
Appeal Decision

Hearing held on 18 August 2026

Site visit made on 18 August 2026

by D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC

an Inspector appointed by the Secretary of State

Decision date: 15th September 2026

Appeal Ref: APP/X5210/F/26/3378458

12 Argyle Street, London WC1H 8EG

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
- The appeal is made by Goldhawk International Limited against a listed building enforcement notice (LBEN) issued by the Council of the London Borough of Camden.
- The LBEN was issued on 19 March 2026.
- The contravention of listed building control alleged in the LBEN is:
Without listed building consent: internal alterations, namely the installation of centralised bathrooms, installation of bespoke fixed furniture, and relocation of kitchens from the rear rooms to the front rooms, and installation of air conditioning units on the rear elevation of the building at ground and first floor levels.
- The requirements of the LBEN are:
 1. Completely remove all fixed furniture installed in the rooms at first, second and third floor levels;
 2. Completely remove the central bathrooms installed at second and third floor levels;
 3. Completely remove all kitchens in the front rooms at first, second and third floor levels and reinstate the planform to its original condition prior to the unauthorised works taking place;
 4. Completely remove the 2 double air conditioning units installed on the rear elevation of the building; and
 5. Remove any resulting debris from the site and make good any resulting damage.
- The period for compliance with the requirements is: 6 months.
- The appeal is made on the grounds set out in section 39(1)(b), (c) and (e) of the Act.

Summary Decision: No further action is taken.

Application for Costs

1. An application for costs was made by Goldhawk International Limited against the Council of the London Borough of Camden. This application for costs is the subject of a separate decision.

Preliminary Matters and Background

2. Planning permission and listed building consent for the erection of two storey rear extension, conversion of existing two flats and one studio into 3 x one bedroom and 2 x studios (Class C3) and associated alterations including installation of stairs within front basement lightwell was granted in 2010¹ (the 2010 permissions). In 2012 a LBEN was issued and a subsequent appeal² was allowed in part and dismissed in part (the 2013 appeal). As such, that LBEN was varied and upheld as varied.

¹ Ref Nos: 2010/5768/P & 2010/5769/L

² Ref: APP/X5210/F/13/2193595

3. In its Statement of Case the Council stated that the second-floor level should be removed from step 2 of the requirements as the centralised bathroom on that floor was permitted by the 2010 permissions. It also stated that there is no dispute that the air conditioning units are air source heat pumps.
4. The appellant submitted email correspondence with their final comments in support of their case that the As-Built Plans dated April 2013 were submitted at the time of the 2013 appeal.
5. A revised version of the National Planning Policy Framework (the Framework) was published on 17 August 2026 and both parties had the opportunity to provide comments on those revisions at the Hearing.

The LBEN

6. On an appeal any defect, error, or misdescription in a LBEN may be corrected using the powers available in section 41(1)(a) of the Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority.
7. It is clear that there is no dispute that the second-floor level bathroom is authorised and therefore the LBEN could be varied by the deletion of the wording '*second and third floor levels*' from step 2 and its substitution with '*third floor level*'. That variation would therefore not cause injustice to either main party. There is also no dispute that deleting the wording '*conditioning units*' within the description of the allegation and step 4 and its substitution with '*source heat pumps*' would not cause injustice to either main party.
8. The alleged contravention at Section 3 of the LBEN refers to '*internal alterations, namely the installation of centralised bathrooms, installation of bespoke fixed furniture, and relocation of kitchens from the rear rooms to the front rooms*'. However, there is no indication within that description as to where within the building the unauthorised works have taken place. I acknowledge that the steps required to be taken indicate that '*all fixed furniture installed in the rooms at first, second and third floor levels; the centralised bathrooms at third floor level; all kitchens in the front rooms at first, second and third floor levels*' are required to be completely removed.
9. However, the Courts³ have found that a notice must be clear "*within the four corners of the document*" to an appellant, or any other person with an interest in the land, as to the precise nature of the contravention and what is required to be done to comply with a notice.
10. It is important that a LBEN should be clear in its purpose with regard to section 38(2) of the Act, not least because it should be clear to an appellant what specific grounds of appeal are available. Some grounds of appeal are only available dependent upon whether the LBEN was issued pursuant to (a), (b), or (c) within section 38(2) of the Act.
11. The steps required to be complied with do not specify what constitutes 'fixed furniture' and which 'rooms' it is within. What has been installed in various rooms throughout the building is wall panelling, cupboards (some full height from the floor to just under the ceiling/bulkheads), small sections of work surfaces, integrated

³ *Miller Mead v MHLG* [1963] JPL 151

appliance cupboards, headboards for beds and in one room 'fold-away' bunk beds. At the site visit, it was demonstrated that the cupboards can be moved once 'stability' fixings are removed. The wall panelling and large mirrors on that panelling are fixed using French cleats.

