



Appeal Decisions

Site visit made on 12 September 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 7th October 2026

Appeal A and B Refs: **APP/L5810/C/24/3353653 and 3353654**

Land at 43 Blandford Road Teddington TW11 0LG

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “Act”).
- The appeals are made by Mr Christopher Morillon (Appeal A) and Mrs Anna Matus (Appeal B) against an enforcement notice issued by the Council of the London Borough of Richmond upon Thames.
- The enforcement notice was issued on 2 September 2024.
- The breach of planning control as alleged in the notice is described as follows: Without planning permission and within the last four years the unauthorised erection of a side and rear dormer extension (“the Dormer Extension”).
- The requirements of the enforcement notice are to: Either (a) remove the Dormer Extension, restoring the roof to its condition before the breach of planning control; or (b) carry out all necessary remedial works to make the side and rear dormer windows compliant with Schedule 2 Part 1 Class A & B of the General Permitted Development Order 2015 and in accordance with plan BR-R00-PR-104 (attached “Elevation Plans”), approved under application 21/2821/PS192, and (c) remove all waste associated with carrying out step 5(a) or 5(b) above.
- The period for compliance with the requirement is 6 months.
- The appeals are proceeding on the grounds set out in section 174(2) (e), (d), (f) and (g) of the Act. Since the prescribed fees have not been paid within the specified period, the appeals on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary of Decisions: The enforcement notice is varied and upheld in the terms set out below in the Formal Decisions.

Ground (e)

1. In pursuing an appeal on this ground, the appellants need to show, on the balance of probability, copies of the issued notice were not served as required by s172 of the Act. Sub-section (2)(a)(b) state a copy of a notice shall be served on the owner, occupier and on any other person having an interest in the land. I am also mindful of s176(5).
2. The gist of the main argument is that the issued notice was not received by the appellants, and they were informed by their mortgage company. They only had three days to prepare and submit an appeal. However, the HM Land Registry official copy of register of title clearly shows the appellants holding title absolute and a certificate of service confirms the notices were posted via first class post to their registered address. In any event, even if the notice had not been received due to postal delays or mishaps, s176(5) provides that where it would otherwise be a ground for determining an appeal under s174 in favour of the appellant that a person required to be served with a copy of the notice was not served, that fact may be disregarded if neither the appellant nor that person has been substantially prejudiced by the failure to serve them. Contrary to the appellants’ arguments and reference to a court judgment¹, their interest has not

¹ In an e-mail dated 20 October 2024 *Mannion v Secretary of State for Communities and Local Government* [2015] EWCA Civ 1428, but it is unclear as to why this case has been cited. The appellants do not provide a transcript for me, and I can’t go searching for it. In any event, they do not explain how this authority is relevant to ground (e). In that context reference is also made to *Miller-Mead v Minister of Housing and Local Government* [1963] 2 QB 196 but that is equally unfounded. Although the notice is overly legalistic and repetitive it is not flawed nor is it a nullity.

been substantially prejudiced because a timely appeal has protected their interest. The appellant has had an opportunity to argue the appeal fully during these proceedings.

3. I conclude that the evidence presented indicates the notice has been properly served. In any event, given the circumstances of this case any failure in terms of service of the notice may be disregarded. Ground (e) fails.

Ground (d)

4. This ground of appeal is doomed to fail. A Lawful Development Certificate for the roof extension was only issued under reference 21/2821/PS192 on the 29 September 2021², which is after 2 September 2020. In any event, the appellants simply repeat the case made for ground (e) and it is unclear what exactly they are advancing as evidence of substantial completion. Moreover, there is nothing before me to indicate the building operations comprised in the erection of the dormer extension were substantially completed on or before the relevant date. Given the onus, there is no evidence to demonstrate immunity from enforcement action. For these appeals to succeed the appellants need to show, on the balance of probabilities, that at the date when the notice was issued no enforcement action could be taken in respect of the dormer extension, due to the passage of time. The onus is upon them, and they need to show that the building works were substantially completed on or before the relevant date. The alleged matters are not time-barred, and ground (d) therefore fails.

Ground (f)³

5. The notice seeks to remedy the breach of building operations by either removing the dormer extension or complying with the scheme illustrated in drawing ref: BR-R00-PR-104. Presumably, the Council consider such remedial work would remedy the breach although permitted development rights cannot apply retrospectively. Be that as it may, I find the steps required reasonable and proportionate and the requirements are not excessive. Ground (f) fails.

Ground (g)

6. The challenge is that the period of compliance is too short, and a period of 24 months is required, due to the extent of the building work and the need for finance. However, such a long period of compliance would be akin to a temporary planning permission. Nonetheless, the notice requires physical alterations to the property and there will be some disruption to family life. The notice has been held in abeyance, but the work required is likely to be extensive. There is a need to source contractors for the alterations as well as scaffolding: all this will take time. I consider 9 months would be a reasonable period of compliance and is a proportionate response. As I am varying the compliance period, ground (g) succeeds to this limited extent only.

Other matters and overall conclusions

7. A subsidiary argument is that the Council failed to communicate or respond to queries about enforcement action and the appellants assumed planning difficulties had been settled. They refer to *R (Hunt) v North Somerset Council* [2017] EWCA Civ 741 but do not explain how the principles established apply to their case or how the Courts' judgments are relevant to these appeals. In any event, a s174(2) appeal is not the forum for this complaint to be assessed and is a matter for the appeal parties to address through other channels.

² Details taken from the enforcement delegated report submitted with the appeal questionnaire.

³ Unfortunately, the form repeats arguments made on ground (e), and the subsequent correspondence by e-mail from the appellants does not advance any case on this ground of appeal.

8. In my planning judgment and having regard to all other matters raised, I conclude that the appeals on ground (e), (d) and (f) fail. As I am varying the period of compliance, ground (g) succeeds.

Appeals A and B - Formal Decisions

9. The enforcement notice is varied by the deletion of the following text in section 5 sub section time for compliance:

“within 6 months from the date this notice takes effect”

and the substitution therefor by the following text: *nine (9) months*.

10. Subject to this variation, the appeals are dismissed and the enforcement notice is upheld as varied.

A U Ghafoor

INSPECTOR