



Appeal Decision

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date 03 July 2026

Appeal Ref: APP/N5090/C/25/3370398

12 Upway, London N12 0QA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Thomas Varghese against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 25 June 2025.
- The breach of planning control as alleged in the notice is 'Without planning permission, installation of 7 no. air conditioning units at the rear elevation of the property'.
- The requirements of the notice are
 1. Demolish the 7 no air conditioning units on the rear elevation of the property
 2. Permanently remove from the property all of the constituent materials resulting from the works in 1. above.
- The period for compliance with the requirements is 4 months.
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Decision

1. It is directed that the enforcement notice is varied by:
 - (i) the deletion of the word 'Demolish' in the first requirement and its substitution with the word 'Remove.'
2. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The effect of Section 118 of the Levelling Up and Regeneration Act 2023 is to bar an appeal under ground (a) where an enforcement notice was served within two years of the date on which a related application ceased to be under consideration. A planning application for the development was refused by the Council on 11 June 2025.
4. There is therefore no ground (a) appeal which is that planning permission should be granted for the matters stated in the notice. I am therefore unable to consider the planning merits of the development as part of this appeal.
5. As the appeal is proceeding on ground (f) only, I am able to proceed to determine the appeal based upon the evidence before me without a site visit. The parties were informed of the reasons as to why a site visit was not required and no objections were received to proceeding without a visit.

The Notice

6. It is the duty of the Inspector to put the notice in order irrespective of the grounds of appeal. The wording of the first requirement refers to demolishing the air

conditioning units. However, air conditioning units are 'removed' rather than 'demolished.' Whilst the appellant has understood the first requirement, substituting the word 'Demolish' with the word 'Remove' provides clarity. As the requirement is not being widened, the amendment does not cause injustice to any party. I will amend the wording of the first requirement in the notice accordingly.

The appeal under ground (f)

7. Section 174(2)(f) of the Act states that an appeal may be made on the ground 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 or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. As the amended requirements relate to removing the air conditioning units and removing debris after removal, the purpose of the notice is to remedy the breach of planning control.
8. Under ground (f), the appellant has suggested that the wording of the requirements be revised to provide for 'a modest intervention, such as the installation of slatted timber screening around the air conditioning units.' The appellant is therefore asking for planning permission to be granted subject to a condition to install appropriate screening. However, in the absence of a ground (a) appeal, there is no scope within ground (f) to consider granting planning permission.
9. An appeal under ground (f) is limited to consideration of whether the requirements of the notice exceed what is necessary having regard to the purpose of the notice which, in this case, is to remedy the breach of planning control. As the purpose of the notice is to remedy the breach, requiring removal of the development and materials arising from that removal is not excessive. The appeal under ground (f) appeal therefore fails.

Other matters

10. The appellant has referred to a number of matters relating to the conduct of the Council including the absence of planning documents from the Council's website. However, that is a matter to raise with the Council as the scope of this appeal is to determine the ground (f) appeal before me.
11. For this appeal, the Council has provided a copy of the delegated report regarding enforcement action and the notice includes the reasons for issue. The appellant is therefore aware of the reasons why an enforcement notice has been served and has made an appeal.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

E Griffin

INSPECTOR