12. It was apparent at the site visit that there is confusion and it is disputed as to what would be required to be removed to comply with step 1. The oral evidence before me is that only the '*fixed furniture*' in the front rooms of the first, second and third floor levels would need to be removed. Yet that is not clear from the wording of that step. Moreover, given that a dictionary⁴ definition of '*furniture*' is '*the movable articles that make a room or building suitable for living or working in*' in my mind it is not apparent that the wall panelling can be interpreted as forming part of the '*fixed furniture*'. I acknowledge that I could vary step 1 by the addition of a reference to the front rooms and that variation would not cause injustice to either main party. Nevertheless, I do not consider that I can add a specific reference to the wall panelling within the description of the alleged breach and step 1 as this would make the LBEN more onerous to the appellant and cause injustice to them. Moreover, the Council's evidence is that the wall panelling is required to be removed as part of step 1.
13. Additionally, the Council considers that the wiring and electrical components that are within/through the cupboards, headboards and wall panelling are integrated with and form part and parcel of the '*fixed furniture*' and as such must be removed to comply with step 1.
14. The 'kitchens' cited within step 3 appear to consist of a space/hole for a sink, a tap, fridge, microwave housing and small sections of worktop which have been installed within/as part of the cupboards that can reasonably be deduced to form part of the '*fixed furniture*'. Therefore, it is ambiguous as to what specifically constitutes the kitchens cited within step 3. Moreover, the requirement within step 3 to '*reinstate the planform to its original condition prior to the unauthorised works taking place*' is not precise as it is open to interpretation as to what constitutes '*the planform*'. The Council's evidence at the Hearing is that they intended that compliance with this step would ensure that kitchens on the first, second and third floors would be located within the rooms as shown on the plans associated with the 2010 permissions. Yet, there is no reference to the 2010 permissions in that step and in my judgement that reference could not be deduced from the four corners of the LBEN. Furthermore, the Council considers that the wiring, electrical components and plumbing that are within/through the cupboards related to the tap, sink and appliances are integrated with and form part and parcel of the 'kitchens' and as such must be removed to comply with step 3.
15. The Council also considers that the electrical wiring, pipework and ducting associated with the air source heat pumps must be removed to comply with step 4. However, it appears that that wiring, pipework and ducting extends throughout the appeal property.
16. There is no reference to services and utilities within the LBEN and they cannot be inferred from the reasons for issuing the LBEN. In my experience, where services and utilities are required to be removed that is specifically cited within the steps to ensure that it is clear they are included within the works required to comply with a

⁴ Oxford Paperback Dictionary

LBEN. I consider that to include references to the services and utilities within the steps would cause injustice to the appellant as they may have appealed under other grounds of appeal if it had been clear that they had to be removed to ensure compliance.

17. The description of the alleged works and the steps required to be complied with are so vague and open to interpretation that it is not clear from the four corners of the LBEN the precise nature of the contravention and what is required to be done to comply with the LBEN. In my judgement the LBEN is hopelessly ambiguous and uncertain in these respects and as a result it is unclear as to which purpose/s under section 38(2)(a), (b) and/or (c) of the Act the steps are aimed at meeting. Therefore, the LBEN is bad on its face and is a nullity.

Conclusion

18. I conclude that the LBEN is a nullity. In these circumstances, the appeal under grounds (b), (c) and (e) set out in section 39(1) of the Act do not fall to be considered.

Formal Decision

19. Since the LBEN is found to be a nullity no further action will be taken in connection with this appeal. In the light of this finding, should the Local Planning Authority have kept a record of this LBEN on any register, they should consider reviewing it.

D Boffin

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon Kelly	Solicitor – Tees Law
Darren Abela	Agent
Charles Rose	Heritage Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Angela Ryan	Planning Enforcement Officer
Jessica McDonnell-Buwalda	Conservation Officer
Adam Dyer	Conservation Manager