



Appeal Decision

Site visit made on 13 May 2026

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 July 2026

Appeal Ref: APP/T5150/C/24/3355237

10A Mapesbury Road, London NW2 4JB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Ashraf Borghol against an enforcement notice issued by the Council of the London Borough of Brent.
- The enforcement notice was issued on 1 October 2024.
- The breach of planning control as alleged in the notice is the breach of condition 7 of planning permission ref 18/0236 granted on 16 August 2018.
- The development to which that permission relates is: The breach of Condition 7 of planning permission 18/0236 granted on 16/08/2018, for 'Erection of a 3 storey 6-bedroom dwellinghouse plus basement level and lightwells to the north of Thanet Lodge including pedestrian access from Mapesbury Road'.
- The condition in question is condition no.7 which states that:
Condition 7
Details of materials for all external materials to include (but not limited to) boundary treatments, doors and windows, in the form of high quality colour photomontage keyed to elevational drawing(s), including specification of products and RAL nos as appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work excluding demolition is commenced. The work shall be carried out in accordance with the approved details.
- The notice alleges that the condition has not been complied with in that:

The materials/details of the plastic sheeting to the front boundary has not been submitted to and approved by the Local Planning Authority

AND

- The breach of planning control as alleged in the notice is the breach of conditions 2, 4 and 6 of planning permission 19/0953 granted on 23 May 2019.
- The development to which the permission relates is: 'Variation of condition 2 (approved drawings) to allow the following amendment: Inclusion of single parking space in front garden to Full Planning Permission 18/0236, granted on 16/08/2018 for the erection of a 3 storey 6-bedroom dwellinghouse plus basement level and lightwells to the north of Thanet Lodge including a pedestrian access from Mapesbury Road'.
- The conditions in question are nos. 2, 4 and 6 which state that:
Condition 2
The amendment to the development hereby permitted, if undertaken, shall be carried out in accordance with the following approved drawings and supporting documents: Received 7/5/19: 1721TP100 revA Received 21/5/19: New Crossover Arboricultural Method Statement- Treetec, May 2019 Tree Protection Method Drawing- Treetec, May 2019.
- The notice alleges that the condition has not been complied with in that:

The development has not been carried out in accordance with Drawing No. 1721TP100 RevA and 1721TP10, notably the amount of hardstanding and materials used, the lack of soft landscaping, lawned areas, and planting of trees and shrubs.

Condition 4

The landscape works and planting shown on the approved plans shall be carried out:-

(a) prior to the occupation of any part of the development;

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

- The notice alleges that the condition has not been complied with in that:

The landscape works and planting shown on the approved plans have not been carried out and the development is now occupied.

Condition 6

The refuse and recycling facilities and cycle parking facilities as approved shall be provided in full prior to occupation of the relevant part of the development and shall thereafter be permanently retained and maintained.

- The notice alleges that the condition has not been complied with in that:

The refuse and recycling facilities and cycle parking facilities have not been provided in full and the development is now occupied.

- The requirements of the notice are:

STEP 1

Remove the plastic sheeting to the front boundary and remove from the premises.

STEP 2

Cease occupation of the development until the landscape works and planting shown on the approved plans have been completed in full, ensuring any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the local planning authority first gives written consent to any variation,

STEP 3

Cease occupation of the development until the refuse and recycling facilities and cycle parking facilities as approved have been provided in full, ensuring they are permanently retained and maintained thereafter.

- The period for compliance with the requirements is:
6 months
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal succeeds in part, and permission for that part is granted, but otherwise the appeal fails and the enforcement notice is upheld in the terms set out in the Formal Decision.

Formal Decision

1. The appeal is allowed insofar as it relates to the provisions and requirements of conditions nos. 2, 4 and 6 of planning permission 19/0953 granted on 23 May 2019 (the 2019 permission). Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the *'variation of condition 2 (approved drawings) to allow the following amendment: Inclusion of single parking space in front garden to Full Planning Permission 18/0236, granted on 16/08/2018 for the erection of a 3 storey 6-bedroom dwellinghouse plus basement level and lightwells to the north of Thanet Lodge including a pedestrian access from Mapesbury Road'* (the 2019 permission¹) without complying with conditions 2, 4 and 6, but subject to the other conditions attached to that permission at 10A Mapesbury Road, London NW2 4JB and subject to the additional conditions set out in the attached Schedule of Conditions.
2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to the requirements of condition no. 2 of planning permission 18/0236 granted on 16 August 2018 (the 2018 permission) regarding the details of materials of the boundary treatment and, specifically, the plastic sheeting, and planning permission is refused on the application deemed to have been made under section 177(5) of

¹ LPA Ref No: 19/0953 – dated 23 May 2019

the 1990 Act as amended, with specific regard to the plastic sheeting at 10A Mapesbury Road, London NW2 4JB.

