



Appeal Decision

Site visit made on 25 August 2026

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 September 2026

Appeal Ref: APP/F5540/C/25/3361778

10 Pontes Avenue, Hounslow TW3 3FH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mahesh Parte against an enforcement notice issued by the Council of the London Borough of Hounslow.
 - The notice was issued on 11 February 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an outbuilding to the rear of the land.
 - The requirements of the notice are: (i) Demolish the outbuilding. (ii) Remove all resultant debris associated with the above from the land.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.
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Decision

1. The appeal is allowed on grounds (f) and (g) and it is directed that the enforcement notice is varied by in paragraph 5 (*'What you are required to do'*) between step (i) and step (ii) inserting *'Alternatively, modify the outbuilding so it complies with the terms, including conditions and limitations, of the planning permission reference P/2024/3763 dated 3 April 2025'* and after step (ii) in the final sentence deleting *'one month'* and substituting *'four months'* as the period for compliance. Subject to these variations, the enforcement notice is upheld.

Preliminary Matters

2. The appeal was initially made only on ground (g)- *'that any period specified in the notice...falls short of what should reasonably be allowed.'* However, the appellant made reference in their final comments to varying the notice steps. That is relevant to ground (f)-*'that the steps required by the notice to be taken...exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity caused by the breach.'* Accordingly, after informing the main parties I shall deal with the appeal as if it had also been made on ground (f). There would be no unfairness, as the Council have addressed the appellant's ground (f) arguments in their statement.
3. No appeal has been brought on ground (a) and the relevant fee has not been paid. Therefore, planning merits considerations cannot form part of my deliberations.

Ground (f) appeal

4. The appeal property contains a modern, mid-terrace dwelling. The enforcement notice attacks a freestanding residential outbuilding erected towards the end of the rear garden.
5. An enforcement notice can have the purpose of remedying the breach of planning control, including by restoring the land to its condition before the breach took place,

or the purpose of remedying any injury to amenity caused by the breach. Although the notice does not state as such, its purpose must be to remedy the breach. The steps set out in the notice require no less than the removal of the unauthorised outbuilding and the resulting debris, following which the property would be restored to its condition before the breach took place. Set in that context, the notice steps are not excessive and are proportionate, being the minimum actions required to remedy the breach and so achieve the purpose of the notice.

6. It is also possible however to remedy the breach by making any development comply with the terms, including conditions and limitations, of any planning permission granted in respect of the land. Since the issuing of the notice, planning permission has been granted at appeal for the outbuilding, in a modified form.¹ The permission is extant and capable of being implemented. Accordingly, I shall exercise the power in s176(1)(b) of the Act to vary the terms of the notice to provide the appellant with the alternative of modifying the outbuilding to comply with the recent planning permission. The purpose of the notice would still be achieved in doing so. The notice would be sufficiently precise as varied. The differences between the as-built outbuilding and the scheme in the recent permission are clear. There would be no injustice. Neither the appellant nor the Council have objected to the notice being varied along the above lines.
7. The ground (f) appeal therefore succeeds to that extent.

Ground (g) appeal

8. Whether the appellant opts to demolish the outbuilding or comply with the planning permission, the remedial works would be a relatively straightforward task for a suitably skilled small building contractor, the works would not be particularly costly, extensive, nor especially complex and are unlikely to require use of specialist plant and equipment.
9. Nevertheless, in practice the one-month period specified provides the appellant with limited time in which to secure any necessary funding, to search for and obtain the services of a suitable contractor, wait for that contractor to become available and then have them carry out and complete the remedial works. In my estimation, the duration of the works is likely to account for a significant portion of the existing compliance period. It is not unreasonable for the appellant to defer making arrangements for undertaking the remedial works until the scale and consequent duration of such works are certain.
10. In the circumstances, I shall vary the notice to extend the compliance period to four months. This falls short of the nine months sought by the appellant. Nevertheless, the lengthened timescale for complying with the notice steps takes sufficient account of all the factors identified above. It strikes an appropriate balance between remedying the breach as soon as practicable whilst also avoiding, so far as is possible, imposing a disproportionate burden on the appellant. Any longer period for compliance on the other hand would do little more than perpetuate the breach. The ground (g) appeal therefore also succeeds to that extent.

Conclusion

11. For the reasons given above, I conclude that the enforcement notice should be upheld with variations.

Stephen Hawkins

INSPECTOR

¹ Council Ref P/2024/3763 & Appeal Ref APP/F5540/D/25/3360301