



Appeal Decision

Site visit made on 21 July 2026

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2026

Appeal Ref: APP/Y5420/C/25/3367851

Unit 3, Omega Works, 167 Hermitage Road, London N4 1LZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ian Feldman (CPGF Ltd) against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The notice was issued on 25 April 2025.
 - The breach of planning control as alleged in the notice is the installation of external roller shutters to the street facing elevation of the property.
 - The requirements of the notice are:
 1. Remove the external roller shutter in its entirety.
 2. Make good any damage to the premises as a result of carrying out step 1.
 3. Remove from the land any debris resulting from carrying out steps 1.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), 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.
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Decision

1. The appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development carried out, namely the installation of external roller shutters to the street facing elevation of the property at Unit 3, Omega Works, 167 Hermitage Road, London N4 1LZ, as shown on the plan attached to the notice.

Preliminary Matter

2. A new National Planning Policy Framework ("the Framework") was published on 17 August 2026. This has introduced significant changes to its structure and presentation, including the incorporation of development management policies. However, having carefully considered the new Framework, I am satisfied that, insofar as the issues determinative to this case are concerned, the relevant policy approach has not fundamentally changed, and my consideration of it would not cause procedural unfairness or prejudice to the parties. Therefore, the parties have not been invited to make further comments.

The Enforcement Notice

3. A notice must be drafted fairly to tell a recipient what he has done wrong and what he must do to remedy it¹. A notice may be a nullity if it is "hopelessly ambiguous and uncertain"².

¹ Section 173 of the Town and Country Planning Act 1990

² Miller-Mead v MHLG [1963] 2 WLR 225

4. In this case, the alleged breach is “*the installation of external roller shutters to the street facing elevation of the property*”. However, the first requirement in section 5 of the notice is “*Remove the external roller shutter in its entirety*”. The appellant asserts that this is unclear as the breach refers to “*roller shutters*” (plural) whilst the requirements refer to “*roller shutter*” (singular). Given that there is more than one roller shutter on the street facing elevation the appellant argues that it is unclear which roller shutter the enforcement notice relates to.
5. The reasons for issuing the notice at section 4 refers to “*external roller shutters*” (plural) and therefore corresponds with the alleged breach. I am satisfied that the appellant can tell from the four corners of the notice what they have done wrong and what they are required to do, and that the reference to “*roller shutter*” in the requirements is clearly a typographical error. I do not therefore find the notice to be hopelessly ambiguous or uncertain so as to amount to nullity.
6. The appellant has also referred to the notice failing to refer to restoration works in the requirements following the removal of the roller shutters. This though does not render the notice a nullity given that it specifies the alleged breach of planning control and the steps required to remedy the breach.
7. In the event that the enforcement notice was upheld, the typographical error in the first requirement of the notice could be corrected using my powers under section 176(1)(a) of the 1990 Act without causing injustice to either party.

Ground (a) – the deemed planning application

Main Issue

8. The main issue is the effect of the development on the character and appearance of the host property and surrounding area.

Reasons

9. The appeal site comprises part of a brick built industrial building which is located immediately adjacent to the vehicular access to Crusader Industrial Estate. The surrounding area is characterised by a mix of commercial and residential properties, with the appeal property currently occupied by an electrical appliance sales company and an electrical supplies wholesaler.
10. The roller shutters are of utilitarian appearance and have been installed on the doorways located on the front elevation facing onto Hermitage Road. The appeal building sits close to the pavement on Hermitage Road and is prevalent within the street scene. The adjoining industrial building to the west is somewhat dilapidated in places and includes roller shutters, as well as railings, across many of its ground floor windows and doorways on its street facing frontage.
11. Whilst I acknowledge the mix of uses in the area, including the residential properties situated on the opposite side of Hermitage Road, the character and appearance of the host building as well as those immediately to the north and west of the appeal property is utilitarian and commercial in appearance. I also observed that roller shutters were present on several commercial properties further east along Hermitage Road, close to the junction with Oakdale Road.
12. A number of the roller shutters on nearby premises appear to be of some age and might never have been granted planning permission, but they nonetheless form

part of the established street scene and are not an isolated or uncommon feature. Given the presence of other similar roller shutters in the vicinity, the additional roller shutters do not significantly unbalance or harm the appearance of the host property or street scene.

13. Taking into account all of the above matters, the roller shutters do not appear incongruous and do not have a visually detrimental effect on the character and appearance of the host building or surrounding area. Accordingly, the development does not conflict with Policy D1 of the London Plan (adopted March 2021), Policy SP11 of the Haringey Local Plan Strategic Policies (adopted March 2013), and Policy DM1 of the Haringey Development Management DPD (adopted July 2017). Together these policies seek, amongst other things, to ensure that developments relate positively to neighbouring structures, new or old, and respect its local context and character.

Other Matters

14. I have taken into account the third-party representations received from nearby residents, including concerns regarding noise and light being reflected into nearby residential properties from the roller shutters. The Council did not include either of these matters in its reasons for issuing the notice. I do not have any substantive evidence before me, including from my own observations during the site visit, to indicate that the roller shutters unduly harm the living conditions of occupiers of nearby residential properties through either excessive noise or light pollution.

Conditions

15. I have considered the imposition of appropriate planning conditions, having regard to the six tests set out in the Framework. No suggested conditions have been put forward by the Council and given that the works have already been undertaken on site, I see no reason why any conditions would be necessary in this instance.

Conclusion

16. For the reasons given above, I conclude that the appeal succeeds on ground (a) and planning permission is granted for the development described in the enforcement notice. In these circumstances, the appeal on ground (g) does not fall to be considered.

David Jones

INSPECTOR