The appeal on ground (a)

Background and Main Issues

3. The appeal site has a lengthy planning history. The 2018 permission was granted in August 2018 (the 2018 permission) for the erection of a 3-storey dwelling². Although granted subject to a number of conditions, the condition that it is subject of this appeal (condition no. 7) sought to secure the details of all external materials including (but not limited to) those related to boundary treatments. It is with regard to the detail of the materials of the means of boundary enclosure that the appeal in relation to condition 7 relates.
4. At the time of my visit to the site the white plastic sheeting to which the local planning authority (LPA) refer in its submissions, and of which a photograph was included within the appellant's statement, had been replaced by an alternative style of 'covering' with the appearance of a hedge (described as 'artificial all-weather hedging' in the appellant's statement). The grounds of appeal did not include ground (b); that those matters alleged in the notice have not occurred. Whilst the appellant has since removed the white sheeting and replaced it with the 'artificial all-weather hedging', as the wording of ground (b) is set in the past tense, the question is whether the breach had occurred by the date of issue of the notice as a matter of fact. I have no evidence before me to lead me to conclude that it had not, irrespective of actions since the service of the notice and the submission of the appeal, and a 'hidden' ground (b) appeal fails on this basis.
5. Since the service of the notice, 'artificial all-weather hedging' has been installed, attached to the metal railings between the brick pillars to replace the white sheeting. The appellant has subsequently sought to clarify the nature of the 'artificial all-weather hedging', seeking to differentiate it from the white sheeting previously installed. I accept that there are visual differences between the sheeting previously installed and the artificial hedging now in place, and the manner in which they may have been packaged for sale and transport may well also differ.
6. However, the alleged breach of planning control cited in the notice is the breach of condition 7 which requires, inter alia, 'details of all external materials to include (but not limited to) boundary treatments....'. It is alleged by the LPA that those details have not been submitted and, thus, there has been a breach of condition 7. Both parties refer to the previous submission of details in respect of condition 7 of the 2018 permission³, the details of which I have subsequently been provided with.
7. Whilst it is noted that the LPA approved the application to discharge the provisions of condition 7, it is clear from the evidence before me that the details submitted in connection with that application did not include details of materials of the boundary treatment to the appeal site's street frontage. I consider both whether or not the 'artificial all-weather hedging' constitutes plastic sheeting and the matter of the alleged breach of condition itself, which is the failure to submit details of materials of boundary treatments, with particular regard to that across the Mapesbury Road

² LPA Ref No. 18/0236

³ LPA Ref No: 18/0236

frontage. I consider the 'artificial all-weather hedging' as an alternative within the scope of the appeal on ground (a).

8. With regard to disputed conditions nos. 2, 4 and 6, these relate to a later planning permission⁴, granted in May 2019 (the 2019 permission). That permission made amendments to the 2018 permission through the variation of condition no. 2 (approved drawings) to allow the 'inclusion of a single parking space in front garden' of the dwelling previously permitted. The disputed conditions of the 2019 permission related to the retention and provision of landscaping and landscaping works (condition nos. 2 and 4) and the provision of refuse, recycling and cycle parking facilities (condition no. 6).
9. The appeal on ground (a) is therefore that planning permission should be granted for the matters stated in the notice as a breach of planning control. Thus, the matter relates to the non-compliance with condition 7 of the 2018 permission regarding the details of materials of the means of enclosure; and non-compliance with conditions 2, 4 and 6 of the 2019 permission regarding hardstanding, landscaping and planting and the provision of cycle parking storage and refuse and recycling storage.
10. Thus, having regard to the above, the main issues are whether condition 2 of the 2018 permission and conditions 2, 4 and 6 of the 2019 permission should be discharged and substituted with alternatively worded conditions, with particular regard to the effects of so doing upon:
 - The character and appearance of the appeal property and surrounding area, with particular regard to whether the character or appearance of the Brondesbury Conservation Area is preserved or enhanced; and
 - The provision of facilities for refuse and recycling and the parking and storage of cycles.

