



Appeal Decision

Site visit made on 12 February 2026

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2026

Appeal Ref: APP/G5750/C/25/3359302

31 Maryland Square, Stratford, London E15 1HF

- 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 Pushpavathy Wicknaraj against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 11 December 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a rear extension.
 - The requirements of the notice are to:
 1. Demolish the rear extension (as shown in the approximate location edged in blue on the attached plan).
 2. On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is nine months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d), (e), (f) of the Act.
-

Decision

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

Appeal on ground (e)

2. An appeal on ground (e) is a claim that a copy of the enforcement notice was not properly served as required by section 172(2) of the Act.
3. Section 172(2) provides that a copy of the notice shall be served on the owner and occupier of the land to which it relates, and any other person having an interest in the land which, in the opinion of the Council, is materially affected. It is for the Council to decide who is materially affected by the notice, but it runs the risk of the notice being quashed if it exercises its discretion incorrectly.
4. The appellant claims that the enforcement notice was not served properly as a copy was not served at the appellant's residential address of 6 Cannon Lane. The appellant further contends, referring to email evidence, that the Council knew that they were residing at 6 Cannon Lane and not the appeal site as the property was undergoing renovations.
5. The Council indicate that the enforcement notice was served on the owner/occupier of the appeal site at 31 Maryland Square, the freeholder identified on the Land Registry documents for the appeal site when the notice was produced and Capital Home Loans Limited. There is no indication that a notice was served at the property of 6 Cannon Lane, and the Council confirm that the notice was not served via email correspondence.
6. Even if I were to find that the appellant was not properly served the enforcement notice as required by s172 of the Act, it is evident from this appeal that the

appellant received a copy of the notice and made a valid appeal. Therefore, in accordance with the provisions in s176(5) of the Act, I find that the appellant has not been substantially prejudiced.

7. The appeal on ground (e) therefore fails.

Appeal on grounds (b) and (c)

8. An appeal on ground (b) is a claim that the matters stated in the notice (which may give rise to the breach of planning control) have not occurred as a matter of fact.
9. An appeal on ground (c) is that matters alleged in the notice, if they occurred, do not constitute a breach of planning control. The onus of proof in ground (b) and (c) appeals is on the appellants and the test of the evidence is on the balance of probability.
10. Section 55(1) of the Act defines the meaning of “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*. Section 55(1A) further states that *for the purpose of the Act “building operations” includes – (a) demolition of buildings; (b) rebuilding; (c) structural alterations of or additions to buildings; and (d) other operations normally undertaken by a person carrying on business as a builder*.
11. The appellant states that from 2007 there has been a rear extension (the 2007 rear extension) and then refers to an email from the Council that states *“it is noted that the development replaces a former structure”*. If this 2007 rear extension had been replaced by the alleged development in the enforcement notice, then this would include demolition of a building and rebuilding which are both defined as “development”, and therefore the erection of a rear extension as alleged in the notice has occurred as a matter of fact.
12. Nevertheless, I do not consider the rear extension alleged in the notice is referring to the 2007 rear extension. As can be seen from the blue line on the plan attached to the enforcement notice, the rear extension alleged in the notice is an addition to the 2007 rear extension.
13. This is further evidenced in figures 1 and 2 from appendix 4 of the Council's Enforcement Report which show Google Earth images of the appeal site from April 2019 and May 2022. These images clearly show the 2007 rear extension at the appeal property which protrudes from the rear of the property at a similar distance to that of the extension at neighbouring property 33 Maryland Square (this is identified by the dotted yellow line on figures 1 and 2). At my site visit, I saw a rear extension that protruded further than the 2007 rear extension. There is no evidence before me to suggest that the alleged development was not situated on the site at the date the notice was issued.
14. Whilst the appellant refers to works to a roof, including leaks and the use of tarpaulin, from the evidence before me and on the balance of probability, the appellant has failed to demonstrate that at the date the notice was issued the matters alleged had not occurred, and the appeal on ground (b) must fail.
15. The appellant claims that the work undertaken is permitted development as the work undertaken only involves *“render, skimming, double glass windows and door, roof repairing, rewiring, plumbing etc.”* and does not exceed remedial repairs

and/or maintenance. It was clear at my site visit that an extension, as alleged in the notice, has been constructed and this goes beyond the remedial works described by the appellant. The rear extension described in the notice, and as defined in s56 of the Act, is classed as development.

16. On the balance of probability, I conclude that the matter alleged in the notice is development as defined in the Act. There is no evidence before me indicating the alleged development has planning permission or is permitted development and thereby, it does constitute a breach of planning control.
17. The appeal on ground (c) fails.

Appeal on ground (d)

18. In order for an appeal on ground (d) to succeed it has to be shown that at the time the notice was issued it was too late for enforcement action to be taken. The test on the evidence is on the balance of probability.
19. Section 171B(1) of the Act provides that no enforcement may be taken in respect of any unauthorised operational development after the end of the period of four years. The appellant details similar arguments raised under grounds (b) and (c), referring to the 2007 rear extension and that the roof of the extension isn't noticeable on the Google Earth images in figures 1 and 2 due to the use of tarpaulin during works to the roof.
20. It is clear to me from what I saw at my site visit, and also from the Google Earth images in appendix 4 of the Council's statement of case, that the alleged rear extension that is highlighted in blue on the attached plan of the notice, was not present on the site as of May 2022.
21. As a matter of fact and degree, and on the balance of probability, the alleged development was not in place more than four years before the notice was issued and it was not too late for the Council to take enforcement action on these matters.
22. The appeal on ground (d) therefore fails.

Appeal on ground (f)

23. An appeal on ground (f) is that requirements of the notice exceed what is necessary in order to remedy the breach of planning control or, as the case may be, the injury to amenity that is caused by the breach. In this case, the requirements seek to demolish the rear extension and remove all materials and debris, and therefore the purpose is to remedy the breach of planning control.
24. On the matter of ground (f), the appellants statement of cases reiterates some of the same arguments discussed under grounds (b), (c) and (d), and these have been dealt with above. The appellant does refer to correspondence with the landlord of 33 Maryland Square as well as the Council in relation to render and fascias. Matters relating to the render or the fascias and any alterations to these would not remedy the breach of planning control.
25. The requirements to demolish the rear extension (as edge blue on the attached plan with the notice) and remove all materials and debris go no further than remedying the breach of planning control. For these reasons, the appeal on ground (f) fails.

Conclusion

26. For the reasons given above, I conclude that the appeal should fail on grounds (b), (c), (d), (e) and (f), and therefore the appeal is dismissed, and the enforcement notice should be upheld.

Chris Baxter

INSPECTOR