



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/E3715/C/24/3345593

1 Lavender Close, Rugby CV23 0XB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Jane Varnum-Wilson against an enforcement notice issued by Rugby Borough Council.
 - The notice was issued on 23 April 2024.
 - The breach of planning control as alleged in the notice is the erection of a structure forward of the front elevation of the house.
 - The requirements of the notice are: (i) Remove the structure shown by blue edging on the plan; (ii) Remove all material from the land arising from compliance with (i); and (iii) Reinstate the land to its previous condition.
 - The period for compliance with the requirements, as stated in the notice, is 'twenty eight'.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is a nullity and is quashed.

Reasons

2. The period for compliance with the requirements, as stated in the enforcement notice, is 'twenty eight'. This is a number, not, as is required, a period of time. The Appellant cannot know how long she has to comply with the requirements of the notice. In this circumstance, the notice must be regarded to be a nullity. The notice is, to quote Lord Justice Upjohn in his comments on the judgement by Lord Denning in *Miller Mead v MHLG* [1963] 2 WLR 225, "...a nullity and is so much waste paper".

John Braithwaite

Inspector