



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 19 January 2026

Appeal Ref: APP/N1920/C/24/3347650

The Manor Hotel, Edwarebury Lane, Elstree, Borehamwood, Hertfordshire WD6 3RE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ali Moledina against an enforcement notice issued by Hertsmere Borough Council.
 - The notice was issued on 11 June 2024.
 - The breach of planning control as alleged in the notice is: The erection of a building used as a shisha lounge and restaurant within the area approximately edged purple on the attached plan.
 - The requirements of the notice are: Permanently remove the building known as Amirah Lounge; Permanently remove the veranda and canopy's connected to the Amirah Lounge; Permanently remove the toilets and toilet buildings connected to the Amirah Lounge; Remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the land and its environs.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) & (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the Enforcement Notice (EN) is upheld.

Preliminary Matters

2. There is no deemed planning application. As such, I cannot consider any matters of planning merit such as the effect of the development on the character and appearance of the area or on the Green Belt. The submitted grounds of appeal also do not require any visual assessment of the appeal site and its surroundings. Against this background, I have determined the appeal without needing to see the site. Neither party has been prejudiced by this course of action.

Ground (f)

3. The EN alleges, in brief, the erection of a building and it requires that building and associated development to be removed, including all debris and waste that arises from compliance with the EN. Accordingly, the purpose of the notice falls within s173(4)(a) of the 1990 Act which is to remedy the breach of planning control by restoring the land to its condition before the breach took place. That sets the context for considering whether, under s174(2)(f) of the 1990 Act, the steps required by the notice exceed what is necessary to remedy the breach.
4. Consequently, consideration of the ground (f) appeal does not include taking account of what may be only limited harm to the Green Belt and drawing comparisons about the size of the appeal building with the dimensions of a former garage block on the site. The assessment under ground (f) is confined to whether the actions that the EN require to be taken go beyond what are needed to deal

with removing the unauthorised building. The EN does not require any more than removing the building and associated development and the resulting debris. Thus, the steps are not excessive to remedy the breach of planning control. The ground (f) appeal fails.

Ground (g)

5. Even if the Council may not consider the removal of the building to be a high priority, formal enforcement action has been taken and under a ground (g) appeal, the issue is whether the period specified in the notice falls short of what should be reasonably allowed. In my view, six months would be more than adequate to remove the unauthorised development and the resulting debris. Also, the six months allowed from the date of this decision means that better spring and early summer weather would be favourable to the work being carried out. There is no detailed information to support the assertion made that removing the building would adversely affect existing bookings, suppliers or staff.
6. The six months specified is not unreasonable. The ground (g) appeal also fails.

Conclusion

7. The appeal should not succeed and the enforcement notice should be upheld.

Gareth Symons

INSPECTOR