



Appeal Decision

Site visit made on 11 March 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 20 March 2025

Appeal Ref: APP/Y5420/C/23/3326665

89 Philip Lane, Tottenham, London N15 4JR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Abraham Ost against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The notice was issued on 20 June 2023.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the installation of wooden hoarding boards along the eastern site boundary of the property, fronting Jansons Road'.
 - The requirements of the notice are:
 1. Remove the wooden hoarding boards in their entirety.
 2. Rebuild a boundary wall to match the design, materials, and dimensions of the wall that existed prior to the erection of the wooden hoarding boards – as shown at Annex 1.
 3. Remove from the land debris arising from carrying out requirements 1 and 2.
 - The period for compliance with the requirements is three (3) months.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by:
 - In section 3, omit the word '*site*'.
 - In section 3, delete the word '*property*' and substitute with '*premises*'.
 - In section 5(3), delete the word '*land*' and substitute with '*premises*'.
 - In section 6, omit the date '*(by 1 November 2023)*'.
2. Subject to these corrections the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The appeal questionnaire purports that the Council received the fee for a deemed planning application/ground (a) appeal. However, the appeal form confirms the appellant lodged ground (g) only, as does the appeal start letter and neither party has addressed whether planning permission should be granted. I have, therefore, determined the appeal on the basis of ground (g).
4. The main parties agree that it is not essential for me to enter the site to check measurements or other relevant facts. Given the ground of appeal pursued, I am satisfied injustice to any party does not arise from assessment of the relevant part of the site from Jansons Road.

Enforcement Notice

5. I have a duty to make sure the notice is in order. In section 3, I shall remove reference to the 'site' because it is superfluous and replace 'property' with 'premises' so as to be consistent with section 2. I shall also replace 'land' with 'premises' in section 5(3) for this same reason and remove '(by 1 November 2023)' from section 6 because this date has expired due to the appeal. It is not, anyway, necessary to specify a fixed calendar date because the notice includes a period for compliance from the date the notice takes effect, now being the date of my decision if the notice is upheld. I am satisfied that no injustice will be caused to the parties.

Ground (g)

6. For the appeal on ground (g) to succeed, the appellant must demonstrate that the period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.
7. The 3 month period specified in the notice would have been from 1 August 2023 to 1 November 2023. The appellant contends that this period coincided with recognised holidays or extreme cold weather when brickwork in the rebuilt wall would not bond properly.
8. However, there are few details to substantiate either assertion. Nor is there evidence of any other imminent holidays or weather conditions that might interfere with taking the steps set out in the notice, which are not overly complicated requirements. There is no apparent reason why appointing a builder would be very time consuming or that removing the wooden hoarding boards, rebuilding the wall and removing debris arising would take longer than 3 months. There is, therefore, no compelling argument to extend the time for compliance for any of these personal or practical reasons, including to 9 months as the appellant seeks.
9. The appeal was made on ground (g) to secure more time knowing that the notice would otherwise come into effect as it is. A significant amount of time, well over a year, has already elapsed since the period specified in the notice would have ended and this 'temporary' boundary feature removed. The site is also in the Clyde Circus Conservation Area, so any period longer than 3 months would unnecessarily perpetuate the breach of planning control.
10. Consequently, I find that the 3 month period given by the notice does not fall short of what is reasonable. Accordingly, the appeal on ground (g) fails.

Conclusion

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

Robin Buchanan

INSPECTOR