
Appeal Decision

by J Whitfield BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2026

Appeal Ref: APP/K5600/C/24/3346283

23 Drayton Gardens, London SW10 9RY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mrs Mila Dolman against an enforcement notice issued by Royal Borough of Kensington and Chelsea (the LPA).
 - The notice was issued on 8 May 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, erection of two outbuildings in the rear garden.
 - The requirements of the notice are:
 1. Remove the two outbuildings from the land in their entirety.
 2. Remove all associated debris from the land.
 - The period for compliance with the requirements is: 2 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Preliminary Matters

2. Since the appeal proceeds on ground (f) only, I am satisfied that an accompanied site visit is not necessary as I am able to fully understand the respective cases on the written evidence submitted.

Appeal on ground (f)

3. An appeal on ground (f) is brought on the grounds 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 stated in the notice as constituting a breach of planning control, or as the case may be, remedy any injury to amenity which has been caused by such breach.
4. S173(3) of the Act states that a notice shall specify the steps which are required to be taken in order to achieve, wholly or partly, any of the purposes set out in S173(4) of the Act. Those purposes are (a) remedying the breach of planning control; or (b) remedying any injury to amenity which has been caused by the breach.
5. In this instance, the enforcement notice does not explicitly state which of the two purposes it seeks to achieve. However, since the notice is targeted against the erection of two outbuildings and requires the removal of the two outbuildings in their entirety, I am satisfied that the purpose of the notice is to remedy the breach of planning control by restoring the land to its condition before the breach took place, in accordance with S173(4).

6. The appellant argues that, in the LPA's reasons for issuing the notice, they refer only to the summerhouse and not the separate structure of the playhouse. However, the LPA's reasons explicitly state "the two outbuildings in the rear garden by reason of their excessive size and bulk....." before then referring to alleged harm arising from the summerhouse.
7. The appellant states that the LPA have made previous comments that the principal of the playhouse is acceptable and thus the playhouse should be retained, whilst the summerhouse could be reduced to overcome the harm.
8. However, the notice is targeted against both buildings. Any steps that stop short of removing both buildings would fail to remedy the breach of planning control. Moreover, in the absence of an appeal duly brought on ground (a) of S174 of the Act, I am unable to consider the planning merits of an alternative, including retaining the playhouse and/or reducing the scale of the summerhouse.
9. As a result, the appeal on ground (f) fails.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

J Whitfield

INSPECTOR