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## Appeal Decision

Site visit made on 22 September 2026

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 October 2026

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**Appeal Ref: APP/H5390/C/25/3364528**

**1 Wood Lane, London W12 7DP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mr Javeed Ghaswala (Arzana Limited) against an enforcement notice issued by the Council of the London Borough of Hammersmith and Fulham.
- The notice was issued on 20 March 2025.
- The breach of planning control as alleged in the notice is “Without planning permission, the installation of a shopfront comprising of window glazing, entrance doors to the front elevation and a metal roller shutter”.
- The requirements of the notice are to:
  - 1) Remove the existing shopfront including the window glazing, door and metal roller shutter.
  - 2) Reinstate the original shop front as shown in the attached photo and Pre Existing Front Elevation A-01 REV A.
  - 3) Remove from the land all associated materials.
- The period for compliance with the requirements is: 5 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

**Summary of Decision: The appeal succeeds to the extent that the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.**

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### The Enforcement Notice

1. Section 176(1) of the Act allows me to correct any defect, error or misdescription in the enforcement notice (the Notice), provided such actions do not cause injustice to the appellant or to the Council. Reference is erroneously made in paragraph 1 of the Notice to Section 171A(l) of the Act, rather than Section 171A(1). A correction of this error would cause no injustice to any party.
2. The alleged breach of planning control relates specifically to the installation of a shopfront. However, the Notice requires the reinstatement of the timber shopfront as shown on the attached photograph and plan. As such, the Notice when read as a whole relates also to the removal of the timber shopfront. Therefore, for consistency and clarity reasons, a correction to Section 3 of the Notice is required by inserting the words “removal of shopfront as shown in the attached photograph and Pre Existing Front Elevation drawing numbered A-01 REV A”. The appellant has addressed both the removal of the previous shopfront and the installation of the new one in their submissions. As such, this correction would cause no injustice to the appellant nor the Council.

### The Ground (f) Appeal

3. This ground of appeal is made on the basis that the steps required by the Notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such

breach. The Notice requires the removal of the shopfront and the reinstatement of the previous shopfront and so its clear purpose is to remedy the breach of planning control. As such, the steps as set out in the Notice should ensure there is no remaining breach of planning control following compliance with the requirements.

4. Section 5 of the Notice sets out 3 steps to remedy the breach of planning control. The first requires the removal of the existing shopfront including the window glazing, door and metal roller shutter. To make this consistent with the alleged breach of planning control the word “door” should be replaced with the word “doors”. Correction of this misdescription would cause no injustice to any party.
5. The second requirement is to reinstate the original shop front. However, it is now unlikely to be possible to reinstate the original timber and glass. Therefore, this requirement should be varied to “Reinstate the shopfront to match that in place prior to the breach taking place and as shown in the attached photograph and on the Pre Existing Front Elevation drawing numbered A-01 REV A”. This variation also brings the wording of the requirement to align precisely with the amended alleged breach of planning control referred to above.
6. Under section 173(4) of the Act, the purpose of an enforcement notice can be to remedy the breach of planning control by making development comply with the terms of any planning permission which has been granted in respect of the land. Since the service of the enforcement notice, the Council has granted planning permission for the *“retention of the existing shopfront comprising of glazed window panels and glazed front entrance door (retrospective); removal of the roller shutters and installation of decorative feature around the fascia signboard at the front elevation”* (Council’s reference number 2025/01176/FUL). The permitted changes to the shopfront are shown on a drawing numbered A-02 REV D that is referred to on the planning permission decision notice. From my observations at the site visit, it would appear the shopfront has already been altered to accord with this planning permission.
7. The permitted development provides a clearly defined alternative means of addressing the breach of planning control as alleged under the Notice. This option would result in less cost and disruption to the appellant than the requirements of the Notice. However, deletion of the requirements is unnecessary as I am able to vary the notice to allow for the alternative option of complying with planning permission reference 2025/01176/FUL. The required steps of the Notice would be excessive without introducing this alternative action.

## Conclusion

8. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control. I shall vary the enforcement notice prior to upholding it. The appeal on ground (f) succeeds to that extent.

## Formal Decision

9. It is directed that the enforcement notice is corrected and varied by:
  - In Section 1 the deletion of the words “Section 171A(I)” and their substitution with the words “Section 171A(1)”;

- The deletion of Section 3 in its entirety and its substitution with the following new section 3

**“3. THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the removal of the shopfront as shown in the attached photograph and on the Pre Existing Front Elevation drawing numbered A-01 REV A and the installation of a shopfront comprising window glazing, entrance doors to the front elevation and a metal roller shutter.”

- The deletion of Section 5 in its entirety and its substitution with the following new section 5

**“5. WHAT YOU ARE REQUIRED TO DO**

**EITHER**

- 1) Remove the existing shopfront including the window glazing, doors and metal roller shutter; and
- 2) Reinstall the shopfront to match that in place prior to the breach taking place and as shown in the attached photograph and on the Pre Existing Front Elevation drawing numbered A-01 REV A; and
- 3) Remove from the land all associated materials.

**OR**

- 1) Alter the shopfront to comply with the terms of the planning permission reference number 2025/01176/FUL dated 8 July 2025 including the conditions subject to which that permission was granted; and
- 2) Remove from the land all associated materials.”

10. Subject to these corrections and variations, the enforcement notice is upheld.

*Jonathan Edwards*

INSPECTOR