



Appeal Decision

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/B5480/C/24/3346956

1A Beaumont Close, Romford RM2 6LJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Amjad Ali against an enforcement notice issued by the Council of the London Borough of Havering.
 - The notice was issued on 29 May 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the construction of an outbuilding in the rear garden.
 - The requirements of the notice are to:
 - (i) Demolish to ground level the outbuilding in the rear garden;
 - 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: Three 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. Due to the appeal relating only to ground (g), I considered that the appeal could be determined without the need for a site visit. Both the appellant and the Council agreed to this approach.

Ground (g)

3. The ground of appeal is that the time given to comply with the notice is too short.
4. There is no dispute in relation to the breach of planning control itself. Rather, the appellant asserts that the three-month period for compliance is unreasonable due to the scale and construction type of the building, its position and related site access restrictions, proximity to boundaries and the logistics of the demolition and waste removal. There is also reference to the presence of occupiers on the appeal site.
5. It is detailed that scaffolding will have to be constructed around the perimeter of the outbuilding, including on neighbouring land requiring third-party consent. Furthermore, there are access and parking issues related to the public highway to the front of the appeal site. I am also conscious that the pool basin that was installed in the building had to be craned over the dwelling from the highway to the front and a similar procedure will be needed to remove it. In order to undertake the demolition and removal of the building, the appellant states that a minimum of seven months is necessary.

6. However, while I am mindful of the difficulties the appellant sets out, I am also particularly conscious that the enforcement notice was served in late May 2024 and as such it has been almost 12 months since the notice was served. During this time, given that the appellant has appealed under ground (g) only, they would be aware that the requirements of the enforcement notice would be upheld as it was issued, and should have been making the preparations to comply with these requirements. To now vary the notice to give a 7-month compliance period would provide over 18 months in total, since the serving of the notice, to comply with it. I therefore find no compelling reason to extend the period as specified in the notice and consider that it would be reasonable to keep the period as set out.
7. Accordingly, the appeal on ground (g) fails.

Conclusion

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

Martin Allen

INSPECTOR