



Appeal Decision

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 10th September 2025

Appeal Ref: APP/Q5300/C/24/3340427

39 Chequers Way, London N13 6DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Assured Builders London Ltd against an enforcement notice issued by the Council of the London Borough of Enfield.
 - The enforcement notice was issued on 21 February 2024.
 - The breach of planning control as alleged in the notice is failure to comply with a condition imposed on a planning permission ref 22/02329/HOU granted on 7 November 2022
 - The development to which the permission relates is single story side and rear extensions, with alterations to side fenestrations.
 - The condition in question is No 2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans, as set out in the attached schedule which forms part of this notice.
 - The requirements of the notice are:
 1. Demolish the single storey side and rear extension (highlighted in blue on the attached plan for identification)
 2. Remove all resulting waste material from the PremisesOR
 3. Reduce the height and depth of the single storey side and rear extension in order to comply with approved plans granted under plan ref: 5464-P01 REV C
 4. Remove all resulting waste material from the Premises
 - The period for compliance with the requirements is 3 months
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is quashed.

The Notice

2. Section 173 of the Town and Country Planning Act 1990 as amended (the Act) sets out the contents and effect of an enforcement notice which is relevant to the matter of nullity and invalidity. Case law sets out that an enforcement notice must inform the recipient with reasonable clarity what the breach of planning control is and what must be done to remedy it. Section 176(1) (a) and (b) of the Act include powers transferred to Inspectors to correct any defect, error or misdescription in the enforcement notice or to vary its terms. The powers are subject to any correction or variation not causing injustice to the appellant or the local planning authority.
3. The heading of the notice refers to a breach of condition rather than operational development. However, the notice includes wording usually associated with an allegation that operational development has occurred rather than a breach of a condition attached to a planning permission. I therefore have to consider whether the notice read as a whole has sufficient clarity for the recipient to understand what he has done wrong and what he is required to do to remedy it. The allegation does

refer to planning permission (ref:22/02329/HOU) and states that conditions have not been complied with and refers to condition 2 which requires development to be carried out in accordance with the approved plans.

4. However, whilst the allegation refers to a breach of condition, apart from the first paragraph of the reasoning which sets out the immunity period, the other paragraphs of the reasoning relate to operational development not a breach of condition. They do not therefore address why a breach of condition notice has been served or explain what differences are alleged between what has been constructed and what was approved. Instead, paragraphs 2 and 3 of the reasoning treat the whole development as having been constructed without any planning permission. The Council states that planning permission should not be given as planning conditions could not overcome the Council's objections. The reasoning lacks clarity and is contradictory when the Council has chosen to serve a breach of condition notice requiring compliance with existing conditions of a planning permission.
5. The first two requirements of the notice also relate to operational development not a breach of condition in requiring the demolition of the extensions. I agree with the Council that the requirements which relate to demolition could be deleted. The remaining alternative requirements include reducing the height and depth of the extensions in order to comply with plans. However, the lack of reasoning together with an absence of more detailed requirements means that the appellant does not know what he has done wrong. The appellant needed this information in order to decide what grounds of appeal were appropriate when lodging the appeal.
6. The only ground of appeal refers to the development being built as approved in accordance with plans other than guttering and a replacement extension. The enforcement plan attached to the notice appears to show a wider area than the approved plans in terms of built development edged in blue. However, in the absence of any detailed reasoning, it is not clear if the Council is alleging that what the appellant refers to as a replacement extension is part of the unauthorised works or separate development. Whilst the Council proposed amendments to the existing wording, those amendments do not overcome the lack of clarity particularly with regard to the reasoning. Even if further amendments had been proposed to the notice, I am unable to exercise my powers under Section 176(1)(a) to correct the errors. I cannot find it unlikely that the appellant would not have made an appeal on other grounds with detailed reasoning relating specifically to the alleged breach at the outset of the appeal which raises the issue of injustice.

Conclusion

7. For the reasons given above, I conclude that the notice does not specify with sufficient clarity the reasons for issuing the notice and what the requirement are. It is not open to me to correct the errors in accordance with my powers under section 176(1)(a) of the 1990 Act as amended, since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
8. In these circumstances, the appeal on the ground set out in section 174(2)(f) of the 1990 Act as amended does not fall to be considered.

E Griffin

INSPECTOR