



Appeal Decision

Site visit made on 20 October 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 12 November 2025

Appeal Ref: APP/N5090/C/24/3357167

4 Albuhera Mews, London NW7 1FQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Saad Al-Mohannadi against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 31 October 2024.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a raised rear patio, a rear outbuilding and a brick boundary wall along the side boundary of the rear of the garden.
- The requirements of the notice are to:
 1. Demolish the rear outbuilding.
 2. Demolish the boundary wall.
 3. Remove the as built raised patio and restore the rear garden to match with the following approved plans of planning permission 15/00594/HSE dated 30 March 2015:
 - MLLBPK-P101 Rev A. Received on 27.03.2015,
 - MLLBPK-E102 Rev A. Received on 27.03.2015,
 - MLLBPK-E103 Rev A. Received on 27.03.2015,
 - MLLBPK-E104 Rev A. Received on 27.03.2015
 4. Permanently remove from the property of all constituent materials resulting from the works in 1, 2 and 3 above.
- The period for compliance with the requirements is: 6 months.
- The appeal was lodged on the grounds set out in section 174(2)(a), (f) and (g) of the Act.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

1. Ground (a) is barred because the notice was issued after 25 April 2024, during the time allowed for determining a related retrospective planning application, so the requirements of section 174(2A) of the Act are met. The appeal therefore proceeds on grounds (f) and (g).

Ground (f)

2. I appreciate that the appellant does not agree with the Council's decision to issue the notice. But whether it was expedient to do so is a matter for the Council and not within my remit.
3. The appellant suggested that an alternative scheme could reduce the size of the outbuilding, reduce the height of the boundary wall and lower the height of the raised patio. He considers that this would address detrimental impact on the character of No.4 Albuhera Mews and the area and on the living conditions of the occupiers of some adjoining residential properties. I accept that the planning enforcement system should be remedial, not punitive.

4. However, these amenity considerations relate to the Council's reasons for issuing the notice, not the breach of planning control. Even if this scheme was at less cost and disruption to the appellant, it is clear from the requirements of the notice that its purpose is to remedy the breach and that the Council does not seek to under enforce.
5. Moreover, as ground (a) is barred there is no deemed planning application. The appellant did not anyway submit any plans of the alternative scheme. It was evident at my site visit that the boundary wall and raised patio have since been altered compared to what is shown in the appellant's and the Council's pre-existing photographs taken prior to the issue of the notice. In these circumstances ground (f) cannot be used to consider planning merits or as a means to effectively grant planning permission for this other proposed development. It is in any event unclear precisely what is intended, including with regard to the outbuilding.
6. Whether or not the appellant can negotiate a suitable alternative scheme with the Council, including to overcome all of the Council's reasons for issuing the notice, is a separate matter for the main parties. Meantime, the appellant suggested no other lesser steps.
7. Considering the above, I am satisfied that the steps required by the notice to be taken are consistent with remedying the breach of planning control so they are not excessive. Accordingly, ground (f) fails.

Ground (g)

8. There is little to suggest that the outbuilding, boundary wall and raised patio pursued by the notice are anything other than typical of these sorts of domestic structures, albeit reasonably extensive in this case.
9. However, including as I saw, there is little evidence that the outbuilding is in any sustained active ancillary or incidental use. There is also no apparent reason why internal features, such as fixtures or fittings for a kitchen could not be salvaged. Furthermore, though the works required by the notice would take place in the back garden of No.4 and cause some disruption to the appellant's living conditions, the nature of these building works are not unusual or uncommon at residential properties. They would also be temporary in duration and there is little to suggest that they would be unduly complicated or time consuming for a builder.
10. There is otherwise little to justify why the additional time sought by the appellant is needed in order to find a builder then execute the works, including removal of arisings, if necessary to storage elsewhere or in another outbuilding in the back garden (which, albeit smaller, I saw already exists), then make good. Furthermore, there is no itemised schedule of works or similar to substantiate that the cost of these works would be prohibitive or result in financial hardship for the appellant.
11. There is no mechanism before me to require the appellant to submit a new planning application for an alternative outbuilding, boundary wall or raised patio. In any event, the timing of decisions in these regards would be unknown, including the prospect of appeal. I am also mindful that the Council has discretion under section 173A(1)(b) of the Act to extend the period for compliance but that would be a matter for the main parties. The period specified in the notice must be sufficient to begin with.

12. In these circumstances, on the evidence before me, I consider that the 9 months sought by the appellant to comply with the requirements of the notice would be a disproportionate extension of time. It would unduly perpetuate the harm caused by the breach of planning control, as set out in the reasons for issuing the notice, including to the local residential environment and living conditions of others.
13. Consequently, the 6 month¹ period in the notice to take the steps required by it does not fall short of what should be reasonably allowed. Accordingly, ground (g) fails.

Formal Decision

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

Robin Buchanan
INSPECTOR

¹ Not 3 months, as the appellant otherwise states