Reasons

Character and appearance

Condition 7

11. The appeal site lies within the Brondesbury Conservation Area (the CA), for which the Character Appraisal⁵ (CACA) notes that its special character is drawn not just from the design of houses but also their street setting and street scenes. Roads are noted as being relatively wide generous tree lined roads, with properties typically featuring large front gardens with boundary treatments comprised predominantly of stone with gate posts.
12. The presence of front garden plot walls are noted as contributing to a 'coherent and ordered street scene but the CACA identifies that the removal of those walls, and subsequent replacement with boundary walls of inappropriate design and materials, and the paving over of garden plots, can be unsightly and significantly reduce the residential character of the CA. Whilst it was clear from my visit to the site that there are many properties where front garden plots are given over the parking of

⁴ LPA Ref No. 19/0953

⁵ March 2006

vehicles, the form and manner that this takes is varied. So too, with regard front garden walls.

13. There is still, despite variations on a theme, a consistency and distinct form, character and appearance to these front garden walls however. Brick piers of varying heights and of varying degrees of ornate design typically mark plot corners and entrances, with lower walls in between. The lengths of intervening wall are mostly topped with vegetation, again of varying height and density, some with metal railings in between.
14. In the broadest sense, the appeal scheme's boundary treatment is not entirely inconsistent with the general approach seen elsewhere along Mapesbury Road. Indeed, it is not the brick wall or piers, or the metal railings that the notice or the reasoning behind its service, seek to attack, even if it is evident that the railings themselves are greater in height than may be the case elsewhere along the street.
15. Rather, it is the incorporation of white plastic sheeting on the railings between the brick piers that has been carried out without the submission of, or subsequent agreement to, details of that material that the notice seeks to attack. A photograph of the site frontage within the appellant's appeal statement shows a white sheet attached to the railings, vehicle gate and pedestrian gate; essentially across the width of the site's road frontage. From those images, it is clear that the result was a visually intrusive and incongruous feature across the property's frontage, wholly at odds with the predominantly verdant frontages and streetscene presented along much of Mapesbury Road. Such an approach is entirely at odds with the prevailing character and appearance of the surrounding area and, as such, would fail to preserve or enhance the character or appearance of the CA.
16. Policy DMP1 of the Brent Local Plan (BLP) sets out the Council's general approach to development management whilst BLP Policy BHC1 sets out the approach to proposals and schemes affecting the borough's heritage assets. Provided that a development scheme is, amongst other things, of a layout, scale and with materials and details that complements the locality, and conserves or enhances the significance of heritage assets through a clear understanding of a site's wider context by contributing to local distinctiveness, built form, character and appearance, such schemes will be supported. However, for the reasons that I have set out, the subject matter the target of the notice in respect of the details of the means of enclosure, and specifically the plastic sheeting, would fail in these respects and is contrary to BLP Policies DMP1 and BHC1. A compelling case has not therefore been made for the appellant not to comply with the provisions of condition 7 in relation to details of materials for the means of enclosure, or for the retention of plastic sheeting.
17. The appellant asks that a distinction be made between the white plastic sheeting that was initially installed, and the 'artificial all-weather hedging' that has subsequently been fitted, and which was in place at the time of my visit to the site. I am invited to conclude that this 'artificial all-weather hedging' should be considered to be an acceptable alternative to the white plastic sheeting initially installed.
18. The 'artificial all-weather hedging' is perhaps less visually intrusive than the white plastic sheeting and it retains at least a small degree of visual and physical permeability through it. Nevertheless, its appearance is wholly, and clearly, artificial and lacks the softer and more natural appearance of an organic hedge or shrubs

which typify the prevailing character and appearance of properties along Mapesbury Road and the surrounding area.

