



Appeal Decision

Site visit made on 27 July 2026

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2026

Appeal Ref: APP/T5150/C/25/3364758

Flats 1-3, 11 Blenheim Gardens, London, NW2 4NL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Alan Rivers against an enforcement notice issued by the Council of the London Borough of Brent.
- The enforcement notice was issued on 20 March 2025.
- The breach of planning control as alleged in the notice is failure to comply with conditions imposed on a planning permission ref. 18/2913 granted on 12 October 2018.
- The development to which the permission relates is: Conversion of single-family dwelling into 3 x self-contained flats; excavation to enlarge existing basement and create lightwells.
- The conditions in question are Nos. 2 and 6, which state:
Condition 2: The development hereby permitted shall be carried out in accordance with the following approved drawings: 11C; 12B; 13B; 14A; 15B; 16A; 17B; 18B; S3320/11A; 12A; 13; 14; 15; 16; 17; 18A; 19; BP; SLP.
Condition 6: Details of the provision of a minimum of 6 secure cycle parking spaces and 4 wheely bins shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units hereby approved. Thereafter the development shall not be occupied until the cycle parking spaces and refuse provision have been laid out in accordance with the details as approved and these facilities shall be retained.
- The requirements of the notice are to:
Step 1 – Remove the hardstanding from the front of the premises and install soft landscaping as shown in Drawing no. S3320/sk01A and the accompanying front garden plans/details, both attached to this notice as Appendix 1. Any plants and shrubs planted in accordance with the approved plans which, within 5 years of planting, are removed, die, seriously damaged or become diseased, shall be replaced, by plants and shrubs of similar species and size to those originally planted.
Step 2 – Cease occupation of the development until the cycle parking spaces and refuse provision have been laid out in accordance with the details approved in by the Local Planning Authority under ref. 23/3054 and attached to this notice as Appendix 1, ensuring these facilities are retained for the lifetime of the development.
Step 3 – Remove all waste, debris and materials, arising from the compliance with the above steps, from the premises.
- The period for compliance with the requirements is: 12 months after the notice takes effect.
- 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 is dismissed and the enforcement notice is upheld subject to the correction and variations set out in the formal decision below.

Background and Preliminary Matters

1. Planning permission ref. 18/2913, for the conversion of a single-family dwelling into three self-contained flats, was granted subject to conditions, on 12 October 2018. Condition 2 of this permission lists the approved drawings, which do not include a landscape plan, or a site layout or block plan containing any landscaping details to the front or rear of the property. The only drawing showing the front garden is the proposed ground floor plan (drawing No. S3320/12A). I note that this drawing was revised on 4 October 2018 to include a hedge alongside the front

boundary wall. It otherwise includes no hard or soft landscaping or boundary treatment details. In the absence of a condition to require the provision and retention of the unknown type of hedge shown on the drawing, or of any other landscape condition, the provision of the hedge is not enforceable. The removal of the low front wall would also not have required planning permission in the absence of a condition to secure its retention.

2. An application, ref. 23/3054, seeking approval of details of the secure cycle parking and wheelie bin storage required by condition 6 of planning permission ref. 18/2913, was granted on 20 November 2023. The cycle parking and wheelie bin storage area must be provided in accordance with the approved details and retained thereafter to comply with condition 6. However, condition 6 does not require any hard or soft landscaping works to be agreed or provided. Consequently, the landscaping works shown on the submitted drawings are not necessary to discharge of condition 6. Only the provision of the cycle parking and wheelie bin storage are necessary to ensure compliance with condition 6.
3. The drawings approved in relation to the discharge of condition 6, which show the front wall reduced in length, no front boundary hedge, the bin storage and cycle parking shed on the former lawned area, and a slate finished frontage, are not consistent with the earlier approved drawings listed at condition 2 in terms of the site frontage, and as such, it would not be possible to comply with both drawings. It also seems to me that the two drawings submitted with the application to discharge condition 6 are mutually exclusive in places, most notably the size and location of the cycle store differ on each.

