



Appeal Decision

Site visit made on 27 October 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal A - Ref: APP/Y5420/F/23/3333629

2 Bruce Grove, LONDON, N17 6RA

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- The appeal is made by Mr Kaleem Ahmed against a listed building enforcement notice issued by the London Borough of Haringey
- The enforcement notice was issued on 12 October 2023
- The contravention of listed building control alleged in the notice is: without listed building consent the installation to shopfront of a Grade II listed building and the erection of a front extension in a Grade II listed building's curtilage.
- The requirements of the notice are: 1. Remove the unauthorised structure to the front of the property. 2. Remove the unauthorised shopfront. 3. Reinstate the front elevation to replicate the original shopfront design.
- The period for compliance with the requirements is 2 months.
- The appeal is made on the ground set out in section 39(1) (b), (c), (e), (f), (g), (h) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Appeal B – Ref: APP/Y5420/F/23/3333630

3 Bruce Grove, London, N17 6RA

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- The appeal is made by Mr Kaleem Ahmed against a listed building enforcement notice issued by the London Borough of Haringey
- The enforcement notice was issued on 12 October 2023
- The contravention of listed building control alleged in the notice is: without listed building consent the installation to shopfront of a Grade II listed building and the erection of a front extension in a Grade II listed building's curtilage.
- The requirements of the notice are: 1. Remove the unauthorised structure to the front of the property. 2. Remove the unauthorised shopfront. 3. Reinstate the front elevation to replicate the original shopfront design.
- The period for compliance with the requirements is 2 months.
- The appeal is made on the ground set out in section 39(1) (b), (c), (e), (f), (g), (h) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Appeal C – Ref: APP/Y5420/F/23/3333631

4 Bruce Grove, London, N17 6RA

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- The appeal is made by Mr Kaleem Ahmed against a listed building enforcement notice issued by the London Borough of Haringey
- The enforcement notice was issued on 13 October 2023
- The contravention of listed building control alleged in the notice is: without listed building consent the installation to shopfront of a Grade II listed building and the erection of a front extension in a Grade II listed building's curtilage.

- The requirements of the notice are: 1. Remove the unauthorised structure to the front of the property. 2. Remove the unauthorised shopfront. 3. Reinstate the front elevation to replicate the original shopfront design.
 - The period for compliance with the requirements is 2 months.
 - The appeal is made on the ground set out in section 39(1) (b), (c), (f), (g) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decisions on all three Appeals

1. Since the notices are found to be a nullity no further action will be taken in connection with these appeals. In the light of this finding, should the Local Planning Authority have kept a record of these listed building enforcement notices on any register, they should consider reviewing it.

Applications for Costs

2. An application for costs on all three appeals has been made by the appellant and is subject to a separate decision letter. A counter application has been made by the Council which is also subject to a separate decision letter.

Preliminary Matters

3. A new argument was introduced by the appellant in his statement that the notice was a nullity (although he did not use those words) because no explanatory note was issued with the notice. There are associated arguments that the Council cannot show they have the relevant delegations in place to issue any LBENs and that the notice is hopelessly confusing. I shall deal with these below.

The Appeals on Grounds (b) and (c) – All Three Appeals

4. The appellant appeals both these grounds on all three of the appeals. His argument is that the changes to the shopfront took place more than 4 years ago. However, when it comes to listed buildings there is no equivalent of a ground (d) in enforcement appeals that the time limits have been breached and so the development has obtained immunity because there are no time limits set in the Planning (Listed Buildings and Conservation Areas) Act 1990. I am not sure what the quote, mentioned by the appellant. from s9(4) refers to, as that section in the LBCA Act deals with penalties for offences, but the various court cases concerning the 4 year rule all refer only to normal enforcement action undertaken through s174 of the Town and Country Planning Act (1990) not the LBCA Act, which is an entirely separate piece of legislation.
5. There is no dispute that works have been carried out to the buildings since they were listed in 1971, and no listed building consent has been granted for those works. Therefore, it is clear, that the ground (b) appeals – that the matters alleged have not occurred - must fail.
6. As to ground (c) that is the matters alleged do not contravene the act. The appellant argues the works have been in place so long they are now part of the fabric of the building. That is a ground (e) argument and had I dealt with that ground would have been considered later. The appeals on ground (c) must also fail.

The Appeals on Ground (f)

7. This ground is that the notices were not served as required by the Act. The agent has taken a much too legalistic approach to this ground. The purpose is to ensure that potential appellants have not been prejudiced by a failure to serve the notice. A wide latitude is given by the courts to Inspectors to interpret this in a sensible manner. The appellant has clearly not been prejudiced as I am dealing with his appeal. The notices were delivered to the correct addresses and so found their way to the appellant. It is difficult to see what is wrong with that. The appeals on ground (f) fail.

Nullity Arguments

8. The lack of an explanatory note is somewhat indicative of the Council's rather confused approach to the issue of the notices. I note they refer to them as enforcement notices in several places for example and provide information on the cost of a ground (a) appeal, which is not relevant for listed buildings. Nevertheless, these errors and omissions are not fatal to the notice itself. It was quite clear they were listed building enforcement notices, and the appellant was able to appoint a professional agent to deal with them. It is hard to see how they have been prejudiced. Similarly, while the wording of the notices is not perfect it is clear they refer to the ground floor extensions and their shop fronts. The requirements to remove those extensions and return to the original shopfronts are also clear. Whether that is possible is a more difficult issue.
9. The question for the appellant is what were the original shopfronts? I accept the evidence provided that the current shopfronts on Nos 2 and 3 were installed sometime around the year 2000. The appellant also states they did not own No4 until 2022. They do not admit to doing anything to that shopfront. The appellant interprets the requirements to remove the entire front extension and return the shopfront to its original (i.e. 19th Century) flat fronted state. However, the listing in 1971 notes the buildings at Nos 1-4 already had front extensions, so the notice cannot require an improvement over that situation. The question is what did the buildings look like when listed? It is possible the front extensions and shop fronts were similar to that on No1, which has a characteristic pillar on one side and window detailing from long before the 1970s. However, there is no evidence to support this and nothing in the notice to suggest this is what the Council actually want. Given the lack of evidence as to what the Council are seeking to achieve, I cannot take it on myself to correct the notice as to do so could prejudice both parties.
10. The lack of a delegated authority is also of concern. In my experience the usual process is that legal powers to issue notices (and many other activities undertaken by Councils) are vested in the Council itself. The Council then formally delegates certain powers to its various officers, and a record of these delegations are kept. There will, presumably, be a written delegation to the Team Manager of Planning Enforcement and Appeals at Haringey to demonstrate this. However, the Council have, again presumably, misunderstood that the agent has been asking for this and no delegation has been produced. I cannot therefore be satisfied that the notice has been issued lawfully.
11. Given my conclusions on the lack of certainty in the requirements and the delegated authority I have no choice other than to consider the notices are a nullity.

The effect of this is that the notices do not exist in law. Consequently, I cannot quash them as they do not exist. I shall therefore take no further action on this appeal. The remaining grounds do not therefore need to be considered. The Council should consider removing the notices from the planning register.

Simon Hand

INSPECTOR