



Appeal Decisions

Site visit made on 23 April 2025

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/Q5300/C/23/3334956

35 Forest Road, Enfield EN3 6ST

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Zamir Quni against an enforcement notice issued by the Council of the London Borough of Enfield.
- The notice was issued on 8 December 2023.
- The breach of planning control as alleged in the notice is: *Without planning permission, the material change of use of a single storey detached outbuilding, to the rear of the premises, to self-contained unit of residential accommodation (outlined in blue on the attached plan for identification purposes).*
- The requirements of the notice are:
 - 5.1 Cease the use of the unauthorised outbuilding (outlined in blue on the plan for identification purposes) as a separate unit of accommodation.
 - 5.2 Remove all cooking facilities from the unauthorised outbuilding.
 - 5.3 Remove the dividing fence erected to separate the unauthorised outbuilding from the main dwelling.
 - 5.4 Remove all resulting materials from the Premises.
- The period for compliance with the requirements is: *Two (2) calendar months after this Notice takes effect*
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Summary of decision: The appeal is dismissed, and the enforcement notice is upheld subject to the correction in the terms set out in the Formal Decision below.

Formal Decision

1. It is directed that the enforcement notice is corrected by:
 - The deletion of the requirement at section 5.4 and the substitution with the following wording:
“Remove all materials resulting from compliance with 5.1, 5.2 and 5.3 above from the premises.”
2. In correcting the enforcement notice I am satisfied that no injustice would be caused by doing so.

Preliminary Matters

3. There is another appeal¹ at the property made by the same appellant against the refusal of planning permission by Enfield Council for a part single, part 2-storey rear extension at the host property. Whilst at the same site these are independent appeals and are subject to separate decisions.
4. There has been a revised National Planning Policy Framework (the Framework) published by the Government since the enforcement notice was issued. However,

¹ PINS Ref: APP/Q5300/D/24/3339412

it does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.

Appeal on ground (f)

5. This ground is that the requirements of the notice exceed what is necessary to remedy the breach of planning control or, as the cause may be, any injury to amenity caused by the breach. Having regard to its requirements, it is clear that the purpose of the enforcement notice is to remedy the breach of planning control.
6. Neither party has raised issues regarding the lawful nature of the outbuilding itself, moreover the requirements of the enforcement notice are directed to the cessation of its use as a separate and independent self-contained unit of residential accommodation. Nor has the appellant appealed the enforcement notice under ground (a) in that planning permission should be granted for the development. As such, I cannot consider the planning merits of the case, and thus I can only consider whether lesser steps would suffice to remedy the breach of planning control.
7. The breach of planning control alleged in the notice is the material change of use of the outbuilding at the rear of No. 35 Forest Road to a separate unit of residential accommodation. The requirements to remove all cooking facilities and the dividing fence would prevent occupation of the outbuilding as a separate residence and would allow for a functional relationship with the host property. Whilst I would acknowledge that currently the outbuilding does not appear as occupied, the requirement of the notice remains necessary and proportionate to remedy the breach of planning control, namely the separate residential use of the outbuilding.
8. The appellant suggests lesser steps of removing the kitchen and making it into a kitchenette. However, the enforcement notice is specific in its requirements to remove all cooking facilities, which would serve a clear planning purpose. These requirements are the minimum necessary, and thus remain proportionate to remedy the breach of planning control as set out by the notice.
9. Consequently, I find that the requirements of the enforcement notice, as stipulated, would be appropriate to remedy the breach of planning control, and as such the requirements of the enforcement notice are not excessive. Given that no lesser steps have been identified that would achieve the aims of the notice, the appeal on ground (f) therefore fails.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction.

Robert Naylor

INSPECTOR