



Appeal Decision

No site visit

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date 12 October 2026

Appeal Ref: APP/N5090/C/25/3370977

Land at 77 The Broadway, London NW7 3BU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Omran Nadir against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The notice was issued on 16 July 2025.
 - The breach of planning control as alleged in the notice is: without planning permission, the installation of ducting to the rear elevation of the property.
 - The requirements of the notice are to: permanently remove the ducting from the property and restore the site to its pre-existing condition prior to the breach of planning control, as shown in drawing no. 77TB – 103 and 77TB – 104 of planning application 25/1176/RCU including making good/repairing any damage made to the rear elevation in removing the ducting, including fixing holes/points in material to match the existing.
 - The period for compliance with the requirement is: three (3) months.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. It was determined that it was not necessary for me to conduct a site visit. The main parties were made aware of this in advance, and no comments were made.
3. The appellant's grounds of appeal referred to a planning application that was said to be submitted imminently (August 2025). I asked the main parties to confirm the outcome of any such planning application, but no responses were received. Without any precise details to support the appellant's statement in this respect, the appeal has been determined on the basis of no subsequent planning application having been made.

The appeal on ground (g)

4. An appeal on this ground is that the period specified in the Enforcement Notice (Notice) falls short of the period that should reasonably be allowed. The Notice specifies a compliance period of three months starting from the date the notice takes effect. A longer period of twelve months is sought by the appellant.
5. The appellant's reasons for the extended period are to await the outcome of an appeal¹ against the refusal of a planning application, relating to the same breach of planning control specified on the Notice. It is indicated that awaiting the outcome of the appeal would prevent unnecessary remedial works; enable the submission

¹ Appeal Ref. 6000516

of a further planning application to address noise, odour and outlook issues associated with the refusal of that earlier planning application; and to undertake mitigation measures and/or physical works to remedy the breach, in the event no planning permission is granted.

6. Whilst the Council has indicated that it would not object to an extended period pending the outcome of the appeal, that appeal² was dismissed in January 2026. As a result, allowing an extended period, pending the outcome of that appeal and for any associated alterations resulting from it being allowed, would not be a justifiable reason to extend the period for compliance.
7. In view of the lack of evidence of any subsequent planning application being made, the appellant's request for an extended period for compliance in this respect has not been shown to be reasonable.
8. The appellant has not substantiated why physical and mitigation works to comply with the Notice could not be undertaken within three months of the notice taking effect. There is no evidence from any contractors showing why they would be unable to undertake the work within that period, nor why there would be delays relating to compliance with other statutory control regimes. Furthermore, the removal of the ducting is not likely to be a complicated building operation or of a significant magnitude to justify a longer period for compliance in this case. Therefore, I am not persuaded that the appellant's request in this regard would also be reasonable.
9. It is also noted that in light of only ground (g) being pleaded, along with the appeal³ being dismissed in January 2026, the appellant has been aware that the breach of planning control would need to be remedied. In addition to the above points, this indicates to me that the appellant has had at least 8 months, to make the necessary preparations for complying with the notice, and that an extended period for compliance would not be reasonable.
10. As such, I do not find that the period specified in the Notice falls short of what should reasonably be allowed. The appeal on ground (g) therefore fails.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

A Hunter

INSPECTOR

² Appeal Ref. 6000516

³ Appeal Ref. 6000516