The Enforcement Notice

4. The Council allege that “there has been a breach of condition 2 because the development has not been carried out in accordance with the approved drawings. The soft landscaping has not been retained or reinstated, and a hardstanding has been created to accommodate a vehicle at the front of the property which is not shown in the approved drawings”.
5. It is unclear from the notice which of the approved drawings listed at condition 2 the development has not been carried out in accordance with. There are no approved landscape or boundary treatment drawings or conditions. Furthermore, the plan approved to discharge condition 6 shows a bicycle parking shed and a wheelie bin storage area, both of which require a hard surface, on the former small lawned area. The boundary planting between nos.9 and 11 and between no. 11 and 24 Grosvenor Gardens, appears to be on the neighbouring properties and has been retained. I shall therefore correct the notice by deleting the breach of condition 2 from the allegations.
6. The Council allege that “there has been a breach of condition 6 because the development is occupied and the cycle parking spaces and refuse provision have not been laid out in accordance with the details approved in writing by the Local Planning Authority under ref. 23/3054 and dated 20/11/2023”.
7. At the time of my site visit the approved wheelie bin storage was in place. It is also evident from the photographs dated 8 August 2023 and 3 February 2025, which are appended to the Council’s case, that this was present long before the enforcement notice was issued. Nevertheless, a breach of condition 6 has still

occurred, albeit only due to the cycle parking not being provided. I shall therefore correct the reason for the allegation accordingly.

8. The requirements of the notice must align with the allegations and should be confined to what is necessary to remedy the breach, nothing more. It is not possible to introduce new landscaping requirements that were not previously part of the approved development or required by another condition. I shall therefore vary the requirements of the notice to require compliance with condition 6 only, by providing the approved cycle parking. As there is no allegation of unauthorised operational development, my consideration of the appeal shall be limited to the matter of cycle parking.

The appeal on ground (a) and the deemed application

9. An appeal on ground (a) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Main Issue

10. The main issue is whether compliance with condition 6 is reasonable and necessary to make the development acceptable, having regard to the tests for conditions set out in the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG).

Reasons

11. To promote sustainable transport choices, policies BT1 of the Brent Local Plan 2019-2041(2022) and T5 of The London Plan (2021) seek to ensure that secure and accessible cycle parking is provided for all residential developments. The minimum standard set out in The London Plan, for this type of development, is two long-stay cycle parking spaces per flat.
12. Whilst I noted that there are on street cycle nests nearby, at the junction of Blenheim Gardens and Grosvenor Gardens, I am not aware of the capacity, availability or cost of using these. Furthermore, the reliance of these by occupiers of new homes would reduce availability of spaces in them and increase the pressure for further such structures in the highway.
13. The appellant states that the approved external cycle store is impractical and would fail to preserve the character and appearance of the property or the wider street scene. It is unclear why such details were proposed and submitted by the appellant if better alternative solutions were available, however, the appellant now suggests that two secure cycle parking spaces could be provided somewhere within the large lower floor unit, and that a further four secure cycle parking spaces could be provided using a wall mounted system within the entrance hall to the upper floor flats.
14. I agree that the cycle parking approved, which would result in a timber shed in the front garden, in front of the bay window, would not be particularly attractive or in keeping with the frontages of other properties in the street scene, but the Council has approved these details and it is reasonable to assume they are content with that solution.

