



Appeal Decision

Site visit made on 26 May 2026 by E Street BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2026

Appeal Ref: APP/G5180/C/25/3363810

106 High Street, Beckenham BR3 1EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Cihan Senol against an enforcement notice issued by the Council of the London Borough of Bromley.
 - The notice was issued on 24 March 2025.
 - The breach of planning control as alleged in the notice is without the required planning permission, the replacement of a shopfront forming part of the Primary Retail Frontage within a conservation area.
 - The requirements of the notice are to:
 - (i) Remove the existing shopfront (including all aluminium panelling, fixtures and fittings; the bi-folding doors; and all associated shopfront paraphernalia) and replace it with a design sympathetic to the character and appearance of the Beckenham Town Centre Conservation Area, using materials that preserve and/or enhance the character and appearance of the Beckenham Town Centre Conservation Area;
 - (ii) Remove the retractable awnings; and
 - (iii) Remove any obstacles preventing step-free access.
 - The period for compliance with the requirements is within two months after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Act. 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.
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Decision

1. Since the notice is found to be a nullity, no further action will be taken in connection with this appeal. In light of this finding, the Local Planning Authority should consider reviewing the register kept under section 188 of the Act.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Reasons for the Recommendation

3. The notice relates to the replacement of a shopfront forming part of the Primary Retail Frontage within a conservation area. There is no dispute between the main parties surrounding the manner of what the alleged breach is. I have no reason to disagree. The first requirement of the notice requires the appellant to "Remove the existing shopfront (including all aluminium panelling, fixtures and fittings; the bi-folding doors; and all associated shopfront paraphernalia) and replace it with a design sympathetic to the character and appearance of the Beckenham Town Centre Conservation Area, using materials that preserve and/or enhance the character and appearance of the Beckenham Town Centre Conservation Area.

4. An enforcement notice is null if it is defective on its face, such as by missing some vital element than a notice 'shall' include under section 173 of the Act, such that the notice is hopelessly ambiguous or uncertain. Section 173(3)-(4) of the Act requires an enforcement notice to specify the steps required to be taken to remedy the breach or any injury caused to amenity.
5. The notice in this appeal does not require the breach to be remedied by making any development comply with the terms of any planning permission or by restoring the land to its condition before the breach took place. The notice therefore seeks to remedy an injury to amenity in accordance with section 173(4)(b) of the Act by requiring the installation of a different shopfront which is not specified in any plans.
6. A design being sympathetic is a matter of judgement. It could be a cause for a difference of opinion between. Moreover, the first requirement of the notice is imprecise and leaves ambiguity as to what may or may not be sympathetic. Resultantly, any person who may need to comply with the notice would be unclear as to what they need to do to achieve compliance. A situation could easily arise where one person reasonably thinks the notice has been complied with and another person reasonably reaches the opposite view. There is no mechanism for the wording of the notice to be amended as I am unclear as to how a sympathetic design may be described without causing injustice to any parties.
7. As the notice lacks precision in terms of what would need to be done to comply with it, the notice does not accord with Section 173(3)-(4) of the Act. I therefore find that the notice is hopelessly ambiguous and uncertain. I conclude that the notice is a nullity. In these circumstances, the appeal on the ground set out in section 174(2)(a) of the Act and the application for planning permission deemed to have been made under section 177(5) of the Act do not fall to be considered. By virtue of section 171B(4)(b) of the Act the Council is not prevented from taking further enforcement action against the alleged breach of planning control in the form of a new, appropriately drafted, enforcement notice.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and my representative's report and on that basis the notice is a nullity. In these circumstances, the appeal on ground (a) does not fall to be considered. In the light of this finding the Council should consider reviewing the register kept under section 188 of the 1990 Act as amended.

John Morrison

INSPECTOR