



Appeal Decision

Site visit made on 30 July 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2026

Appeal Ref: APP/P1425/C/24/3344415

Flats 1-16, Seaview Court, Pelham Road, Seaford BN25 1ER

- 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 Michael Row (Seaview Holdings Ltd) against an enforcement notice issued by Lewes District Council.
 - The notice was issued on 8 April 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the subdivision of flats at the Land to create seven (7) extra unauthorised bedsit / flats.
 - The requirements of the notice are to:
 1. Cease the use of the unauthorised bedsits/flats
 2. Where windows have been replaced with a front door, revert to windows on the principal elevation.
 3. Remove internal partitions that have created any unauthorised secondary living space.
 4. Remove secondary kitchen areas.
 5. Clear all resultant debris from the Land.
 - The period for compliance with the requirements is nine months from the date this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is quashed.

The Enforcement Notice

2. Whilst this is not a matter raised by the parties, I am required to consider whether the enforcement notice is subject to any defect and, where appropriate, to exercise the power to correct or vary it so that it is in order. As a formal legal document, it is important that the enforcement notice is clear, precise and self-contained, and that its meaning is readily apparent on its face without the need to rely on inference or implication.
3. Section 173(1) of the 1990 Act states that an enforcement notice shall state, (a) the matters which appear to the local planning authority to constitute a breach of planning control; and (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls. Section 173(2) of the Act states that a notice complies with subsection (1) (a) if it enables any person on whom a copy of the notice is served to know what those matters are. Section 173(3) states that an enforcement notice shall specify steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the purposes set out in section 173(4).

4. The enforcement notice sets out that it has been issued as it appears there has been a breach of planning control under section 171A (1)(a) of the Act. A breach of planning control under section 171A (1)(a) is the carrying out of development without the required planning permission.
5. The breach of planning control is described as the subdivision of the flats at the Land to create seven extra unauthorised bedsits/flats. However, the address stated on the notice does not identify the unauthorised bedsits/flats. Moreover, the notice is unclear as to the number of lawful flats at the Land. In addition, the Council has indicated that there are eight, rather than seven, unauthorised units. Consequently, there is uncertainty as to the extent of the alleged breach and the land to which the notice relates.
6. Turning to the requirements of the notice, Requirement 1 in Section 5 requires the cessation of the use of the unauthorised bedsits/flats. However, the notice fails to identify the specific flats or bedsits to which this requirement relates. It is therefore unclear which units are alleged to be unauthorised. As drafted, the requirement lacks the precision necessary to enable the recipient to understand what is required to secure compliance.
7. Requirement 2 requires windows that have been replaced with front doors to be reverted to windows on the principal elevation. However, the notice does not specify the doors to be removed or the windows that should replace those doors. Accordingly, this requirement lacks precision and would require the recipient to infer which parts of the building are the subject of the requirement. In the absence of clear identification of the relevant openings, it is not possible to determine with certainty what works are required to secure compliance with the notice.
8. Requirement 3 requires the removal of internal partitions that have created any unauthorised secondary living space. Whilst this requirement appears intended to address the alleged subdivision of some units, the notice fails to identify the location of the partitions that are said to give rise to the breach. Furthermore, the term "secondary living space" is imprecise and does not accurately relate to the alleged breach. The subdivision of a planning unit would ordinarily result in the creation of an additional planning unit, rather than a "secondary living space". The notice neither defines this term nor explains which areas are considered to constitute such space. Accordingly, the recipient is left to infer both the partitions that are required to be removed and the parts of the property that are alleged to be unauthorised. As drafted, the requirement lacks the precision and certainty necessary to enable the recipient to understand what steps are required to secure compliance with the notice.
9. Requirement 4 requires the removal of secondary kitchen areas. Similarly to Requirement 3, this requirement is both unclear and inaccurate. If kitchen facilities have been installed within newly created residential units, those kitchens would constitute primary facilities serving separate planning units, rather than "secondary kitchen areas". As such, the terminology used does not accurately relate to the alleged breach of planning control.
10. Furthermore, the notice fails to identify the location of the kitchen areas that are alleged to be unauthorised. Nor does it specify the extent of the works necessary to secure compliance. Accordingly, the recipient is left to infer both the kitchens to which the requirement relates and the works required. As drafted, the requirement

lacks the precision and certainty necessary to enable the recipient to understand exactly what steps must be taken to comply with the notice.

11. Given the above, the notice would require corrections to accurately describe the breach of planning control and the land to which the notice relates. The requirements would also need to be varied to provide sufficient precision as to the actions necessary to secure compliance. These changes would not amount to the correction of a minor defect but would alter the substance of the notice. In these circumstances, I find that such amendments would result in injustice to the appellant, who has prepared and presented their case in response to the notice as issued. Consequently, I conclude that the defects cannot properly be remedied through the exercise of my powers under section 176 of the Act.
12. For the reasons set out above, I conclude that the enforcement notice fails to comply with sections 173(2) and 173(3) of the Act because it does not identify with sufficient clarity the alleged breach of planning control or the steps required to secure compliance. The defects are substantive rather than minor in nature and cannot be corrected through the exercise of my powers under section 176(1)(a) of the Act without causing injustice to the appellant. Accordingly, the enforcement notice is invalid and must be quashed.
13. In these circumstances, the appeal on the grounds set out in section 174(2) (d) and (f) of the 1990 Act as amended do not fall to be considered.

V Goldberg

INSPECTOR