15. Regarding the alternative suggestion for which planning permission is sought, I acknowledge that there are steps to the entrance doors and gates to both the upper and lower floor flats, but the steps are few, are small in height, and are generous in width and depth. As such, it would not be difficult to push a bicycle up or down these. However, I have not been provided with any plans or photographs to demonstrate that this alternative internal cycle storage has been provided or that it could be provided in an accessible manner without obstructing the use of any entrances or hallways. Nor have I been advised where the cycle parking for the lower floor flat, which has a separate entrance, would be.
16. Whilst it is open to the appellant to submit to the Council an alternative scheme to discharge or vary condition 6, there is insufficient information before me to do so at this time. To grant a fresh permission for the development with a new condition requiring details of the cycle storage to be submitted and agreed, would essentially be repeating the existing condition that has been breached by non-compliance with the details that were submitted for approval by the appellant previously.
17. In the absence of on-site cycle parking facilities, the conversion of the single dwelling to three flats would be contrary to policies BT1 of the Brent Local Plan and T5 of The London Plan. I therefore conclude that condition 6 was, and remains, reasonable and necessary to make the development acceptable having regard to the tests for planning conditions that are set out in the Framework and PPG.
18. The appeal on ground (a) therefore fails.

Appeal on ground (f)

19. An appeal on ground (f) is made on the basis that the requirements of the notice exceed what is necessary to either (a) remedy the breach of planning control or (b) remedy any injury to amenity which has been caused by the breach. The purpose of the notice in this case is to remedy the breach of control.
20. The breach of control is caused by the failure to provide the secure cycle parking approved by the 2023 discharge of condition application. Where lesser steps would overcome the Council's concerns, I must consider this. I have considered and ruled out, due to insufficient details, the possibility of granting planning permission for the development with internal cycle parking as part of the appeal on ground (a). I have also already confirmed that the requirements at Step 1 of the notice go beyond what is necessary to remedy the allegations as corrected as the planning permission was not subject to any landscaping conditions. Step 3 is not required as it has not been demonstrated that any unauthorised development, resulting from a breach of condition 2 has occurred, and thus there will be no waste arising from any removal of this.
21. I agree that Step 2 is excessive as it is not necessary to cease the occupation of the development to remedy the partial breach of condition 6. As the refuse facilities were provided prior to the notice being issued, the only requirement necessary to remedy the breach of condition 6 is the provision and retention of 6 secure cycle parking spaces in accordance with a scheme submitted to and approved in writing by the Council.
22. I have varied the requirements of the notice accordingly and the appeal on ground (f) therefore succeeds to this extent.

Appeal on ground (g)

23. An appeal on ground (g) is made on the basis that the period for compliance specified in the notice falls short of what should reasonably be allowed. The period specified in the notice is 12 months.
24. The appellant sought a longer period of 18 months due to the Council's requirement to cease the occupation of the premises. The notice, as varied, only requires the provision of the already approved cycle parking shed. There is no evidence before me to suggest that the approved structure would be difficult to source or erect on the site.
25. The compliance period is therefore reasonable and proportionate to the breach of planning control. Furthermore, it would also allow time for an alternative scheme to discharge or vary condition 6 to be submitted should the appellant wish to do so.
26. Accordingly, the appeal on ground (g) fails.

Conclusion

27. For the reasons given above, I conclude the appeal succeeds in part only. I shall uphold the notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

28. It is directed that the enforcement notice be corrected by:

- deleting the allegations at Schedule 2 and substituting these with:

The breach of condition 6 of planning permission ref. 18/2913 dated 12/10/18, which states:

Condition 6: "Details of the provision of a minimum of 6 secure cycle parking spaces and 4 wheely bins shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units hereby approved. Thereafter the development shall not be occupied until the cycle parking spaces and refuse provision have been laid out in accordance with the details as approved and these facilities shall be retained."

There has been a breach of condition 6, because the development is occupied and the cycle parking spaces have not been provided in accordance with the details approved in writing by the Local Planning Authority under application ref. 23/3054 and dated 20/11/2023.

And is varied by:

- deleting the requirements at Schedule 4 and substituting these with:

Comply with condition 6 of planning permission ref. 18/2913, by providing the cycle parking facilities in accordance with the details approved by the Local Planning Authority under application ref. 23/3054.

29. Subject to the corrections and variations, the appeal is dismissed and the enforcement notice is upheld.

R Bartlett

INSPECTOR