



Appeal Decision

Site visit made on 13 October 2026

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2026

Appeal Ref: APP/A5840/C/25/3360063

Ground Floor Flat, 52 Avondale Rise, London SE15 4AL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Dougal Hutley against an enforcement notice issued by the London Borough of Southwark Council.
- The notice was issued on 24 December 2024.
- The breach of planning control as alleged in the notice is the engineering operation comprising the excavation of the rear garden the erection of retaining walls in the approximate location shown outlined in blue on the attached plan and the deposit of soil beyond the retaining wall so as to increase the ground level height ("the Unauthorised Development").
- The requirements of the notice are to:
 - 5.1 Remove the retaining wall that runs across the rear garden whilst supporting the adjoining land;
 - 5.2 Return the rear garden at the Land (including the level(s) and the gradient of the Land) to its condition before the breach occurred; and
 - 5.3 Remove from the Land all materials, rubbish and debris resulting from the carrying out of the above steps.
- 6 The period for compliance with the requirements is three (3) calendar months.
- 7 The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Summary of decision: The appeal is dismissed.

Preliminary Matter

1. Paragraph 3 of the Notice refers to an approximate location outlined in blue on the attached plan, but no such outline is shown. Nevertheless, the alleged breach is clear from the address and description of the Land. I am therefore satisfied that this reference can be deleted without injustice to either main party.

The appeal on ground (f)

2. The ground (f) appeal is that the requirements of the notice exceed what is necessary. The purposes of an enforcement notice are to remedy the breach of planning control or any injury to amenity. As the Notice requires the removal of the retaining wall, the restoration of the garden to its condition before the breach, and the removal of all materials, rubbish and debris, its purpose is clearly to remedy the breach.
3. There is no appeal on ground (a). As the purpose of the notice is to remedy the breach, a lesser step that would not achieve that purpose cannot succeed under ground (f). Nor can ground (f) be used to argue that the requirements exceed what is necessary to remedy injury to amenity where the notice seeks to remedy the breach itself. The appeal on ground (f) therefore fails.

Formal Decision

4. I hereby direct that the Notice shall be corrected by the deletion from paragraph 3.1 of the words “in the approximate location shown outlined in blue on the attached plan”. Subject to that correction, the appeal is dismissed and the enforcement notice is upheld.

A A Phillips

INSPECTOR

