

Appeal Decision

Site Visit made on 18 May 2026

by J Whitfield BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2026

Appeal Ref: APP/A5270/C/24/3352617

17A Waxlow Crescent, Southall, Middlesex UB1 2ST

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Charanjeev Singh Gill against an enforcement notice issued by the Council of the London Borough of Ealing (the LPA).
 - The notice was issued on 21 August 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the construction of a building (marked "A" on the plan).
 - The requirements of the notice are:
 1. Remove all kitchen facilities, including sinks, cupboards, worktops, and cooking equipment from building marked "A" on the attached plan.
 2. Remove all bathroom facilities from the building marked "A" on the attached plan.
 3. Demolish the building marked "A" on the attached plan; and
 4. Remove all resultant debris.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (d) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Appeal on ground (b)

2. An appeal on ground (b) is brought on the basis that, in respect of the breach of planning control stated in the notice, that those matters have not occurred.
3. The notice alleges the construction of a building. The appellant does not deny that a building exists on the Land. Indeed, there are multiple references in their submissions to the building being present on the Land, including evidence of the appellant undertaking works to the building marked "A". To that end, it has not been demonstrated that the construction of a building on the Land has not occurred.
4. The appeal on ground (b) therefore fails.

Appeal on ground (d)

5. An appeal on ground (d) is brought on the basis that, at the date when the enforcement notice was issued, no enforcement action could be taken in respect of any breach of planning control constituted by those matters stated in the notice.
6. The time limits for taking enforcement action in England are set out in S171B of the Act, as amended by the Levelling Up and Regeneration Act 2023, and subject to transitional arrangements set out in the Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024.

7. The statutory scheme sets out under S171B(1)(a) that, where there has been a breach of planning control consisting in the carrying out without planning permission of building operations in, on, over or under land, no enforcement action may be taken after the end of the period of 10 years beginning on the date on which the operations were substantially completed, where that took place on or after 25 April 2024. However, where the operations were substantially completed before 25 April 2024, the relevant period is four years.
8. The notice was issued on 21 August 2024. The appellant states that the construction of the building was substantially completed before 25 April 2024. The appellant says that they purchased the Land on 29 January 2021 and at the time the building was in place and in use. An aerial image is provided said to be dated 9 September 1999 in which the appellant says that the building can be seen. Subsequent aerial images are provided said to be dated 1 January 2002 and 1 January 2006 in which the appellant also says the building can be seen.
9. However, that contradicts the Statutory Declaration of the person purported to be the previous owner who states that they extended the existing garage in January 2010. Moreover, it is not clear whether the building is present on the Land. In all three images where the building now exists is a combination of what appears to be hardstanding with a light-yellow coloured area which appears more akin to grass or planting than it does a building.
10. Something more akin to a building in that position can be seen in images from 27 June 2010, 8 June 2017 and 24 March 2020. However, in the images from 10 April 2022 and 11 July 2022 the area is occupied by what appears to be larger building with a different coloured roof. The appellant undertook what they describe as upgrading works in 2022. They state this involved the renewal of the roof, the installation of UPVC windows and doors and the external rendering of the walls. However, the footprint of the building in the images from 2022 appears larger than that from the earlier images such that it appears to me that that it was a different building. Indeed, in a Building Notice application from 31 March 2022, mistaken or otherwise, the contractor describes the works as “replacement of an existing garden building”. Furthermore, the plans provided by the person purported to be the former owner have been prepared by the same company that submitted the Building Notice. This suggests the plans which they say are of the building as it was under their ownership in 2010 are actually from the project for the replacement building in 2022.
11. Moreover, in a Statutory Declaration from a person who says they have occupied the building continuously since 15 January 2015, that person declares that they moved out of the building on 8 October 2022 so the appellant could carry out external and internal works to the building. This is contradictory to the aerial images in which the building is shown in April 2022 and July 2022. This casts doubts on the veracity of the appellant’s evidence.
12. Moreover, the LPA has provided a street view image from August 2022 which shows building works ongoing on the Land. The building can be partially seen and appears unfinished, with no render on the external walls. In contrast, a street view images from March 2018, August 2014 and August 2012 show a building of a different size and external appearance present on the Land. Furthermore, images from December 2022 provided by the LPA show the building works were ongoing with building materials on the Land readily apparent.

13. Ultimately, at the time of my site visit, the building appeared unfinished internally and there were no signs of occupation. I note the former occupant does not state whether they moved back in following the works whilst the appellant says they have never moved back in. Indeed, the appellant submits that works ceased on 15 December 2022. This suggests that the building is not yet substantially completed, given that the findings of the Courts in *Sage*¹ that a building is not substantially complete until it is complete for the purpose for which it is intended.
14. Consequently, even if the building was substantially completed before 25 April 2024 and was to be considered under the transitional arrangements for S171B(1) of four years, it has not been demonstrated, on the balance of probabilities, that the building operations were substantially completed on or before 21 August 2020. As such, I find the appellant's evidence is not sufficiently precise and unambiguous and I conclude that, at the date when the notice was issued, enforcement action may then have been taken in respect of the construction of a building, because the time limit for doing so had not expired.
15. The appeal on ground (d) therefore fails.

Appeal on ground (f)

16. An appeal on ground (f) is brought on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, 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.
17. The notice alleges the erection of a building. It requires the removal of internal fixtures and fittings and the demolition of the building. To that end, it seems to me the purpose of the notice is to remedy the breach.
18. The appellant argues that the building provides high quality accommodation and no useful planning purpose would be achieved by demolition. It is said that to ensure the building cannot be used independently, that only the requirement to remove the kitchen should be retained.
19. However, in the absence of a ground (a) appeal it is not open to me to consider the planning merits of retention of the building in any form. Any lesser steps than removing the fittings and demolishing the building would not remedy the breach of planning control. The steps required by the notice to be taken do not therefore exceed what is necessary.
20. The appeal on ground (f) fails.

J Whitfield

INSPECTOR

¹ *Sage v SSETR & Maidstone BC* [2003] UKHL 22