



Appeal Decision

Site visit made on 15 June 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Appeal Ref: APP/R5510/C/25/3364686

83 Freemans Lane, Hayes UB3 2NJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Harinder Singh against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 20 March 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the insertion of window on first floor flank elevation ("the breach").
 - The requirements of the notice are to:
 - i) Remove the window on the first- floor flank elevation and block up the opening using materials which match the existing dwelling house
 - OR
 - ii) Ensure the window is obscure glazed and a Pilkington scale 4 either fixed shut or has an opening of not less than 1.7 metres from the internal finished floor level.
 - iii) Remove from the land all the debris, items, fixtures and fittings, building material, plant and machinery resulting from the works listed above.
 - The period for compliance with the requirements is: Three (3) calendar months after the Notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is quashed.

The Enforcement Notice

2. Whilst this is not a matter raised by the parties, I am required to consider whether the enforcement notice is subject to any defect and, where appropriate, to exercise the power to correct or vary it so that it is in order. As a formal legal document, it is important that the enforcement notice is clear, precise and self-contained, and that its meaning is readily apparent on its face without the need to rely on inference or implication.
3. Section 173 (1) of the 1990 Act states that an enforcement notice shall state (a) the matters which appear to the local planning authority to constitute a breach of planning control: and (b) the paragraph of section 171A (1) within which, in the opinion of the authority, the breach falls. Section 173 (2) of the Act states that a notice complies with subsection (1) (a) if it enables any person on whom a copy of the notice is served to know what those matters are. Section 173 (3) states that an enforcement notice shall specify steps which the authority required to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the purposes set out in section 173 (4).

4. The enforcement notice sets out that it has been issued as it appears there has been a breach of planning control under section 171A (1)(a) of the Act. A breach of planning control under section 171A (1)(a) is the carrying out of development without the required planning permission.
5. The breach of planning control is described as “the insertion of window on first floor flank elevation”. However, the first-floor flank elevation contains two windows, and the allegation fails to identify which of those windows is the subject of the notice. Furthermore, the requirements of the notice refer either to the removal of the window or to alterations to it, but do not assist in clarifying which specific window is intended. As a consequence, when the notice is read as a whole, it is unclear which window the notice seeks to address.
6. This uncertainty is reflected in the parties’ cases. The Council and the appellant have proceeded on the basis of different windows when addressing the alleged breach. Whilst the Council’s appeal statement includes photographs of the window it considers to be the subject of the notice, this does not overcome the lack of clarity on the face of the notice itself, which must be self-contained and unambiguous.
7. Given the above, it would be necessary to correct the allegation so that it properly identifies the development to which the notice is intended to relate. However, to do so in this case would result in injustice to the appellant, who has prepared and presented their case on the basis of a different window to that which the Council appears to have intended to target. In these circumstances, the ambiguity is not one that can be remedied without causing injustice, and therefore the defect in the notice is not capable of correction.
8. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control nor is it clear the steps required for compliance. It therefore does not comply with the requirements of section 173(2) or section 173(3) of the Act. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the Act as amended, since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
9. In these circumstances, the appeal on the ground set out in section 174(2) (b) of the 1990 Act as amended does not fall to be considered.

V Goldberg

INSPECTOR