



Appeal Decision

Site visit made on 23 May 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2025

Appeal Ref: APP/N5090/C/24/3337448

Land at 7 Campion Way, Edgware HA8 9GE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act).
 - The appeal is made by Ms Amanda Sanders against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The notice was issued on 13 December 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a storage shed which adjoins the existing garage.
 - The requirements of the notice are to:
 1. Demolish the storage shed attached to the existing garage.
 2. Restore the existing garage back to pre-existing, with materials and bricks to match the original dwellinghouse, as shown in drawing no. PE501 (submitted under application ref: 23/4418/RCU).
 3. Permanently remove all constituent materials resulting from the works in 1. and 2. above from the property.
 - The periods for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Act. 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.
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Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - In paragraph 6, the deletion of the number "2" and substitute with the number "4".
 - The substitution of the site plan annexed to this decision for the plan attached to the enforcement notice.
2. Subject to the correction and variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

The Enforcement Notice

3. The appellant considers that the enforcement notice is a nullity as the precise boundaries relating to the alleged breach of planning control is not shown on the plan that is attached to the notice. Part 2 4(c) of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 states that an enforcement notice issued under section 172 of the Act shall specify the precise boundaries of the land to which the notice relates, whether by reference to a plan **or otherwise** [emphasis added].

4. In the *Coventry Scaffolding*¹ case an enforcement notice did not give a building number or include a plan – but it did name the street, and the building number had been given in correspondence. It was held in this case that the appellants were fully aware of which land the enforcement notice related to, and the notice was not a nullity.
5. With regards to this appeal, the notice identifies the land to which the notice relates as Land at 7 Campion Way, with the allegation in the notice stating that the storage shed adjoins the existing garage. The reason for the notice explains that the storage shed is an unsympathetic addition to the garage and the requirements also state that the garage should be restored back to its pre-existing appearance as shown in drawing no. PE501 relating to application 23/4418/RCU. The appellant has submitted a copy of drawing no. PE501 with their evidence. The appellant has also submitted a red line boundary plan showing the corrected boundary which includes the property of 7 Campion Way and the single garage with land in which the alleged development sits upon.
6. I am satisfied from the evidence before me, that the appellant was fully aware of which the land the enforcement notice related to, and that there has been no injustice to any of the parties. The enforcement notice is not a nullity or invalid.
7. Section 176(1) of the Act provides a wide ranging power to correct or vary the terms of an enforcement notice provided that it would not result in injustice to the parties. For the sake of clarity, I have corrected the site plan and substituted it with the plan provided by the appellant which includes the garage and storage shed within the red line boundary. Given my comments above, there is no injustice to the parties in me correcting the site plan.

Preliminary Matter

8. The appellant has submitted correspondence from the Council which refers to permitted development rights in terms of creating a gap between the garage and the storage shed. There have been no plans submitted in regard to a development of a storage shed being detached from the garage. At my site visit, I saw the alleged development was attached to the garage. I have therefore dealt with this appeal in respect of the matters alleged in the notice.

Appeal on ground (a)

9. This ground of appeal is that planning permission should be granted for the matters alleged in the notice.

Main issue

10. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

11. The area surrounding the appeal site is characterised predominantly by modern residential properties. The built development in the area is typical of a modern housing estate with properties having traditional design and form including having

¹ Coventry Scaffolding Co (London) Ltd v Parker [1987] JPL 127

pitched roofs. It is this traditional built form that contributes positively to the character of the area.

12. The development given its form and flat roof construction appears as an obtrusive structure within the area. The development is attached to a double garage structure and the development is smaller in size to the garage structure. However, the development, due to its design with the flat roof, is not subservient to the existing buildings in the area.
13. I note the proposal for the fence to be reinstated and the external walls to be altered to reflect the brickwork of the garage. This however does not outweigh the harm caused by the form of the development and it would still appear as an unsympathetic addition that detracts from the built development of the area.
14. I have had regard to other development and extensions in the area, including those identified in the appellants statement of case. I do not consider these other developments to be directly comparable to the scheme subject of this appeal, particularly with regards to the relationship with surrounding buildings and the prominence of its location. In any event, I have assessed this development on its own merits.
15. The development has a harmful effect on the character and appearance of the surrounding area. It is contrary to Policy D3 of the London Plan, Policies CS1 and CS5 of Barnet's Local Plan Core Strategy and Policy DM01 of Barnet's Local Plan Development Management Policies which seeks development to positively respond to local distinctiveness, represent high quality design and protect and enhance the character of Barnet.
16. The appeal site is not located within a conservation area and is not near any listed buildings or Tree Preservation Orders. These matters do not alter my findings above with regards to the harm to the character and appearance of the area.

Conclusion on ground (a)

17. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding.
18. For the reasons given above, I conclude that the appeal should be dismissed and the appeal fails on ground (a).

Appeal on ground (f)

19. An appeal on ground (f) is that requirements of the notice exceed what is necessary in order to remedy the breach of planning control or, as the case may be, the injury to amenity that is caused by the breach. In this case the requirements seek to remove the structure and therefore the purpose is to remedy the breach of planning control.
20. The appellant details that the fence can be reinstated, and the external surfaces altered to match the brickwork of the garage including changing the colour of the fascia boards. As I have stated above, these matters would not outweigh the harm I have identified with regards to the form and flat roof design of the development.

21. The requirements go no further than remedying the breach of planning control and therefore the appeal on ground (f) fails.

Appeal on ground (g)

22. Ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant seeks four months rather than two months to comply with the requirements of the notice.
23. The appellant contends that two months is insufficient time as the demolition of the structure must be carefully planned given its location and that an appropriate contractor would have to be employed.
24. Given that an appropriate demolition contractor would have to be employed to undertake the works involved I consider two months is not a reasonable time for compliance and a period of four months would be more reasonable.
25. The appeal on ground (g) therefore succeeds to this limited extent and I have varied the notice accordingly.

Conclusion

26. For the reasons given above, I conclude that the appeal should fail on grounds (a) and (f), and succeed on ground (g). Subject to the correction and variation of the enforcement notice, as detailed in paragraph one, the appeal is dismissed and the enforcement notice should be upheld.

Chris Baxter

INSPECTOR



Planning Inspectorate

Plan

This is the plan referred to in my decision dated: 16th June 2025

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Scale: Not to scale

Site Plan:

