



Appeal Decision

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2026

Appeal Ref: APP/X5210/C/24/3356264

Land at Flat A, 190 Fordwych Road, London, NW2 3NX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Abdul Ghani Allaf against an enforcement notice issued by the Council of the London Borough of Camden.
 - The notice was issued on 15 October 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, erection of a rear outbuilding, including the connecting rear porch, located adjacent to the side boundary of 188 Fordwych Road.
 - The requirements of the notice are to: 1. Completely remove the rear outbuilding, including the connecting rear porch, located adjacent to the side boundary of 188 Fordwych Road; and 2. Remove any constituent materials and make good any damages as a result of the above operation.
 - The period for compliance with the requirements is five months.
 - The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice be corrected by deleting the words “Forwych Road” from paragraph 2 (The Land to which the notice relates) and from the plan attached to the notice and replacing them with “Fordwych Road”.
2. Subject to those corrections the appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

3. Paragraph 2 of the enforcement notice and the plan attached to the notice state that the Land to which it relates is “Flat A, 190 Forwych Road”. This is a spelling error as the correct address of the property is “Flat A, 190 Fordwych Road”. I can correct this minor error without causing injustice to the parties.
4. The notice alleges the erection of a rear outbuilding including a connecting porch. Planning application 2022/3386/P proposed the retention of this development, but the application was refused on 19 September 2024. A separate appeal¹ against the notice made on ground (a) was submitted on 25 November 2024, but it was turned away on the basis that ground (a) is barred under section 174(2A) of the Town and Country Planning Act 1990 as amended (the 1990 Act). This is because the notice was issued within the two year period after the making of a related planning application that is no longer under consideration.
5. The appellant’s submissions include references to the need for the additional accommodation provided by the development and its effects on the living conditions of the neighbours. However, in the absence of an appeal on ground (a)

¹ Appeal Ref. APP/X5210/C/24/3356165

and a deemed planning application, I am unable to consider the planning merits of the development or whether planning permission should be granted for it.

6. As the appeal can be determined based on the written evidence, no site visit was necessary in this case. There were no objections from the parties to this approach, and I am satisfied that no injustice would be caused.

The appeal on ground (d)

7. An appeal on ground (d) is on the basis that, at the time the notice was issued, it was too late to take enforcement action against the matters stated in the notice. The onus is on the appellant to demonstrate that on the balance of probabilities.
8. Where there has been a breach of planning control consisting of operational development, as is the case here, where that development was substantially complete before 25 April 2024, by virtue of section 171B(1) of the 1990 Act, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach. There is no dispute between the parties that the development was substantially completed before 25 April 2024. Consequently, the relevant immunity period is four years from the date of the breach. As the notice was issued on 15 October 2024, the alleged development would need to have been substantially completed on or before 15 October 2020 to be immune from enforcement action.
9. The appellant states that the outbuilding is complete and has been standing for over four years and that the porch has been in place for 17 years. As part of application 2022/3386/P the appellant submitted a letter from AK Carpenters dated 28 August 2024 in which the author states that they along with several friends assisted the appellant in constructing a single storey, standalone timber room in the rear garden of the property in March 2020. However, this statement is not entirely consistent with the letter from the occupier of 188 Fordwych Road, who states that the structure was erected in the summer of 2020. Both are imprecise in terms of the exact dates of construction, what works had been carried out, including whether the building had been completed, and are not supported by any contemporaneous evidence. In addition, they are inconsistent with other evidence before me. Consequently, I attach limited weight to them as evidence of when the construction took place.
10. An image submitted by the Council dated 14 October 2020 indicates that the outbuilding had not been erected by that date. The appellant says that this image is unclear. Nevertheless, I find that it is sufficiently clear to demonstrate that the alleged development had not been constructed by that date. The building does, however, appear to have been constructed by the time of a later image provided by the Council dated 10 August 2022. The aerial photographs submitted by the appellant indicate that a building corresponding with the alleged development was in situ on 30 March 2021, but it is not visible in an earlier image dated 11 April 2020, despite the letter from AK Carpenters stating that it had been constructed by that date. Therefore, these images do not demonstrate that the development had been substantially completed by 15 October 2020.
11. The appellant's version of events is also inconsistent with the observations of another neighbouring occupier. Complaints made in June 2022 refer to the development having been constructed about a year before, and a subsequent neighbour objection to the planning application in December 2022 stated that the

development had been erected just over a year earlier. This evidence does not support the appellant's claim that the development had been completed more than four years before the enforcement notice was issued.

12. Whilst the delay in the Council's determination of the planning application was unfortunate, that matter does not have any bearing on whether the development is immune from enforcement action due to the passage of time.
13. The onus is on the appellant to provide the necessary evidence to support their case. In the absence of clear and precise information on when it was constructed, I conclude that the appellant has failed to demonstrate, on the balance of probabilities, that the outbuilding was substantially completed at least four years before the notice was issued.
14. The appeal on ground (d) therefore fails.

M Ollerenshaw

INSPECTOR