



Appeal Decision

Site visit made on 7 July 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2026

Appeal Ref: APP/G5750/C/25/3366809

Land at 84 Kingsland Road, Plaistow, London E13 9PA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Sharanjit Singh against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 30 April 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a rear extension.
 - The requirements of the notice are to:
 1. Demolish the rear extension (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1).
 2. On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c) 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.

The ground (b) and (c) appeal

2. Caselaw has established that the onus of proof on these grounds falls to an appellant with the evidence tested on the balance of probabilities. Accordingly, an appellant is required to provide sufficient evidence in making their case. Also, an appellant's evidence should not be rejected simply because it is uncorroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted. The advice in the national Planning Practice Guidance (PPG) also reflects these Court judgments.
3. An appeal on ground (b) is a claim that the alleged matters (i.e. those matters stated in the notice which may give rise to the breach of planning control) have not occurred as a matter of fact. In this case, the appellant must demonstrate that the erection of the structure alleged in the notice, marked in blue on the enforcement notice plan, has not occurred.
4. The appellant's written submissions confirm the presence of the structure, which was also clearly observed during my site visit and is evident in the photographic evidence submitted by the Council. The structure measures approximately 5.65 metres in depth, 1.4 metres in width and 2.6 metres in height. It is constructed from a timber frame and covered with Perspex or polycarbonate sheeting.

5. On the evidence before me, I am satisfied that the structure alleged in the notice has been erected. Consequently, the matters alleged in the notice have occurred as a matter of fact.
6. The appeal on ground (b) therefore fails.
7. For an appeal on ground (c) to succeed, an appellant must demonstrate that the matters alleged in the notice do not constitute a breach of planning control.
8. The appellant describes the structure as an enclosed, lightweight walkway or weather-protected passageway, intended to provide weather protection while moving through to the rear garden. They state that it has no solid foundations, brickwork, or fixed roof, and that the surface beneath remains the original garden ground. They further submit that the structure is not used as a room, living accommodation, or for storage purposes. In essence, the appellant considers that the structure lacks the necessary degree of permanence and, as such, should not be regarded as a rear extension. Consequently, they submit that it does not constitute a breach of planning control.
9. S55 of the Act defines “development” as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Building operations includes structural alterations of or additions to buildings. S336 of the Act provides that a “building” includes any structure or erection, and any part of a building.
10. Caselaw¹ indicates that, when determining whether a structure constitutes a building, three principal factors are to be considered, none of which is individually determinative: size, permanence, and physical attachment. In respect of size, the nature of the structure indicates that it could not have been brought to the site in a substantially completed form and was instead constructed in situ. In terms of permanence, the structure is not readily capable of being moved; it has not been moved, and there is no evidence to suggest any intention, nor any realistic prospect, of it being moved in practice. As to physical attachment, regardless of whether the original floor surface was retained within it, the structure is fixed to the ground, and I observed that the roof is partially supported by the exterior surfaces of the host dwelling.
11. Accordingly, as a matter of fact and degree, I am satisfied that the structure exhibits the necessary degree of permanence to be regarded as a building as defined under the Act. Despite the appellant's submissions regarding its lightweight construction, intended use and absence of conventional foundations, the structure can properly be described as an extension to the host dwelling. Its erection therefore constitutes operational development requiring planning permission unless otherwise authorised. The appellant's intended use of the structure as a covered walkway, and their observations regarding similar structures elsewhere, do not alter that conclusion.
12. The appellant does not dispute that the structure does not benefit from express planning permission. Regarding permitted development rights, it fails to meet Condition A.3 of The Town and Country Planning (General Permitted Development) (England) Order 2015, which requires materials to be of a similar

¹ Skerrits of Nottingham Ltd v SSETR (No.2) [2000] 2 PLR 102 and Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd [1949] 1QB 385

appearance to the existing dwelling. The use of timber framing and plastic sheeting within the side extension is entirely different from the traditional brick construction of the original host dwelling. While the appellant has indicated a willingness to undertake amendments, such as reducing the height of the structure, such changes would not overcome the fundamental conflict with Condition A.3. Furthermore, permitted development rights cannot be relied upon to retrospectively regularise development that did not, when constructed, benefit from such rights. Accordingly, I must assess the structure as it existed when the notice was issued.

13. For the reasons set out above, I am satisfied that the development fails to comply with the requirements of permitted development and does not benefit from express planning permission.
14. Accordingly, as a matter of fact and degree, the appellant has failed to provide sufficiently precise and unambiguous evidence to demonstrate, on the balance of probabilities, that the matters alleged in the enforcement notice do not constitute a breach of planning control. Consequently, the appeal on this ground fails.
15. The appeal on ground (c) therefore fails.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

S Lo

INSPECTOR