



Appeal Decision

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/Z5060/C/24/3356963

216 Dagenham Avenue, Dagenham RM9 6LL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Miss Janice San Juan against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
- The notice was issued on 8 November 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised erection of a fence to the front of the property.
- The requirements of the notice are to: Remove the unauthorised fence or lower to 1m in overall height; and remove all subsequent waste material from the premises.
- The period for compliance with the requirements is: 1 month after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(e) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

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

Ground (e)

1. Ground (e) is that copies of the enforcement notice ("the Notice") were not served as required by section 172 of the Town and Country Planning Act 1990 ("the 1990 Act"). Insofar as is relevant, those requirements are to serve the Notice on the owner and on the occupier of the land to which it relates; and on any other person having an interest in the land.
2. Although listed as a person on which the Notice was served, the appellant did not receive a copy directly from the Council. It is not clear how this happened and whether it amounted to improper service as provided by the 1990 Act.
3. Nevertheless, on appeal on ground (e), Section 176(5) of the 1990 Act provides that where it would otherwise be a ground for determining the appeal in favour of the appellant that a person required to be served with a copy of the Notice was not served, I may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve them.
4. In this case, the appellant was made aware of the Notice via their mortgage provider and was subsequently able to make this appeal. Therefore, even if there was a failure to serve the Notice upon the appellant, they have not been substantially prejudiced by that. Accordingly, the appeal on ground (e) should fail.

Ground (g)

5. Ground (g) is that the period specified to comply with the Notice falls short of what should reasonably be allowed. 1 month is given. The appellant has demonstrated willingness to comply with the Notice, albeit that for personal reasons they were

not able to do so within the time specified. At the time of making this decision, I am unaware of whether those circumstances would still prevent timely compliance.

6. However, there seems to be no practical reason why the works should take longer than 1 month to complete and the Council is able to use its discretion to extend the time, if personal circumstances should make that necessary. Moreover, I note a willingness on the Council's behalf to do so, should they be presented with evidence that such a request is reasonable.
7. For these reasons, I find that the time specified to comply with the requirements is reasonable and the appeal on ground (g) should also fail.

Formal Decision

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

M Bale

INSPECTOR