



Appeal Decision

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/G5750/C/24/3357432

Land at 175 Plashet Road, Plaistow, London E13 0QZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Aakash Patel against an enforcement notice issued by the Council of the London Borough of Newham.
- The notice was issued on 14 November 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a front extension.
- The requirements of the notice are to:
 1. Demolish the front extension (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1)¹.
 2. On completion of step 1, remove all materials and debris from the site.
- The period for compliance with the requirements is: one month from the date the notice takes effect.
- The appeal was made on the grounds set out in section 174(2)(e), and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is allowed in part, the enforcement notice is varied and upheld as set out in the Formal Decision below.

Procedural matters

1. The appeal was made on grounds (e) and (g). While there is reference to the merits of the development in both the appellant's original and amended appeal statements, the appellant has confirmed that there is no appeal on ground (a), that planning permission should be granted for the matters alleged. No fee for such an appeal has been paid and, therefore, the planning merits are not before me.
2. However, there is also reference to the time that the extension was constructed and whether the steps required to be taken are excessive. Those are matters relevant to appeals on grounds (d) and (f) respectively. For completeness, I have, therefore, also considered those grounds of appeal.

Ground (e)

3. 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.
4. The appeal has been made by the tenant and it is claimed that the owner was not served with a copy of the Notice. The Notice specifies that the registered owner was served, and the Council's records indicate that this was sent via Royal Mail at the same time as it was served by that method on the tenant. The Council obtained the owner's address from the Land Registry which demonstrates a reasonable attempt to ascertain the identity and contact details for the owner.

¹ References to attachments and appendices here are references to attachments and appendices to the enforcement notice.

5. The onus of proof on this ground of appeal is on the appellant. While they have indicated that the Council could have contacted the owner by email, their assertion that the Land Registry details might be out of date is not substantiated by detailed evidence. It has not been shown, for example, that the owner does not live at the stated address. All available substantive evidence, therefore, points to the owner of the land having been served.
6. On an 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.
7. The owner of the land has not played any active role in the appeal process. However, the appellant's first appeal statement indicates that they have discussed the timeline of the construction of the extension with the landowner. This is in the context of trying to establish when the extension was built, which is relevant to other grounds of appeal. This suggests that the landowner was, therefore, aware of the Notice. That statement was provided with the original appeal form, again suggesting that the landowner was probably aware of the Notice in time to make an appeal if they so wished.
8. With regard to the above, on the balance of probabilities, I find that the Notice was properly served on the owner of the land and, if it was not, that they were more likely than not aware of it in any event. Therefore, no substantial prejudice has arisen. Accordingly, the appeal on ground (e) should fail.

Ground (d)

9. Ground (d) is that at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters alleged. While the appellant questions the dates of the photographic evidence relied upon by the Council, they also state that there is no definitive evidence pinpointing the exact date of the extension's construction. The onus of proof on this ground is on the appellant and, therefore, in the absence of clear, precise or unambiguous evidence from them, the ground (d) appeal should fail.

Ground (f)

10. Insofar as is relevant, ground (f) is that the steps required by the Notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by the matters alleged or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
11. The purpose of this Notice is to remedy the breach of planning control, not any injury to amenity. Therefore, while it is suggested that lesser measures, such as minor modifications could address any planning concerns, they cannot be considered in the context of an appeal against this Notice. No lesser steps that would remedy the breach of planning control have been suggested so the appeal on ground (f) should fail.

Ground (g)

12. Ground (g) is that any period specified to comply with the requirements of the Notice fall short of what should reasonably be allowed. One month is specified, which, at the time of service of the Notice would have coincided with the appellant's important busy pre-Christmas sale season. The timing of my decision could have similar effect. I appreciate that this could have undesirable consequences for business viability as well as practical challenges for arranging contractors at this time.
13. The appellant moved into the property with the extension already constructed. They suggest that they should not have to carry the cost of remedial works. However, it is not for me to determine who should be responsible for remedying the breach of planning control. That must be resolved separately between the appellant and the owner.
14. Having not erected the extension, the appellant does not know how it was constructed, how it can safely be removed, or what the implications may be for the main shop front to which it has been integrated. However, while this, any challenges in respect of determining liability for any costs, and arranging contractors is noted, it has not been demonstrated why the works could not be carried out within a month. There is certainly no clear reason why the suggested 6 months would be required.
15. Nevertheless, I am mindful of the effects on the business, that the appellant did not carry out the unauthorised development, and the timing of my decision. While the Council could exercise its discretion to extend the compliance period, it would give greater certainty to the appellant if I were to vary the Notice to allow longer now. A period of 2 months would avoid the need to interrupt the Christmas sale period, but would ensure that the breach of planning control was resolved promptly.
16. The appeal on ground (g), therefore, succeeds in part and the Notice will be varied to allow 2 months to comply.

Formal Decision

17. It is directed that the enforcement notice is varied by:
18. The deletion of the words "one month" and their substitution with the words "two months" in Section 5 'What You Are Required to Do'.
19. Subject to the variations, the enforcement notice is upheld.

M Bale

INSPECTOR