



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: 20 February 2026

Appeal Ref: APP/H5960/C/24/3350798

51 Lydden Grove, London, SW18 4LJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Audrius Seskanas against an enforcement notice issued by the Council of the London Borough of Wandsworth.
 - The notice was issued on 18 July 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission and within the last 4 years, the erection of a timber platform and banister rails on the banks of the River Wandle at the property.
 - The requirements of the notice are to: 1. Remove the unauthorised timber decking and associated support posts and ensure works are as per the plans permitted in permission 2018/4274; and 2. Remove from the site all debris arising from compliance with Step 1 above.
 - The period for compliance with the requirements are: 6 weeks.
 - The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by the substitution of the plan attached to the enforcement notice by the plan annexed to this decision. Subject to the correction, the Appeal is dismissed and the enforcement notice is upheld.

The Appeal on ground (c)

2. An Appeal on ground (c) is that those matters (if they occurred) do not constitute a breach of planning control.
3. The Appellant has not specifically appealed on ground (c) but has stated in Section G of the Appeal form “the rear terrace development is not a building as such, it doesn’t require planning permission.” I will therefore treat this comment as a ground (c) Appeal.
4. Section 55(1) defines “development” as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. S336(1) defines “building” as including “any structure or erection”. The unauthorised platform is a structure which extends over the riverbank, it is supported by timber posts and incorporates metal railings. It is therefore a building and is development. Development requires planning permission under s57(1) of the Act. The Appellant does not provide any evidence that it already has planning permission.
5. The Appeal therefore fails on ground (c).

The Appeal on ground (d)

6. The ground of appeal under s174(2)(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 those matters. In this case the relevant period is 4 years from when the timber decking and associated support posts were constructed. The 4-year period must have occurred before the enforcement notice was served. This means that the unauthorised decking and posts must have been constructed by 18 July 2020. The onus of proof is on the Appellant.
7. The Appellant says that the development was completed in 2019. In support of his claim, he has submitted an invoice dated 22 March 2019 which includes the supply of composite decking, fencing to the rear garden, a platform of 68sq metres, metal railings, and labour.
8. However, the Council has supplied an aerial image dated April 2020 which shows extensive greenery existing on the riverbank over which the platform currently projects. The platform is not visible in the image and the existence of so much greenery indicates that the platform was not there in April 2020, and hence not there in March 2019 either, as claimed by the Appellant.
9. The aerial imagery dated 3 March 2021 provided by the Council is unclear but the first time the unauthorised development is potentially visible by way of an outline corresponding to the shape of the platform is March 2022. The Appellant has not commented on the Council's evidence.
10. For the above reasons, and, on the balance of probability, the evidence does not precisely and unambiguously demonstrate that the decking and posts were constructed at least four-years before the date of the notice. Therefore, I conclude that the ground (d) appeal fails.

Other Matters

11. The plan attached to the enforcement notice does not include the area where the platform and banister rails are located. It is however, included on the plan in the Officer Report. I consider that I can correct the plan without injustice. I understand that the property was known as 51a but now it is known as 51.

Conclusion

12. For the reasons given above I consider that the appeal should not succeed. I shall uphold the enforcement notice with a correction to the plan.

Siobhan Watson

INSPECTOR



Planning Inspectorate

PLAN

This is the plan referred to in the Enforcement Notice, as corrected
by Siobhan Watson

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Not to Scale

