



Appeal Decision

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 18 August 2026

Appeal Ref: APP/N5090/C/24/3337532

Land at 140A Sydney Road, London N10 2RN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Tahsin Deniz against an enforcement notice issued by the Council of the London Borough of Barnet on 12 December 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission the installation of a bike shed in the front garden.
 - The requirements of the notice are to:
 - 1 Demolish the bike shed in the front garden.
 - 2 Permanently remove all constituent materials resulting from the works in 1. above from the property.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (d) (f) of the Town and Country Planning Act 1990 as amended (the Act).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Procedural Matters

2. Given the grounds of appeal and the nature of the case put forward by the appellant, it was not necessary for me to conduct a site inspection to determine the appeal. My Decision has been made on the parties' written submissions.

Ground (d)

3. For success on this ground, the appellant must demonstrate on the balance of probabilities that enforcement action was not possible on the date the enforcement notice was issued.
4. Ordinarily, an appeal made under this ground is made on a claim that it was legally too late (under section 171B of the Act) for the Council to have taken enforcement action when it did. However, the appellant has said it was too **early** for the Council to have taken such action¹.
5. The appellant's case, in essence, is that the Council should have waited for an appeal to have been made (and determined) against refused planning application 23/1979/RCU seeking retrospective consent for the bike shed. However, it is a matter for the Council to decide if and when it is expedient to issue an enforcement notice.
6. For these reasons, ground (d) does not succeed.

¹ For the avoidance of doubt, it was not too late for the Council to have taken enforcement action. An image submitted by the Council shows that the shed had not been built in November 2020, which is less than 4 years before the issue of the notice. It had not acquired immunity by reason of S171B(1) of the Act.

Ground (f)

7. To succeed on this ground, I must be satisfied that the requirements of the notice are excessive in achieving its purpose.
8. From the way the notice is drafted, it is clear that its purpose is to remedy the breach of planning control. It legitimately does that by requiring the demolition of the unauthorised structure and the removal of constituent materials, so as to restore the condition of the land before the breach took place. There is nothing excessive in those requirements.
9. The appellant says that they have a right to submit a revised planning application for the shed. The notice does not prevent that right.
10. Accordingly, ground (f) does not succeed.

Andrew Walker

INSPECTOR