Planning Inspectorate

Appeal Decision

Site visit made on 27 October 2026

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2026

Appeal Ref: APP/B5480/C/25/3373697
3 Fairview Parade, Mawney Road, Romford RM7 7HH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Erjon Lushi against an enforcement notice issued by the Council of the London Borough of Havering.
- The notice was issued on 27 August 2025.
- The breach of planning control as alleged in the notice is: without planning permission, the construction of an extension to the front of the building.
- The requirements of the notice are to:
  (i) Demolish the extension to the front of the premises; and,
  (ii) Remove all debris, rubbish or other materials accumulated as a result of taking step (i) above.
- The period for compliance with the requirements is: two 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 appeal succeeds to the extent that the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Preliminary Matters

1. The appeal was initially submitted on grounds that included ground (a). However, an appeal on ground (a) is barred under the provisions of section 174(2A) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act). In this instance, the appeal proceeds based on grounds (f) and (g) only, and I am unable to consider the planning merits of the matters stated in the enforcement notice, including those submitted with the appeal, and the third party comments.

2. I have been made aware of recent planning appeal decisions[1] relating to the Land, which I have taken into account insofar as they relate to the matters stated within the enforcement notice (Notice) and the relevant grounds of appeal in this case.

The appeal on ground (f)

3. Section 174(2)(f) of the 1990 Act states that an appeal may be made on the ground that the steps required by the notice to be taken, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

4. Section 173(4) of the 1990 Act states the purpose of the Notice must be to either (a) remedy the breach; or (b) remedy the injury to amenity. It is evident to me when reading the Notice as a whole, its purpose is to remedy the breach of planning control in this case.

[1] References: APP/85480/W/24/3353116; APP/85480/Z/24/3353117; APP/B5480/W/25/3361365; and 6000542.

5. The appellant has argued that the requirements are excessive and that a more proportionate remedy would be to allow the retention of the front extension with modifications, such as a reduction in its projection, along with the submission of a noise and/or odour report that contained mitigations. However, no alternative scheme showing a smaller or modified extension has been submitted for consideration with this appeal, and no noise or odour assessment has been provided. As a result, it is unknown exactly what such a smaller or modified extension would look like, particularly what its effect would be on the character and appearance of the host property and the immediate area. Similarly, without a report, it is not known what the exact noise and odour impacts are, and what mitigations are required.

6. Notwithstanding the above, there is no appeal on ground (a) before me. In cases where there is no accompanying ground (a) and the Notice clearly seeks to remedy the breach, I can only consider whether the requirements exceed what is necessary to remedy the breach. As such, it is not open to me to consider the alternative extension suggested. The removal of the extension from the land does no more than what is required to remedy the breach, and the lesser steps put forward would not achieve that purpose.

7. Consequently, the requirements of the Notice, requiring the removal of the front extension is not excessive to remedy the breach of planning control in this case, and the appeal on ground (f) fails.

The appeal on ground (g)

8. An appeal on this ground is that the period specified in the Notice falls short of the period that should reasonably be allowed. The Notice specifies a compliance period of two months, and the appellant seeks an extended period of six months, for reasons relating to what are said to be significant financial implications for the business; to secure funding for the compliance works; to arrange contractors to undertake these works; and to manage business continuity.

9. Given that the appellant has pleaded ground (f) and (g) only, and that one of the main ground (f) arguments relied on building works to modify the size of the front extension, the appellant has known in advance of the determination of this appeal, funding would be required for building compliance works. Whilst the precise compliance works would not be known until this appeal has been determined, in view of the prior notice that funding would be required, an extended period for this reason would not be reasonable.

10. In addition, no precise details have been submitted to demonstrate the unavailability of contractors to undertake the works within the two-month compliance period, or why any longer lead-in times are necessary. Nor has it been shown that the demolition of the extension would be complicated or likely to justify an extended period for compliance.

11. Nevertheless, I do acknowledge that the removal of the front extension would likely cause significant disruption to the business, given it covers the only means of access into it, thereby restricting, at least temporarily, how it can operate. I therefore accept that a degree of advanced business planning will be necessary regarding this disruption, and its continued operations thereafter. As such, an extension beyond two months for compliance would not be unreasonable.

12. However, I am also mindful of the ongoing harm to the living conditions of neighbouring occupiers and to the character and appearance of the area from the front extension and find the requested six months to be unreasonable. Instead, I find an extended period of four months would be reasonable and proportionate for compliance with the requirements of the Notice in this case. Accordingly, the appeal on ground (g) succeeds to that limited extent.

Conclusion

13. For the reasons given above, I conclude that the requirements of the notice are not excessive to remedy the breach of planning control, but the period for compliance with the Notice falls short of what is reasonable. The appeal on ground (f) fails, but the appeal on ground (g) succeeds to that extent. I shall vary the enforcement notice prior to upholding it.

Formal Decision

14. It is directed that the enforcement notice is varied by:

    - in paragraph 6, the deletion of “2 months” and its substitution with “four (4) months”.

15. Subject to the variations, the enforcement notice is upheld.

A Hunter

INSPECTOR