show that planning permission has been granted. In the event planning permission is granted for works to the front garden, section 180 of the Act means that the notice would cease to have effect so far as inconsistent with that permission.
8. Since the alleged breach is the installation of a block paved driveway, requiring its removal, including any associated sub-base, would not be excessive. I can see no lesser steps or obvious alternative which would overcome the planning difficulties at less cost and disruption than total removal. Consequently, the appeal under ground (f) must fail.

Conclusion

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

M Savage

INSPECTOR