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## Appeal Decision

No site visit made

**by A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 September 2026**

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### **Appeal Ref: APP/W5780/C/25/3371220**

#### **Waylands Court, Staines Road, Ilford**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”).
  - The appeal is made by Mr Surbjit Aulak of Waylands FH LITD (sic) against an enforcement notice (“EN”) issued by the Council of the London Borough of Redbridge.
  - The EN was issued on 18 July 2025.
  - The breach of planning control as alleged in the EN is: Without planning permission, the unauthorised development by way of the erection of an additional upper floor/structure in the approximate position marked with a cross on the attached plan.
  - The requirements of the EN are:
    - i) Cessation of all works not approved under application 1308/22 and specifically the creation/erection of the additional upper floor/structure.
    - ii) Remove all works, namely the additional upper floor/structure and all works not approved under application 1308/22.
    - iii) Remove all materials as a result of compliance with (ii) clear all debris and dispose of resulting waste at a licensed waste disposal facility.
  - The periods for compliance with the requirements are:
    - Point (i) – Immediate effect
    - Point (ii) – Within 1 months (sic) of the notice taking effect
    - Point (iii) – Within 2 months of the notice taking effect
  - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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### **Decision**

1. The EN is quashed.

### **Matters Concerning the Notice**

2. An EN should enable every person who receives a copy to know exactly what, in the Council’s view, constitutes the breach of planning control, what steps need to be taken to remedy the breach, and the time for compliance. The recipient of the EN is entitled to find out from within the four corners of the EN what they are required to do or abstain from doing.
3. I can correct any defect, error, or misdescription in an EN using the powers available to me in s176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or Council. However, it may be the case that defects are too fundamental to be corrected or varied without causing injustice, leading to the EN being quashed.
4. The breach of planning control as described in section 3 of the EN states that the unauthorised development is “*marked with a cross on the attached plan*”. However, no cross is included on the EN Plan. Instead, a building on the EN plan is hatched red. The address and the EN plan clearly identify the land to which the

EN relates without the inclusion of an identifying cross. Therefore, I am satisfied that I can omit this wording without causing injustice to either main appeal party.

5. Step (i) of the EN's requirements and Point (i) of the EN's period of compliance seek the cessation of all works not approved under application 1308/22 with immediate effect. Point (i) fails to specify a period of compliance for the appellant to adhere to, which would usually render the EN null. However, the unauthorised development does not involve a material change of use that would need to cease. Consequently, I am satisfied that I can omit both Step (i) and Point (i) from the EN without causing injustice to either main appeal party. As such, the EN (as varied) would not be null.
6. Steps (i) and (ii) of the EN's requirements refer to application 1308/22. However, the appellant included a copy of the decision notice with their submissions that indicates that the reference number is incorrect. Notwithstanding this, the appellant understood which application the Council was referring to and appealed on this basis. Consequently, I am satisfied that varying the reference number within the requirements would not cause injustice to the main appeal parties.
7. Step (iii) of the EN's requirements states that all debris and resulting waste is disposed of at a licensed waste disposal facility. This is unnecessarily specific and covered by separate legislation. Consequently, I will vary step (iii) to require the waste materials to be removed from the land. The variation is less onerous but seeks the same outcome and therefore I am satisfied that it would not cause injustice to the main appeal parties.
8. The reasons for issuing the EN in section 4 do not specify any relevant development plan policies and the incorrect section of the Town and Country Planning (General Permitted Development) (England) Order 2015 is quoted. However, I am satisfied that the additional reasoning contained within section 4 provides sufficient information for the appellant to understand the harm the unauthorised development causes. Consequently, I am satisfied that this matter does not render the EN null.
9. The Council granted prior approval<sup>1</sup> for an additional storey on top of the existing building. The breach refers to *"the erection of an additional upper floor/structure"*. Step (ii) of the requirements seeks to *"remove all works, namely the additional upper floor/structure **and** all works not approved under application 1308/22"* (my emphasis).
10. The inclusion of the word *"and"* within the requirements implies there are other works the EN seeks to enforce against in addition to the upper floor/structure described within the breach of planning control. However, I am unclear from the four corners of the EN what these works are as Step (ii) simply refers to *"all works"*.
11. Furthermore, the breach does not refer to the development as the construction of an additional storey, which creates ambiguity as to what the EN is enforcing against. This is reinforced by the appellant as they state they are unclear if the breach comprises the construction of the approved additional storey, or a temporary roof they have built to protect the development while construction takes place. Alternatively, the wording could refer to both.

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<sup>1</sup> Planning Ref 1304/22

12. I could vary the breach of planning control and Step (ii) of the requirements. However, given the ambiguity of the wording contained within the EN, I am unclear whether such correction(s) and variation(s) would describe the breach correctly or achieve the Council's objectives. Consequently, correcting/varying the EN could cause injustice to the main appeal parties.

### **Conclusion**

13. For the reasons given above, I conclude that the EN does not specify with sufficient clarity the alleged breach of planning control, or the steps required for compliance.
14. It is not open to me to correct the errors in accordance with my powers under s176(1)(a) of the 1990 Act, since injustice would be caused were I to do so. Therefore, the EN is invalid and will be quashed.
15. In these circumstances, the appeal on the grounds set out in s174(2)(f) and (g) of the 1990 Act do not fall to be considered.

*A Berry*

INSPECTOR