



Appeal Decisions

Site visit made on 22 April 2026

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Date of Decisions: 19th May 2026

Appeal Refs: APP/T5150/C/24/3357668 (Appeal A); APP/T5150/C/24/3357669 (Appeal B); APP/T5150/C/24/3357670 (Appeal C); and APP/T5150/C/24/3357671 (Appeal D)

The premises at 77 Salmon Street, London NW9 8PS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeals, as set out on the appeal form, are made by Mrs Haleh Hashemi (Appeal A), Mrs Haleh Hashemi (Appeal B), Mr Mohammad Sadegh (Appeal C) and NA NA The Company Secretary (Appeal D) against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice, ref. E/24/0066, was issued on 8 November 2024.
 - The breach of planning control as alleged in the notice is: *Without planning permission, the erection of front and side fences and the installation of hardstanding to the front of the premises.* ("the unauthorised development").
 - The requirements of the notice are:
STEP1 Remove the front and side fences and remove the hardsurface (sic) from the front of the premises and alter the front garden layout so that it reflects the Plan - ANNEXE A - attached to this notice.
STEP2 Remove all items, debris and remove all materials, arising from compliance with STEP 1, from the premises.
 - The period for compliance with those requirements is 6 months.
 - Appeals A, B, C and D are 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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Decisions on Appeals A, B, C and D

1. The appeals are dismissed, and the enforcement notice is upheld.

Background

2. The enforcement notice concerns front and side boundary fencing around and hardstanding across the front garden of a detached house which is located alongside a service road section of Salmon Street towards its north-western end.
3. Before the issue of the enforcement notice, the Council had considered and refused (on 21 August 2024) a planning application (ref. 24/1629) for proposed alterations to the front and side fences and the front gate. To the extent that substantial parts of the existing fencing and gate were to be retained, albeit at reduced heights, that application was made retrospectively.

The appeals on ground (f)

4. The issue in this ground of appeal is whether the requirements of the enforcement notice are excessive to achieve the purpose of that notice.

5. Section 173 of the Act explains that an enforcement notice can have the purpose of remedying the breach of planning control by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place or it can seek to remedy any injury to amenity caused by the breach.
6. The subject notice states clearly at Schedule 4 that its purpose is to remedy the breach of planning control that has occurred. So, the steps required involve removing the fences and the hard surfacing from the premises and altering the front garden to the lawful position governed by planning permission ref. 14/3337.
7. The appellants refer to the officer's assessment of application ref. 24/1629, wherein no objections on the grounds of transport and neighbouring amenity were raised, and consider that lesser requirements, like reducing the height further, could have been included in the enforcement notice. They state that "*...alternative alterations that require fewer steps and mitigate the impact on the character of the host property and surrounding street scene could have been made rather than returning entirely to the previous planning permission.*"
8. For that scenario which has been outlined, there are no precise details about what the appellants have in mind for a reduction in the height of the fences or for how the hardstanding would be reduced. The appellants did not advance any obvious and specific lesser steps to remedy the breach of planning control. This approach would evidently lead to parts of the unauthorised development remaining in situ, so it would sustain rather than remedy the breach. Moreover, any substitute step which did not require the removal of the unauthorised development would attack the substance of the notice. If, as in this instance, an appeal is not brought on ground (a), which would allow for the consideration of the planning merits and of possible planning conditions, ground (f) and the power to vary the terms of the notice under section 176(1) cannot be used to attack the substance of the notice.
9. To sum up, the breach of planning control alleged would be remedied by the requirements in the notice. No acceptable, alternative lesser steps have been put before me that would achieve the statutory purpose behind the notice. The requirements of the notice are not excessive. Rather, they amount to a proportionate remedy to achieve the purpose of the notice.
10. The appeals on ground (f) therefore fail.

The appeals on ground (g)

11. For a challenge on this ground to succeed, I would need to be satisfied that the compliance period set out on the enforcement notice falls short of what should reasonably be allowed.
12. The appellants have attached 3 appeal decisions at Appendices B, C and D of their statement of case to illustrate how Inspectors have granted extra compliance periods in respect of different enforcement notices. None of those 3 cases replicate the breach of planning control or the circumstances that prevail at the premises at 77 Salmon Street. They are of little relevance, especially as the

appellants acknowledge, quite correctly in my view, that each ground (g) appeal is unique and therefore must be assessed on its own merits.

13. In this case, the appellants request a compliance period of 9 months, rather than the 6-month period given in the enforcement notice. The gist of the appeals on ground (g) is that a compliance period of 9 months would be more reasonable and proportionate as it would allow more time to pursue an appropriate way forward that would involve securing pre-application advice from the Council, preparing and submitting a full planning application, awaiting a formal decision on that application, sourcing and instructing appropriate parties to carry out the remedial works after the approval or refusal of such a planning application and building in the prospect of potential delays across the planning processes.
14. It is not the purpose of the compliance period to enable the appellants to compile pre-application and formal application submissions on alternative schemes as well as carry out the requirements of the enforcement notice. In any event, their final comments dated 31 March 2025 do not refer to any progress on their part following their email of 17 December 2024 to the Council which made reference to raising a pre-application request. It is desirable that the breach of planning control is remedied without unnecessary delay in order to address the harm that arises from it, as identified in the reasons for issuing the notice. In line with the advice at paragraph 60 of the National Planning Policy Framework, effective enforcement is important to maintain public confidence in the planning system. I am inclined to the view that the physical works required by the notice are relatively straightforward and should not take very long to complete. Moreover, the costs of removal and carrying out the necessary modifications are unlikely to prevent compliance.
15. Section 173A(1)(b) of the 1990 Act as amended allows the Council to extend the period for compliance with the notice at its own discretion, should genuine reasons be found for doing so, which might include the need for further discussions between the parties or the need to take into account any unforeseen delays in the planning processes, if say a fresh planning application has been submitted promptly. Given these circumstances and on the basis of the evidence before me, I consider that the compliance period of 6 months is a reasonable and proportionate response to the breach of planning control that has occurred. I am not satisfied there is good reason to extend the compliance period further.
16. The appeals on ground (g) therefore fail.

Conclusion

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

Andrew Dale

INSPECTOR