



Appeal Decision

Site visit made on 29 September 2026

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2026

Appeal Ref: APP/T5150/C/25/3371074

236 Watford Road, Harrow HA1 3TX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Nishith Patel against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 18 July 2025.
- The breach of planning control as alleged in the notice is: without planning permission, the erection of a new front boundary wall and formation of hardstanding to front garden of the premises.
- The requirements of the notice are to:
 - Step 1 Remove the hardstanding from the area cross-hatched in black on the attached Plan A.
 - Step 2 Reinstate soft landscaping (e.g. shrubs and/or turf) in the area where the hardstanding was removed.
 - Step 3 Demolish the unauthorised front and side boundary wall and rebuild it to match the dimensions and height of the original boundary wall, as shown in the attached Photograph A.
 - Step 4 Plant a hedge directly behind the rebuilt front boundary wall.
 - Step 5 Remove all items, debris and materials, arising from compliance with Steps 1 to 4, from the premises.
- The period for compliance with the requirements is: six (6) months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The enforcement notice is quashed.

Matters concerning the Enforcement Notice

1. The appellant has appealed on ground (f), contending that a number of the requirements of the enforcement notice (the notice) are excessive and imprecise. I have also identified defects in the notice that require consideration. Although these are distinct matters, they overlap and both raise questions concerning the validity of the notice. To avoid repetition and any confusion, I shall therefore consider both the appellant's ground (f) case and the defects I have identified together under this heading.
2. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected or varied (as appropriate) using the powers available in section 176(1) of the Town and Country Planning Act 1990 as amended ("the 1990 Act"), unless the correction or variation would cause injustice to either the appellant or the local planning authority. If it is not possible for the notice to be corrected or varied without causing injustice to either party, I must quash the notice.
3. Section 173(1) of the 1990 Act requires that an enforcement notice shall state, (a) the matters which appear to the local planning authority to constitute a breach of planning control; and (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls. Section 173(2) states that a notice complies with subsection (1) (a) if it enables any person on whom a copy of the notice is served to know what those matters are. Section 173(3) states that an

enforcement notice shall specify steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the purposes set out in section 173(4).

4. In this case, the notice states that there has been a breach of planning control as specified in section 171A(1)(a) of the 1990 Act. The alleged breach is “without planning permission, the erection of a new front boundary wall and formation of hardstanding to front garden of the premises”. Schedule 4 of the notice states that its purpose is to remedy the breach of planning control in accordance with section 173(4)(a) of the 1990 Act and sets out five steps to remedy the breach.
5. Step 1 requires the removal of the hardstanding hatched on the accompanying Plan A. From my observations on site, the hardstanding extends beyond the hatched area across the front of 236 Watford Road. Step 1 therefore does not require the removal of all the hardstanding that has been alleged. As such, section 173(11) of the 1990 Act would be engaged, granting unconditional planning permission for the remaining hardstanding. Although the requirement is neither excessive nor imprecise, that outcome would appear to be inconsistent with the purpose of the notice, which is to remedy the breach of planning control.
6. The requirement of step 2, which states the recipient of the notice should “reinstate soft landscaping (e.g shrubs and/or turf)” following removal that part of the hardstanding, is vague and lacks precision. It is unclear what planting and/or seeding is required and whereabouts they should each be undertaken within the hatched area. Photograph A attached to the notice is of limited help, as it does not show, with any certainty, how that part of the land was previously landscaped. The notice contains insufficient information for me to determine what landscaping requirement could properly be substituted by way of variation, and to do so without the necessary evidence is likely to cause injustice to the appellant.
7. Step 3 of the Notice requires the appellant to demolish the front and side boundary wall and rebuild it to match the dimensions and height of the original boundary wall. However, the breach of planning control only refers to a front boundary wall, there is no mention of a side boundary wall in the allegation. As such, requiring the removal of a side boundary wall in step 3 is therefore an excessive requirement to remedy the stated breach of planning control on the notice.
8. Deleting the reference to the side boundary wall from step 3 would align the requirement with the allegation. However, the Council's appeal submissions indicate that the notice was intended to secure the removal of the entirety of the newly constructed wall, comprising both the front boundary wall and the side boundary wall with the neighbouring property. Such a variation could therefore cause injustice to the Council. I have also considered whether the allegation could be corrected to include the side boundary wall. However, that would widen the scope of the alleged breach and would cause injustice to the appellant's case.
9. The other part of step 3 requires the recipient to rebuild a wall to match the dimensions and height of the original boundary wall, based on the attached Photograph A. However, the photograph does not detail the dimensions of the original wall, making the requirement vague and imprecise. The recipient of the notice cannot know with certainty what they are required to build to secure compliance. It is also not possible for me to vary step 3 to provide dimensions of the original wall as these are not known from the four corners of the notice. The

notice contains insufficient information for me to determine what could properly be substituted by way of variation, and to try and do so is likely to cause injustice to both parties.

10. I have considered the appellant's contention that step 4 is excessive because the Council cannot require the planting of a hedge, and that it is not achievable. However, Photograph A appears to show that a hedge previously existed behind the front boundary wall. The requirement is directed towards reinstating part of the former condition of the land and the hedgerow removed as part of the development, rather than securing an unrelated enhancement. I therefore do not find step 4 to be excessive and it would be achievable.
11. I have nevertheless considered whether the notice could be corrected or varied so as to require the recipient to restore the land to its previous condition. However, this would necessitate a variation to step 1 requiring the removal of all the hardstanding, rather than only the area identified on Plan A. Such a variation to step 1 would increase the extent of the works required and would deprive the appellant of the benefit of the planning permission that would otherwise arise under section 173(11) of the 1990 Act. In these circumstances, such a variation would cause injustice to the appellant.
12. For the reasons set out above, I conclude that the notice fails to comply with section 173(3) of the 1990 Act because it does not identify with sufficient clarity the steps required to secure compliance. I therefore find that the notice is invalid, and varying or correcting it would cause injustice.
13. It would, therefore, be appropriate to quash the notice. This finding is, however, without prejudice to the local planning authority's ability to issue a fresh notice having regard to Section 171B(4)(b) of the 1990 Act, if it considered it expedient to do so.

Conclusion

14. For the reasons given above, I conclude that the notice does not specify with sufficient clarity the steps required for compliance.
15. It is not open to me to correct or vary the error in accordance with my powers under section 176(1) of the 1990 Act since injustice would be caused were I to do so. The notice is invalid and will be quashed.
16. In these circumstances, the appeal on the grounds set out in section 174(2) (g) of the 1990 Act do not fall to be considered.

Formal Decision

17. The enforcement notice is quashed.

A Hunter

INSPECTOR