19. Although I do not have the details of its construction or manufacture before me, or the manner in which the product is sold or transported, from what I observed during my visit from the roadside it is not an unreasonable conclusion to reach that it could be broadly considered to be plastic sheeting, albeit not 'solid' and with the form and vague appearance of 'foliage'. Nevertheless, in this respect, I am satisfied that the notice's requirements are sufficiently unambiguous in this respect and that its requirement to remove the 'plastic sheeting' sufficiently covers the 'artificial all-weather hedging' that was in place at the time of my visit, and for which the appellant has invited me to conclude that it would amount to a reasonable and acceptable alternative. I disagree, and the appellant's alternative would fail to secure the form of high quality, complementary development that is consistent with the prevailing character, context and appearance of the surrounding area as sought by BLP Policies DMP1 and BHC1. A compelling case has not therefore been made for the appellant not to comply with the terms and requirements of condition 7 of the 2018 permission.
20. A failure to preserve or enhance the character or appearance of a CA amounts to harm to the character or appearance of the CA, albeit that the harm in this instance would be less than substantial. The Framework advises that great weight should be given to the heritage asset's (in this instance, the CA) conservation and that where a development will lead to less than substantial harm to the significance of the designated heritage asset, the harm should be weighed against the public benefits of the proposal.
21. No public benefits have been cited in support of the proposal, and whilst an assessment of such requires a degree of lateral thinking, it is not the decision maker's responsibility to active search for public benefits. The appellant has nevertheless sought to justify the installation of the plastic sheeting in the interests of privacy, due to the presence of large ground and first floor windows on the recently constructed dwelling and the limited height of the brick wall at the front of the property. The presence of the plastic sheeting, the appellant argues, limits direct views from the pavement into the appellant's property. Whilst that may be so, that amounts to a private benefit, not a public benefit, and as such is not a matter that overcomes the harm that I have identified.
22. Security reasons have also been cited, referring to the brick wall and railings as being easily scalable. Although not directly stated, it is assumed that it is the appellant's belief that the plastic sheeting, whether the white sheeting initially installed or the artificial all-weather hedging currently in place, acts as a preventative measure in this respect. Anecdotally, reference has also been made to items of drugs paraphernalia having been found on the pavement at the front of the house whilst, my attention has also been drawn to crime figures⁶ showing over 80 reported crimes near⁷ Mapesbury Road.
23. In neither instance, however, has it been explained what the purpose of the sheeting is in these respects and thus it is not clear whether the appellant intends any benefits arising to be public or private. Even if I were to consider the presence of the sheeting to amount to a public benefit in terms of preventing access or

⁶ Appellants Statement - Annexe 2

⁷ Note, 'near' Mapesbury Road and not 'on' Mapesbury Road, as suggested by the appellant.

discouraging instances of anti-social behaviour, these would only amount to very limited public benefits and would not overcome the harm that I have otherwise identified.

Conditions 2, 4 and 6

24. Conditions 2 and 4 of the 2019 permission refer to the approved plans and drawings (no. 2) and the implementation of the landscaping and planting works as shown on the approved plans (no. 4). The notice alleges that the development that has been carried out has not been carried out in accordance with the approved plans – specifically drawing numbers 1721 TP100 Rev A and 1721 TP10 – in relation to the extent of hardstanding and the materials used and, as a consequence of that, differences in the soft landscaped and lawned areas and the extent of tree and shrub planting.
25. The evidence before me shows the ‘as built’ plot frontage retaining the sunken patio areas around the building’s perimeter. However, rather than providing just a single car parking space at 90° to the road, and surrounded by lawn and borders with a further separate lawned area on the other side of the access steps down to the lower level, a larger area of hardstanding, laid to brick paviours, instead extends across almost the entire plot width.
26. Driveways, turning areas and car parking spaces in plot frontages along Mapesbury Road are not uncommon. These vary in their form and extent but are key contributing factors, along with the predominant low brick frontage walls, to the open, spacious frontages that retain extensive and verdant tree and shrub cover, to the prevailing character and appearance of the street.
27. Whilst the notice cites the specific elements of the approved plans that have not been implemented, it is clear from the appellant’s submission that the development’s plot frontage has been laid out in a materially and significantly different way to that shown on the previously approved plans. These differences are not limited to the terms set out in the notice but also include the extent of the excavated areas and the resulting ground levels.
28. The appellant is correct when it is stated that the paviours are not widely visible from the roadside. The low brick wall and pillars provide some visual relief, but it is the incongruous and harmful plastic sheeting that provides the main screening element to the paved hardstanding. Nevertheless, the paviours differ from the largely gravelled forecourt driveways seen elsewhere along the street, whilst the significant extent of the hard surface dominates the frontage of the plot and limits the scope for a more comprehensive planting and landscaping scheme, and one that would align more closely with the prevailing verdant appearance of Mapesbury Road garden plot frontages.
29. The excessive area of hardstanding devoted to the parking of cars at the front of the property is detrimental to the character and appearance of the appeal property. As a consequence, the contribution that the property makes to the character and appearance of the street as a whole is harmful, whilst it has not been demonstrated that the large area of hard surface would not lead to excessive surface water run-off. The result is a scheme that does not provide the high-quality form of development sought principally by BLP Policies DMP1, BT2 and BHC1 and supported by BLP Policy BSUI3 and London Plan (LonPlan) Policies D3 and SI13

and the advice and guidance set out within the 'Brent Design Guide'⁸ (SPD1) and the 'Residential Extensions and Alterations'⁹ guide (SPD2).

