



Appeal Decision

Site visit made on 15 September 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 24 September 2026

Appeal Ref: APP/T5150/C/25/3365164

**Land and garage, rear of 21 Ivy Road and adjacent to 31 Cedar Road,
London NW2 6SN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Joseph Doyle against an enforcement notice issued by the Council of the London Borough of Brent.
- The enforcement notice was issued on 28 March 2025.
- The first breach of planning control as alleged in the notice is:
Planning permission was granted by The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 4, Class A: "for the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land (namely the hoarding surrounding the site required in connection with the erection of the garage granted under planning permission 15/4695) subject to condition A2 that when the operations have been carried out- (a) any building, structure, works, plant or machinery permitted by Class A shall be removed." It appears to the Council that the condition has not been complied with, because the operations have been carried out (namely works to build the garage granted under planning permission 15/4695 have been completed) but the hoardings surrounding the site has not been removed. ("the unauthorised breach of condition")
- The second breach of planning control as alleged in the notice is:
Without planning permission, the erection of a fence/hoarding/gate to the side and front boundaries adjacent to Cedar Road ("the unauthorised development").
- The requirements of the notice are to:
STEP1 Remove the boundary fence/hoarding/gate from the premises.
STEP2 Remove all debris, items and materials arising from their removal from the premises.
- The period for compliance with the requirements is 1 month.
- The appeal is proceeding on the grounds set out in section 174(2) (a) (b) (c) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

2. The new National Planning Policy Framework (the Framework) was published on 17 August 2026. The appellant declined to provide comment upon it. The Council said that arguments it had made in connection with the previous Framework could be applied to corresponding parts of the new Framework.

3. For the first time, at final comments stage, the appellant said that the notice was invalid on the basis that it was unclear. I can see no reason why that argument could not have been made earlier and, since it was made at a point in the appeal procedure when the Council had already submitted its statement and was not invited to comment on the new issue raised, it would go against the principles of fairness and natural justice for me to accept it now. In any regard, notwithstanding the issue raised, I find the notice clear. It only relates to the fence/hoarding/gate to the side and front boundaries of the appeal site – namely the rear of 21 Ivy Road as seen from adjacent Cedar Road (as is clear from the premises description in Schedule 1 and from the enforcement plan). The appeal site does not include 23-25 Ivy Road, nor 31 Cedar Road, and the notice does not relate to the boundary treatments of those premises.

Ground (b)

4. For success on this ground, I must be satisfied on the balance of probabilities that matters stated in the notice said to constitute a breach of planning control have not in fact occurred. The burden of proof sits with the appellant.
5. The appellant makes a case only in relation to the first breach of planning control identified in the notice, claiming that the hoarding was not as matter of fact constructed in connection with building works. Instead, it is said that it was constructed to provide security for storage and the parking of a van.
6. However, the appellant provides very limited substantive evidence to support his account. The 2016 photograph he has provided shows hoarding in place at a point in time between the demolition of the previous garages and the erection of the new one. There is what appears to be a Portaloo for use by building contractors, suggestive of work in progress. No evidence before the date of this image has been submitted by the appellant. Taking all the available evidence into account, I find that the hoarding was - as a matter of fact - provided and required temporarily in connection with operations carried out on the land.
7. Accordingly, I am not satisfied on the balance of probabilities that matters stated in the notice said to constitute a breach of planning control have not in fact occurred.
8. Ground (b) does not succeed.

Ground (c)

9. For success on this ground, the appellant must demonstrate on the balance of probabilities that matters stated in the notice do not constitute a breach of planning control.
10. The appellant makes a case only in relation to the second breach of planning control identified in the notice. It is said that part of the fence/hoarding/gate benefits from general planning permission by reason of Article 3(1) and Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) – being less than 2m in height and not adjacent to a highway. However, it seems to be accepted that the part of the boundary treatment that runs adjacent to Cedar Road is over 1m and therefore not permitted under the above provisions.
11. Accordingly, ground (c) does not succeed.

Ground (d)

12. For success on this ground, the appellant must demonstrate on the balance of probabilities that enforcement action was not possible on the date the notice was issued.
13. Section 171B(3) of the Act provides that, as regards an alleged breach of condition, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.
14. The date of the breach in this case is the date when the operations had been completed (culminating in the completion of the new garage), since that was when the hoarding should have been removed under the condition cited in the notice allegation.
15. I observe from the March 2019 photograph provided by the Council that the operations to erect the new garage were still being carried out, with the hoarding *in situ*.
16. Accordingly, as the notice was issued on 28 March 2025, it cannot be the case that more than 10 years had elapsed from the start of the breach of condition arising from the failure to remove the temporary hoarding upon completion of the garage.
17. For the above reasons, ground (d) does not succeed.

Ground (a) and the deemed planning application

Main Issues

18. The main planning issues in the appeal are the effects of the unauthorised boundary treatment upon:
 - the character and appearance of the area; and
 - highway safety, particularly as regards footway visibility.

Reasons

Character and appearance

19. There are high boundary treatments and walls (some of darker colouration) in the eastern part of Cedar Road, notwithstanding lower boundary treatments to the west, and therefore in this regard alone I do not find the development particularly out-of-keeping. However, it is the design and materials (plywood panels on metal frame) which cause the appeal development to be a deeply unaesthetic, incongruous and unacceptable addition to the streetscene.
20. For these reasons, the unauthorised boundary treatment causes significant harm to the character and appearance of the local area. As such, it is in conflict with Policy D3 of the London Plan (2021) (LONP) and Policy DMP1 of the Brent Local Plan 2019-2041 (2022) (BLP), supported by the Council's *Residential Extensions & Alterations* Supplementary Planning Document (SPD), which together amongst other objectives require development to be well-designed, compliment the locality and provide a high level of external amenity. For the same reasons, the breach of planning control is in conflict with the design principles of the Framework.

Highway safety

21. Based on what the appellant has explained, it seems that essentially the hoarding needs to be unscrewed and slid across for a vehicle to leave the site. Given the nature of this operation, it seems unlikely to me that there would be unacceptable intervisibility with the footway and its users. Accordingly, I find no harm or conflict with the development plan on this issue.

Other Matters

22. The boundary treatment provides a security benefit for the appeal site. However, it is substantially outweighed by the adverse effects to character and appearance I have identified.

Planning Conclusions

23. The boundary treatment does not accord with the development plan as a whole, and there are no other considerations which outweigh that finding. Accordingly, I shall not grant planning permission (there being no planning conditions which would make the development acceptable).

Ground (f)

24. To succeed on ground (f), I must be satisfied that the requirements of the notice are excessive in achieving its purpose.
25. The purpose of the notice is explicitly to remedy the breach of planning control. It legitimately does that by requiring the removal of the boundary treatment from the land (together with debris, items and materials arising). In effect, it straightforwardly requires compliance with the breached condition. It goes no further than that, and is not excessive.
26. Even were the purpose of the notice to remedy injury to amenity, the appellant's proposed lesser step of allowing the side sections to remain would not achieve that – they would still be prominent and unacceptably harmful to local character and appearance for the reasons I have identified.
27. Accordingly, ground (f) does not succeed.

Ground (g)

28. For success on this ground, I must be satisfied that the 1 month compliance period of the notice falls short of reasonable.
29. The appellant requires 6 months for builders to demolish the boundary treatment and take away the resultant material, but has provided no substantive evidence to justify why such a long period is necessary. It seems to me that the work, which is not particularly great, can be reasonably completed within 1 month.
30. Therefore, ground (g) does not succeed.

Andrew Walker

INSPECTOR