



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 16 October 2024

Appeal Ref: APP/T5150/C/23/3328501

280 Watford Road, Harrow HA1 3TZ and the land rear of 280 Watford Road on the former driving range

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Bigshots (Northwick Park) Limited against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 18 July 2023.
 - The breach of planning control as alleged in the notice is: The engineering operations to the rear of the club house on the former driving range involving the removal of grass, the reprofiling, levelling and compacting of the land and the installation of a hard surface and artificial turf on that land.
 - The requirements of the notice are: 1. Undo the engineering operations by removing the hard surface and artificial turf and by uncompacting the land and restoring the level of the land to the level it was before the unauthorised development took place. 2. Dig and loosen the soil, ensure that the final 300mm comprises topsoil, and sow grass seed, so that the land is restored to the condition that it was before the unauthorised development took place.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in sections 174(2)(f) and (g) 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.

Procedural Matter

2. There are no matters of planning merit to consider that would need a visual assessment of the site and the works carried out. The outcome of the appeal turns only on whether the requirements of the notice exceed what is necessary to remedy the breach of planning control, and whether the time allowed to carry out the remedial works to the site is unreasonably short. As such, I was able to determine the appeal without a site visit. No appeal party has been prejudiced by this procedural matter.

Ground (f)

3. The notice attacks the engineering operations carried out, and the requirements seek to put the land back to the level and condition that it was before the unauthorised works took place. It is clear, therefore, that the purpose of the notice falls under s173(4)(a) of the 1990 Act, which is to remedy the breach of planning control by restoring the land to its condition before the breach took place. That is the context for considering the ground (f) appeal.
4. The actions that the notice require do no more and no less than seek to reinstate the land back to its previous condition. Consequently, they do not

exceed what is necessary to remedy the breach of planning control. In terms of the outcome of any planning application that has been submitted to retain some of the unauthorised works, if that was granted s180(1) of the 1990 Act would be engaged and the notice would cease to have effect so far as being inconsistent with that permission. In that scenario, that would be a matter for engagement between the Council and the appellant away from this appeal.

5. In view of the above, the ground (f) appeal fails.

Ground (g)

6. I note all the background of discussions and negotiations with the Council that has led to submitting the planning application referred to above. I have also commented about the effect that s180(1) of the Act may have in terms of the current state of the site. Moreover, I am mindful that the appeal was submitted over 12 months ago which would have allowed more time for the appellant to engage with the Council and vice versa. The time that has elapsed, added on to the current compliance period of six months specified in the notice, would exceed the 18 months that the appellant was suggesting would be an appropriate period anyway. I also note that the Council considers the unauthorised works took less than six months to complete and so it should take less time to restore the site. This has not been disputed.
7. Therefore, the six months compliance period does not fall short of what should be reasonably allowed. The ground (g) appeal also fails.

Conclusion

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

Gareth Symons

INSPECTOR