The alternative scheme

30. An alternative scheme¹⁰ has been prepared by the appellant regarding the layout of the frontage garden plot. Whilst still deviating from the approved plans referred to in the notice, the revised scheme would reduce the extent of hardstanding area and increase the extent of the frontage dedicated to lawn. This layout would also allow for planted borders alongside the pedestrian entrance from the roadside and terraced planters between the roadside level and the sunken levels closer to the house.
31. Whilst the surface treatment of the reduced area of hardstanding would still retain pavements, the more even balance between hardstanding and soft landscaping would be generally consistent with the pattern of frontage layouts along the street. Moreover, given my conclusions in respect of the boundary treatment and materials, in the event that the boundary remains open (without sheeting or planting) the frontage would have a less harsh appearance whilst, if supplemented by appropriate frontage planting there would be further scope to soften the site's frontage. Alternatively, should the appellant choose to go further than the planting shown on drawing no. GA02, they would benefit for both additional privacy and frontage vegetation more consistent with that elsewhere along Mapesbury Road.
32. Although the revised scheme would not provide splays in the manner shown on the previously approved layout, the wider driveway entrance at least incorporates a degree of visibility splay either side of a vehicle within that opening. Furthermore, as splayed entrances are not common along Mapesbury Road the provision of splays in the manner shown on drawing no. TP100 would result in a boundary form at odds with the street's prevailing pattern where taller brick piers and pillars mark driveway and pedestrian gates and entrances.
33. With regard to the provision of cycle parking storage, and also storage for recycling and refuse bins, the revised scheme also shows these on drawing no. GA02. Within the context of the revised scheme and the steps already taken by the appellant to implement elements of this prior to determination of this appeal, I am satisfied that suitable alternatives exist within the scope of the ground (a) appeal with regard to cycle parking storage and the storage of refuse and recycling bins.
34. Thus, with regard to the alternative scheme submitted with, and in connection to, the provisions and requirements of conditions 2, 4 and 6 of the 2019 permission, I am satisfied that a compelling case has been made for the appellant not to comply with conditions 4 and 6 of the 2019 permission as originally approved, and with the substitution of drawings 1721 TP100revA and 1721TP100 in condition 2 for drawing GA02 (as attached to the appellant's Statement of Case at Annexe 3). Subject to the other conditions previously set out in relation to the 2019 permission, to the conditions set out in the attached Schedule of Conditions and to the variation to condition 2, there would be no conflict with the provisions of BLP Policies DMP1, BT2 and BHC1, BLP Policy BSUI3, London Plan (LonPlan) Policies D3 and SI13 or the advice and guidance set out within SPD1 or SPD2.

⁸ November 2018

⁹ January 2018

¹⁰ Drwg No. Plan GA02

The provision of facilities for refuse and recycling and the parking and storage of cycles

35. From the available evidence, the TP100 drawing, whilst showing siting of refuse storage, did not appear to make any provision for the parking or storage of cycles. The 'as built' and thus, enforced against position, is that secure cycle storage would be conveniently located adjacent to a retained single car parking space within a reduced hard-surfaced forecourt area. The 'as built' layout also makes provision for the siting of three refuse / recycling bins adjacent to the pedestrian gate and path, and close to the pavement. On this basis, and subject to an appropriately worded condition to secure compliance with, and the retention of, the details shown on the GA02 drawing, I am satisfied that the appellant has made a sufficiently compelling case to not comply with the provisions of conditions nos 2, 4 and 6 of the 2019 permission, subject also to compliance with the other conditions imposed thereon.

Conditions

36. Given my conclusions in respect of the appeal on ground (a), I have considered the matter of conditions in respect of the hardstanding, garden plot frontage layout and the provision of the cycle parking storage and the refuse and recycling storage. I have imposed a condition to ensure implementation of the content of drawing GA02 within the first planting season following my decision whilst the condition's requirement in the event that plants are removed or become seriously damaged or diseased reflect the requirements of condition 4.
37. I have retained the wording of condition 2 of the 2019 permission in the new condition no. 1, with replacement of Drawing No 1721TP100 revA with GA 02 (dated 22.12.24) and deleted Drawing No 1721TP10. Other than in respect of conditions nos 2, 4 and 6, my decision leaves the remaining conditions of the 2019 permission unaffected.

