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## Appeal Decision

Site visit made on 18 September 2025

**by Chris Preston BA (Hons) Town and Country Planning, Bachelor of Planning (BPI)**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

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**Appeal Ref: APP/N1920/C/24/3341528**

**21 Letchmore Road, RADLETT, WD7 8HU**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mr Nicholas Barton against an enforcement notice issued by Hertsmere Borough Council.
  - The notice was issued on 1 March 2024.
  - The breach of planning control as alleged in the notice is Without planning permission, the installation of air conditioning plant and 2 No. imitation/false chimney surrounds on roof.
  - The requirements of the notice are to:
    1. Permanently remove the false chimney stacks from the roof of the property.
    2. Permanently remove the air conditioning plants from the roof of the property.
    3. Permanently cut back and make safe any exposed pipework and cabling resulting from the removal of the air conditioning plant so that it does not protrude above the roof and permanently seal over with materials similar to those used for the existing roof.
  - The period for compliance with the requirements is within 3 months of the date the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(f), (g) of the Town and Country Planning Act 1990 (as amended).
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### Decision

1. The appeal is dismissed and the enforcement notice is upheld.

### The Appeal on Ground (f)

2. An appeal on ground (f) is made on the basis that the steps required by the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, the injury to amenity which has been caused by the breach. In this case, the Council is clearly seeking to remedy the breach of planning control in its entirety through the removal of the false chimneys and associated air conditioning units. In that sense, the requirements go no further than is necessary to achieve those aims.

3. The appellant accepts that the requirement to remove the air conditioning plants from the external part of the roof is required but suggests that the requirement to remove them permanently would be unreasonable on the basis that placing or storing air conditioning units within the roof would not be development.

4. It appears to me that the appellant may be at cross-purposes in terms of the meaning of the enforcement notice. The EN requires “the” false chimney stacks and “the” air conditioning units to be permanently removed. In other words, the specific development in question. The development projects beyond the roofline and is clearly operational development for which permission was required.

5. The notice does not prevent the appellant or any subsequent owners from applying for planning permission for an alternative form of development, nor does it prevent the carrying out of any works which would not amount to development. Whether any future proposal would or would not amount to development is not a matter for me to consider.

6. However, for the reasons set out, there is no doubt that the present chimneys and air conditioning units are development and the requirements go no further than is necessary to remedy the breach of planning control. It follows that the appeal on ground (f) must fail.

### **The Appeal on Ground (g)**

7. The appellant contends that the three month period for completing the works is too short on the basis that he would need to secure quotes from builders and then allow for them to carry out the work in their timeframe of availability. The key question in such cases is what is 'reasonable' which essentially involves a balance of the public interest in the harm being mitigated expeditiously against the private interests involved.

8. It is never an easy judgement. In this case, the work itself is fairly minor in nature and wouldn't take an experienced and suitably qualified tradesperson long to complete. A matter of days one would imagine. Moreover, when seeking quotes, the onus would be on the appellant to enquire as to the ability of firms to carry out the work in the required timeframe. Providing the task was set about with some vigour, an overall period of three months seems reasonable in my view, given the limited scale of the required works.

9. Accordingly, the appeal on ground (g) fails and I shall uphold the enforcement notice with regard to the period for compliance.

### **Conclusion**

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

*Chris Preston*

INSPECTOR