



Appeal Decision

Site visit made on 13 June 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 13th July 2026

Appeal Ref: APP/E5900/C/25/3363094

Land at Suttons wharf, Palmers Road, London, E2 0RY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
 - The appeal is made by Ms Laura Corben on behalf of The Riverside Group Ltd against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
 - The enforcement notice was issued on 27 February 2025.
 - The breach of planning control as alleged is the installation of an access barrier.
 - The requirements of the enforcement notice are to: (1) Remove the access barrier (as highlighted in red in photograph A of appendix 2 to the notice) and (2) Permanently remove all debris from the site arising by compliance from above steps.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (e) and (f) of the 1990 Act. 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 as amended have lapsed.
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Decision

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

Procedural matters

2. In May 2026, The Planning Inspectorate was informed by the Council that the access barrier had been damaged because of a vehicle accident, which was self-evident. The appellant was invited to comment on the circumstances surrounding the accident. Nonetheless, there is no dispute that at the date of the notice’s issue, the barrier had in fact been erected and it was functioning. I proceed.

Ground (e) - the notice was not properly served

3. In pursuing an appeal on this ground, the appellant needs to show, on the balance of probability, that copies of the issued notice were not served as required by s172 of the 1990 Act. Sub-section (2)(a)(b) states a copy of a notice shall be served on the owner, occupier and on any other person having an interest in the land. I am also mindful of s176(5).
4. Essentially, there are two lines of argument advanced in support of this challenge. First, the appellant argument is that the Guinness Partnership, who control the barrier and submitted a retrospective application, were not served, despite their details being known to the Council. Second, the notice was not served on all owners/occupiers of the blocks on the estate, yet they are materially affected because the barrier relates to fire safety and access.

5. The Courts have held that there are limits to how far the Local Planning Authority (LPA) need to go in identifying the owners, occupiers and persons having an interest in the land¹. They have endorsed the practice that a land registry address is proper service if an LPA has not been given another. The LPA does not need to check the records of other Council departments. The statutory framework points to the knowledge of the LPA as relevant for the service of the notice. It is unclear if the LPA issued investigatory notices seeking clarification as to owners and occupiers. Be that as it may, it cannot be faulted for serving at the address given in His Majesty's Land Registry document, which clearly refers to the freeholder and leaseholder served with a copy of the issued notice.
6. Section 329 sub (2) of the 1990 Act explains how a notice can be served where the name of persons who should be served cannot be ascertained. The Council say the occupiers of residential blocks falling outside the title plan area were not rightly served as they do not have a legal interest. Indeed, the appellant has not supplied any evidence to indicate otherwise. There are over 400 dwellings within the residential blocks falling inside the boundary shown in the registry title plan. A copy of the issued notice was served by hand on-site addressed to the "Owner" and "Occupier" of Suttons Wharf and attached directly to the barrier. Apart from the wholly impractical nature of trying to enact personal service on each owner or occupier of the flats, in the circumstances of this case, I consider that the LPA properly served all relevant owner or occupiers who had an interest in the land by following the s329(2)(a)(b) procedures.
7. Even if the appellant is correct, their interest has not been substantially prejudiced by the failure to serve every single occupier or owner of all flats in each block identified by them nor the Guinness Partnership. This is because the appellant's timely appeal has protected their interest. The appellant has had an opportunity to fully argue the appeal during these proceedings. It cannot, therefore, be said that they have suffered any prejudice because of perceived or actual failure to serve alleged owners and occupiers.
8. I conclude that the evidence presented indicates the notice has been properly served. In any event, given the circumstances of this case any failure in terms of service of the notice may be disregarded. Ground (e) fails.

Ground (f) - the steps required by the notice are excessive

9. The notice shall specify the steps to be taken, or the activities to cease, to achieve, wholly or partly, any of the purposes set out in s173(4)(a)(b) of the Act. For example, remedying the breach by restoring the land to its condition before the breach took place, or remedying any injury to amenity which has been caused by the breach. The steps required by the notice seek to remedy the breach.
10. The appellant argues that the barrier is required for access control purposes linked to fire safety, which is supported by the local fire brigade. It also assists in restricting access for parking while re-cladding work is done but does not create a gated community. However, in the absence of a deemed application for planning permission, the merits of retaining the barrier for these reasons, individually or in combination, carry little, if any, weight in this challenge.
11. The appellant seeks a variation to retain the barrier for a temporary period while the building work is completed, but the lesser step advanced would, effectively, undermine the notice's purpose. Such a variation would, potentially, represent under-enforcement which

¹ *Newham LBC v Miah* [2016] EWHC 1043 (Admin) and *Oldham MBC v Tanna* [2017] 1 WLR 1970.

would not remedy the breach and that can only happen by compliance. There are no lesser steps that can be taken to remedy the breach.

12. Drawing all the above points together, in my considered opinion, the appellant's arguments are unpersuasive as the lesser steps advanced would not remedy the breach of planning controls and nothing short of total compliance would achieve that purpose. To my mind, the requirements are not disproportionate nor excessive. Ground (f) must fail.

Other matters and conclusions

13. The scattergun approach adopted by the appellant draws in wider human rights arguments, which I will address for completeness. The argument is that the removal of the barrier interferes with residents' rights to property and life. Retrospective application to retain the barrier has also been refused by the LPA². However, the envisaged interference must be balanced against the wider public interest in pursuing the legitimate development management aims. There is a need to ensure development is managed and this restriction is an appropriate proportional response to that need. In that broad context, there is information to support the Council's claim that the controlled barrier has potential safety implications given access is restricted. Based on the available evidence, I do not consider upholding the notice would have a disproportionate effect on residents nor would such an outcome have a discriminatory effect against unknown persons with any protected characteristic.
14. For all the above reasons and having considered all other matters raised, I conclude that the appeal against the enforcement notice should fail.

A U Ghafoor

INSPECTOR

² PA/24/01463 - Retrospective application for temporary installation of a controlled access barrier at the Northern End of Palmers Road within the Suttons Wharf development through to the completion of the construction works of the Guinness Suttons remedial works. This is to meet H&S statutory requirement of all building residents of Palmers Road, for example, emergency vehicles etc. Refused 20 February 2025.