



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/25/3371359

120 Slough Lane, London NW9 8XL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Mohammad Hamza against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 10 July 2025.
- The breach of planning control as alleged in the notice is: without planning permission, the erection of a porch and single storey side and rear extensions.
- The requirements of the notice are to:
Step 1 Demolish the porch and remove all items, debris and materials associated with the porch from the premises.
Step 2 Demolish the single storey side and rear extensions OR alter them to accord with planning permission 23/2191 dated 21st August 2023.
- The period for compliance with the requirements is: six (6) months
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The enforcement notice is quashed.

Matters concerning the Enforcement Notice

1. 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.
2. I have identified some defects in the notice, which have caused me to consider the position with regard to the validity of the Enforcement Notice (the notice) or, indeed, whether it is a nullity. I have made the appellant and local planning authority aware of specific concerns regarding defects in the notice, and sought their respective comments, which I have taken into account where made.
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 specifies there has been a breach of planning control under section 171A(1)(a) of the 1990 Act. The alleged breach is that without planning

permission, the erection of a porch and single storey side and rear extensions. Schedule 4 of the notice states that the purpose of the notice is to remedy the breach of planning control in accordance with section 173(4)(a) of the 1990 Act, which states “remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.”

5. The notice specifies two steps to remedy the breach of planning control; step 2 requires the appellant to “demolish the single storey side and rear extensions OR alter them to accord with planning permission 23/2191 dated 21st August 2023.” The local planning authority in their evidence state that the extensions undertaken were not a commencement of planning permission 23/2191 dated 21st August 2023 (the planning permission). Furthermore, there is no evidence before me that the planning permission has been commenced.
6. Condition 1 of planning permission required the development to commence by 21 August 2026. There is no evidence before me that the permission was initiated before that date. As that date has now passed, it is no longer possible to implement the planning permission in accordance with its terms. Consequently, the requirement in step 2 to alter the extensions to accord with planning permission 23/2191 is incapable of compliance. Furthermore, that same part of step 2 lacks precision and clarity. It does not identify the specific works required and merely refers to compliance with the planning permission. Requiring the extensions to ‘accord with the planning permission’ would not secure compliance with the permission's conditions and limitations, as required by the wording set out in section 173(4)(a) of the 1990 Act.
7. I have considered whether the defect could be remedied through the exercise of my powers under section 176(1) of the 1990 Act. I could vary step 2 by removing the option of altering the extensions to accord with planning permission 23/2191. However, in doing so I would make the requirement more onerous. The appellant would be left only with the option of demolishing the side and rear extensions, thereby removing the alternative means of compliance presently available. Equally, I could not vary step 2 to require compliance with the conditions and limitations of the planning permission. Such a variation would also make the requirement more onerous than that set out in the notice and would require compliance with a planning permission that is no longer capable of implementation. As such, I cannot vary the defect without causing injustice to the appellant.
8. I have also considered whether it is possible for me to correct the allegation in the notice to that of a breach of condition and then vary the steps accordingly. However, this would not be possible. It is the Council’s case that this is development without planning permission, and I have no evidence before me that demonstrates planning permission 23/2191 was initiated. As such, I cannot be certain that the extensions alleged in the notice were constructed pursuant to that permission but in breach of a condition or limitation attached to it. Consequently, based on the evidence before me, I could not properly correct the allegation to a breach of condition allegation without causing injustice.
9. In terms of step 1, which requires the demolition of the porch, the appellant has sought a variation to also allow for altering the porch to accord with the planning

permission granted for a smaller porch through a subsequent appeal decision¹. In view of that permission being extant, requiring adherence to it, and its limitations and conditions as a variation to step 1, would not cause injustice to either party.

10. Had step 2 been capable of variation, step 1 could have been varied on this basis. Nevertheless, this would not address the defect within step 2. The appellant can rely upon the provisions of section 180 of the 1990 Act insofar as the notice is inconsistent with that planning permission granted on appeal for the porch.
11. For the reasons set out above, I find that the required variations to step 2 would result in injustice, and I conclude that these defects cannot properly be remedied through the exercise of my powers under section 176(1) of the 1990 Act. I therefore conclude that the notice is invalid, and it 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.
12. 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 considers it expedient to do so.

Conclusion

13. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the steps required for compliance.
14. 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 (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
15. In these circumstances, the appeal on the grounds set out in section 174(2) (a) and (g) of the 1990 Act (as amended) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) do not fall to be considered.

Formal Decision

16. The enforcement notice is quashed.

A Hunter

INSPECTOR

¹ Appeal Ref: APP/T5150/D/25/3368271