



Appeal Decisions

Site visit made on 12 May 2026

by **Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

Decision date: 22 June 2026

Appeal A Ref: APP/F5540/C/24/3357686

Appeal B Ref: APP/F5540/C/24/3357687

Premises known as 18 Park Drive, Acton, London W3 8NA

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Ms Claudia Hearne (Appeal A) and Mr Nicholas Hearne (Appeal B) against an enforcement notice issued by the Council of the London Borough of Hounslow.
- The notice was issued on 15 November 2024.
- The breach of planning control as alleged in the notice is the unauthorised erection of a single storey rear infill extension and their associated fenestrations.
- The requirements of the notice are to:
 - i. Demolish the single storey rear extension.
 - ii. Remove all resultant debris from the land.Or
 - iii. Build the single storey rear extension in accordance to an approved plan under planning permission P/2021/3272 approved on 05/10/2021 for 'Variation of condition 2 (approved plans) to allow for the changes to window details of planning permission 00854/18/P3 approved 28/06/2021 for erection of a single storey rear infill extension. Demolition of existing garage and erection of extended garage at rear of property'.
- The period for compliance with the requirement is: 3 months after the date this notice takes effect.
- The appeals were made on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act have lapsed.

Summary of Decision: The appeals succeed to the extent that the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

The Enforcement Notice

1. Section 176(1) of the Act states that, on appeal, the Secretary of State may (a) correct any defect, error or misdescription in the enforcement notice; or (b) vary the terms of the enforcement notice, if they are satisfied that the correction will not cause injustice to the appellant or the LPA.
2. The wording of the alleged breach includes "and their association fenestrations". This is not grammatically correct and should simply be replaced with "and associated fenestrations". The paragraph in section 5 iii of the notice also requires the single storey rear extension to be built in accordance with an approved plan (my emphasis) under planning permission P/2021/3272. This is clearly a typographical error and should require the development to be constructed in accordance with the approved plan of planning permission P/2021/3272.
3. I am satisfied that I can make these corrections without causing injustice to the appellants or the Council.

Preliminary Matters

4. The appeals are made by separate recipients on the same grounds against the same enforcement notice. I shall therefore deal with them together in a single decision letter.
5. The appeals made on ground (a) have lapsed due to the required fee not being paid within the specified period. Moreover, even if the fee had been paid, s174(2A) of the Town and Country Planning Act 1990, prevents appellants from having multiple attempts at getting planning permission for the same development within a two-year period. In this case, a retrospective application has already been refused planning permission, and a subsequent appeal dismissed, less than two years before the enforcement notice was served.
6. Consequently, in determining these appeals, I am unable to take account of any planning merits, and my consideration is confined to matters relating to the grounds (f) and (g) only.

Appeals on ground (f)

7. An appeal on ground (f) is brought on the grounds that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters stated in the notice or, as the case may be, remedy any injury to amenity which has been caused by such breach.
8. Section 173(4) of the 1990 Act states that the purpose of an enforcement notice is to (a) remedy the breach of planning control, or (b) remedy any injury to amenity which has been caused by the breach. The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission 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.
9. As the requirements of the notice are to demolish the single storey rear extension and remove all resultant debris from the land or construct the development in accordance with previously approved plans, the purpose is clearly to remedy the breach of control.
10. The appellants claim that the demolition works are excessive as they would result in the re-building of the infill extension, which is a waste of resources. It is contended that this does not follow the Government's and Council's aspiration of sustainable development and reduce the take up of materials.
11. The appellants have suggested that a modest alteration to the corner of the roof would be sufficient to remedy the breach. Since the issuing of the enforcement notice and the submission of the appeals, planning permission has been granted for the retention of the single storey rear extension but with the suggested roof alteration (Ref: P/2025/0750). The differences between what has been built and what is permitted by the latest approval are clearly documented and the remedial works required to comply with the permission are readily apparent.
12. However, correcting and varying the notice to delete reference to the demolition of the rear extension and compliance with the previously approved plans is unnecessary. This is because I am able to vary the notice to allow for the further option of complying with planning permission P/2025/0750. Whilst it is recognised

that this option may result in less cost and disruption, any of the three compliance options would serve to remedy the breach. However, without introducing the third option I concur that the requirements would be excessive.

13. The requirements would be sufficiently precise and there would be no injustice caused by varying the notice as set out above. Consequently, I shall vary the notice to provide the alternative remedy to the breach. The ground (f) appeals succeed to that extent.

Appeals on ground (g)

14. The appeals on ground (g) are made on the basis that the period specified in the notice falls short of what should reasonably be allowed. The period for compliance is 3 months as set out in the header of this decision. The appellants originally sought a compliance period of 6 months to allow time for the revised planning application to be determined and to secure a builder to complete the works. Since the grant of planning permission Ref: P/2025/0750 they are now seeking an extended compliance period of 3 years to align with the statutory time limit condition on this approval.
15. However, the compliance period must balance the need to provide adequate time to complete the required actions while ensuring that the adverse effects of the breach are not unnecessarily prolonged. A 3 year period for compliance is an excessive amount of time to complete the requirements and would unnecessarily prolong the adverse effects of the development. This would be unreasonable, inappropriate, and fail to support the effective enforcement of planning control.
16. Nevertheless, although the planning application has now been approved, I appreciate that it may take longer than 3 months to appoint a builder with availability and to carry out the works as required. I also recognise the powers available to the LPA to extend the period of compliance under s173A(1)(b) of the Act. However, it is entirely a matter for the LPA as to whether to exercise their s173A(1)(b) powers and not for me to be concerned with in the determination of an appeal.
17. Accordingly, I agree that 6 months would be reasonable and proportionate in the circumstances. I shall therefore vary the compliance period as indicated and, to this extent, the ground (g) appeals succeed.

Conclusion

18. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the period for compliance with the notice falls short of what is reasonable. I shall therefore vary the enforcement notice prior to upholding it. The appeals on grounds (f) and (g) succeed to that extent.

Formal Decision

19. It is directed that the enforcement notice is corrected by:
 - The deletion of section 3 in its entirety and the substitution of the following wording instead:

“3. THE BREACH OF PLANNING CONTROL ALLEGED

The unauthorised erection of a single storey rear infill extension and associated fenestrations.”

20. It is directed that the enforcement notice is corrected and varied by:

- The deletion of section 5 in its entirety and the substitution of the following wording instead:

“5. WHAT YOU ARE REQUIRED TO DO

- i. Demolish the single storey rear extension; and
- ii. Remove all resultant debris from the land;

OR

- i. Build the single storey rear extension in accordance with the approved plan of planning permission P/2021/3272 dated 5 October 2021 for the variation of condition 2 (approved plans) to allow for the changes to window details of planning permission 00854/18/P3 approved 28 June 2021 for erection of single storey rear infill extension. Demolition of existing garage and erection of extended garage at rear of property;

OR

- i. The single storey rear extension shall be altered to comply with the terms of the planning permission ref P/2025/0750 dated 18 June 2025 for changes to the existing projection's eaves to retain rear extension, including the conditions subject to which that permission was granted.

Time for compliance: 6 months after the date the notice takes effect.”

21. Subject to these corrections and variations, the enforcement notice is upheld.

Mark Caine

INSPECTOR