Conclusion on ground (a)

38. For the reasons set out, I conclude that the appellant has made a compelling case to not comply with the provisions of conditions 2, 4 and 6 of the 2019 permission, subject instead to the provisions of the condition set out in the attached schedule, and those conditions otherwise imposed on the 2019 permission. The appeal on ground (a) succeeds in part in this respect. A compelling case has not been made out in respect of condition 7 of the 2018 permission and in that respect the appeal on ground (a) fails.

The appeal on ground (f)

39. An appeal on ground (f) is that the steps required to be taken by the notice 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. The requirements of the notice are clear; to remove the plastic sheeting (in respect of condition no. 7) and to carry out the previously approved landscaping and layout plans for the dwelling (condition nos. 2, 4 and 6). The purpose of the notice in this instance to remedy the breach of planning control, and not any injury to amenity, is therefore clear.
40. With regard to the plastic sheeting, its removal would be consistent with the notice's requirement to remedy the breach of planning control. As such, I am satisfied that

this step would not exceed what is necessary to remedy the breach of planning control and the appeal should fail in this respect.

41. With regard to the notice's requirements as they relate to conditions 2, 4 and 6 of the 2019 permission however, I have concluded that a compelling case has been made to not comply with the requirements of those conditions and the appeal therefore succeeds in those terms under ground (a). Whilst the appellant's appeal on ground (f) in relation to these conditions of the 2019 permission is made on the basis that the notice's requirement to cease occupation of the dwelling would be excessive, it is not necessary for me to consider this matter by virtue of the partial success of the appeal on ground (a) and the provisions of section 180(1) of the Act. This provides that, where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission. This means that the planning permission granted by virtue of the partial success on ground (a) to allow the appeal insofar as it relates to the revised scheme for the layout of the forecourt and siting of the cycle and refuse storage overrides the requirements of the notice in relation to those elements, to the extent that the planning permission authorises that part of what is being enforced against.

The appeal on ground (g)

42. An appeal on ground (g) is that any period specified in the notice falls short of what should reasonably be allowed. In this instance the period specified by the notice is 6 months. Given my conclusions in respect of the ground (a) appeal and the deemed planning permission granted by its success in part, a period of 6 months for the removal of the plastic sheeting is entirely reasonable and sufficient on the basis of the evidence. The appeal on ground (g) therefore fails.

Conclusion

43. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should succeed on ground (a) in part only. Section 180(1) of the Act provides that, where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.
44. I shall therefore grant planning permission for part of the matter the subject of the enforcement notice, namely the details relating to the site layout plans showing a reduced area of hardstanding, landscaping and planting provision and the siting of cycle parking storage and recycling and refuse storage facilities. The enforcement notice is otherwise upheld and planning permission is refused on the other part subject of the notice, namely the plastic sheeting installed to the means of enclosure across the site frontage. It is not necessary for me to make any changes to the requirements of the notice as a result of this, since the provisions of section 180 of the Act mean that the requirements of the notice will cease to have effect so far as inconsistent with the planning permission I have granted.

G Robbie

INSPECTOR

Schedule of Conditions

- 1) The amendment to the development hereby permitted, if undertaken, shall be carried out in accordance with the following approved drawings and supporting documents:

Drwg No: GA 02 (dated 22.12.24)

Received 21/5/19:

New Crossover Arboricultural Method Statement- Treetec, May 2019

Tree Protection Method Drawing- Treetec, May 2019.

This drawing is in addition to the existing approved drawings on the approved permission 18/0236, which are listed here for reference:

Received 18/1/18: 1213/L21; 1721/TP03; 1721/TP05; 1721/TP07; 1721/TP08; 1721/TP09; Received 3/3/18: 1721/TP01; Received 24/3/18: 14142LS; Construction method statement [Goddard Consulting, February 2018]; Tree survey and arboricultural method statement [TreeTec, October 2014]; Received 4/5/18: 1721/TP04 revB; 1721/TP11; Received 9/11/18: Tree protection plan; Received 13/8/18: 1721/TP06.

- 2) All hard surfacing, planting, seeding or turfing comprised in the details set out on drawing GA02 (dated 22.12.24) shall be carried out in the first planting and seeding seasons following the date of this decision; and any trees, shrubs or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 3) The refuse and recycling facilities and the cycle parking facilities shall be provided in accordance with the details set out on drawing GA 02 (dated 22.12.24) within 6 months of the date of this decision, and shall thereafter be retained and maintained in accordance with those details.

**** End of schedule ****