



Appeal Decision

Site visit made on 30 April 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2026

Appeal Ref: APP/Z3635/C/25/3359636

58 Green Lane, Shepperton, Surrey TW17 8DT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Domenico Vittorio Sassone-Corsi against an enforcement notice issued by Spelthorne Borough Council.
 - The notice was issued on 19 November 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of a garage and the Land to use for the storage of builder's tools and materials.
 - The requirements of the notice are to: Permanently cease the use of the garage and the Land, as marked and hatched in blue on the attached plan, for storing building materials and tools in connection with a commercial builder's business.
 - The period for compliance with the requirement is: within two months from the date this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. Since the notice is found to be a nullity, no further action will be taken in connection with the appeal. In the light of this finding the Local Planning Authority should consider reviewing the register kept under section 188 of the 1990 Act as amended.

Preliminary Matters

2. The county and postcode have been taken from the appeal form and added to the address in the banner heading for completeness.

The Enforcement Notice

3. Section 172(1)(b) of the Act states that the Local Planning Authority (LPA) may issue a notice where it appears to them that it is expedient to do so, having regard to the provisions of the development plan and to any other material considerations.
4. Section 173(10) of the Act states that a notice shall specify such additional matters as may be prescribed. These additional matters are prescribed in the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 (the ENAR).
5. Regulation 4(a) of the ENAR requires an enforcement notice to specify the reason why the LPA considers it expedient to issue the notice. Regulation 4(b) further requires the notice to specify all policies and proposals in the development plan which are relevant to the decision to issue an enforcement notice.

6. Section 4 of the enforcement notice states that expediency in taking action against the alleged breach has been considered, and that the Council considers that where unauthorised development occurs which has harmful consequences or is contrary to planning policy, swift action should be taken. However, it fails to identify any specific harm arising from the alleged breach, and no relevant development plan policies are cited or referred to within the notice.
7. Given the above, the notice does not comply with the requirements of Regulations 4(a) and 4(b) of the ENAR. Consequently, I agree with the appellant that the notice provides no clear explanation to enable the recipient to understand the basis on which the LPA considered enforcement action to be expedient.
8. I therefore find that the notice fails to meet the statutory requirements of Section 173(10) of the Act and Regulations 4(a) and 4(b) of the ENAR. It is therefore defective on its face since it is missing vital elements that a notice should include. These fundamental errors render the notice a nullity.

Conclusion

9. I conclude that the notice is a nullity. In these circumstances, the appeal on the grounds set out in section 174(2) (a) and (g) of the 1990 Act and the application for planning permission deemed to have been made under section 177(5) of the Act do not fall to be considered.

V Goldberg

INSPECTOR