



Appeal Decision

Site visit made on 11 February 2026

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2026

Appeal Ref: APP/H5960/C/24/3357602

107 Carslake Road, London, SW15 3DD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Medet Kaya against an enforcement notice issued by the Council of the London Borough of Wandsworth.
 - The notice was issued on 6 November 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission and within the last 4 years the unauthorised installation of black painted metal rolling gates at the front of the property.
 - The requirements of the notice are to: 1. Remove the rolling gates and reinstate the land to its former condition; and 2. Remove from the site all debris arising from compliance with step 1 above.
 - The period for compliance with the requirement is: 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is varied by
 - deleting requirement 1 and substituting it with “Either a) Remove the rolling gates and reinstate the land to its former condition or b) reduce the height of the rolling gates and fixing posts to no more than 1m.”
 - substituting “2 months” with “3 months” as the period for compliance.
2. Subject to the variations, the enforcement notice is upheld.

The Appeal on ground (f)

3. An appeal on ground (f) requires consideration of whether the steps required by the notice exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The step that is required by this enforcement notice is to remove the gates. The purpose of the notice, therefore, clearly comes under S173(4)(a) of the 1990 Act which is remedying the breach by restoring the land to its condition before the breach took place.
4. Whilst permitted development rights cannot be applied retrospectively to the development carried out, it is a fallback position that if the gates were removed the appellants would have permitted development rights to erect almost identical gates up to 1m in height. The Council does not dispute this. The appellant has advocated that lesser steps would be to reduce the height of the gates and fixing posts to 1m in height.
5. The appeal process is meant to be remedial and not punitive. Within the context of what is allowed under permitted development, it would be punitive for the sake of it

to require the whole of the development to be removed. For these reasons, I have added the option of reducing the height of the gates and fixing posts.

6. I therefore conclude, having had regard to all other matters raised, that the breach of planning control could be remedied by a lesser step and the requirements of the enforcement notice should be varied accordingly.

The Appeal on ground (g)

7. The appellant has explained that he would have to source suitable contractors to carry out the work. I agree that 2 months is somewhat unrealistic to do this but a 6-month period, requested by the appellant, would be too long. I consider that extending the period for compliance to 3 months would strike a reasonable and proportionate balance between any difficulties the appellant may encounter and the public interest of remedying the breach of planning control.
8. I shall therefore vary the enforcement notice accordingly.

Conclusion

9. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeals on ground(f) and (g) succeed to that extent.

Siobhan Watson

INSPECTOR