



Appeal Decision

Site visit made on 7 May 2025

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/V5570/C/23/3330557

341 Caledonian Road, LONDON, N1 1DW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Huseyin Guzel of Guzel Properties Ltd against an enforcement notice issued by the Council of the London Borough of Islington ('the Notice').
 - The notice was issued on 22 August 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the conversion of the maisonette flat to 2 self-contained flats.
 - The requirements of the notice are: Reinstate the first and second floors into a single residential maisonette unit. Remove all superfluous subdivision partitions and doors, along with one of the two kitchens and associated duplicate appliances, including all waste materials therefrom.
 - The period for compliance with the requirement is 6 months
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. Since the notice is found to be a nullity, no further action will be taken in connection with the appeal. In the light of this finding the Local Planning Authority should consider reviewing the register kept under section 188 of the 1990 Act as amended.

Reasons

2. Section 173 sets out what has to be included within an enforcement notice. Amongst its terms, s173(10) states "An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174".
3. Regulation 4 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 states that an enforcement notice shall specify: "(a) the reasons why the local planning authority consider it expedient to issue the notice; (b) all policies and proposals in the development plan which are relevant to the decision to issue an enforcement notice; and (c) the precise boundaries of the land to which the notice relates, whether by reference to a plan or otherwise".
4. The Notice to which the appeal relates accords with parts (b) and (c), but part (a) is largely absent. It simply refers to the breach of planning control having occurred within the last 4 years. It does not, as it has to, go on to give the reasons why the Council felt it was expedient to issue the Notice. It moves from the reference to the

4-year time to a statement that says “This unauthorised development is therefore contrary to policies period to policies...” followed by a list of policies.

5. Notwithstanding where, as here, an Appellant puts forward a case in support of their case at appeal, the requirements of s173(10) and Regulation 4 are definitive, and their terms have to be met.
6. In the absence of reasons for issuing the Notice before me, it is defective on its face. It is a nullity and I shall take no further action on the appeal.

Conclusion

7. I conclude that the notice is a nullity. In these circumstances, the appeal on the grounds set out in section 174(2)(a) and (g) of the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not fall to be considered.

R Curnow

INSPECTOR

