



Appeal Decisions

Site visit made on 5 May 2026

by **M Savage BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal Refs: APP/B5480/C/25/3369942 (Appeal A) & 3369943 (Appeal B) & 3369944 (Appeal C)

262 Wennington Road, Rainham RM13 9UU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Harbans Singh (Appeal A), Mrs June Chanian (Appeal B) and Mr Harbans Singh (Appeal C) against an enforcement notice issued by the Council of the London Borough of Havering.
- The notice was issued on 4 July 2025.
- The breach of planning control as alleged in the notice is without planning permission, the construction of extensions to the roof in the form of a hip to gable extension and rear dormer extension.
- The requirements of the notice are to:
 1. Demolish the rear dormer roof extension and remove the hip to gable extension formed over the two storey side extension;
AND
 2. Remove all other debris, rubbish or other materials accumulated as a result of taking step (1) above.
- The period for compliance with the requirements is: Five months.
- The appeals are proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. It is directed that the enforcement notice is varied by, at section 6 of the notice: the deletion of 'FIVE' and its substitution with 'EIGHT' as the period for compliance.
2. Subject to the variation above, the enforcement notice is upheld.

Preliminary Matters

3. The appeal site has been the subject of other appeals, namely appeal reference APP/B5480/X/23/3329814, which was made under section 195 of the Act and sought a certificate of lawful use or development for a loft conversion with rear dormer and appeal reference 6000508, which was made under section 78 of the Act for a proposed loft conversion with rear dormer. Both appeals were dismissed.
4. Where enforcement notices are issued after 25 April 2024, ground (a) is barred if the requirements of section 174(2A) of the Act are met. Namely, the enforcement notice on related development was issued within the time allowed for determination of the planning application or within two years of the date on which the related application ceased to be under consideration. Appeal reference 6000508 was for a loft conversion with rear dormer, with the decision issued on 25 March 2026. Within that decision letter, the Inspector described the extensions as 'already been completed and comprise a gable roof addition to what was an existing hipped roof over a previous two-storey side extension together with large

flat roofed dormer across the width of the extended rear roof and rooflights to the front roofslope.’ Although an appeal was made under ground (a), the Planning Inspectorate has written to the parties setting out its determination that the ground (a) is barred, because the notice was issued within the two year period after the making of a related application that is no longer under consideration. I have been provided with no evidence to show that this determination is wrong, and it has not been challenged to date. The appeals shall therefore proceed on grounds (f) and (g).

5. In their final comments, the appellants raise whether it was expedient for the Council to take enforcement action. However, I have no jurisdiction to determine whether a local planning authority has complied with section 172 of the Act. Any challenge as to whether it was expedient for the Council to issue the enforcement notice would need to have been pursued by way of judicial review.

Ground (f)

6. An appeal under ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, 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.
7. Section 173(4) of the Act sets out the purposes of a notice are (a) remedying the breach by making any development comply with the terms... of any planning permission..., by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or (b) remedying any injury to amenity which has been caused by the breach. Since the requirements are to demolish the rear dormer roof extension, remove the hip to gable extension formed over the two storey side extension and remove all other debris, rubbish or other materials, it is clear that the purpose of the notice is to remedy the breach.
8. The appellants suggest that the requirements of the notice to demolish the rear dormer do not take into account the permitted development (PD) rights to provide rear dormers under Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development)((England) Order 2015 (as amended)(the GPDO). It is suggested that there is a fallback allowance for a dormer up to 40m³.
9. The case of *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314 has been drawn to my attention, which considered the matter of fallback. However, the circumstances of that case are very different to the appeal before me, as it concerned an application for planning permission rather than an enforcement notice proceeding without a ground (a).
10. Although the GPDO grants planning permission for certain types of development, it does not grant retrospective planning permission and so, varying the enforcement notice so that the development is altered to accord with permitted development rights would not remedy the breach of planning control. There is no appeal under ground (a) and so I cannot grant planning permission for part of the matters.
11. I am mindful that were the notice to be complied with, the appellant is likely to be able to exercise their permitted development rights. However, the appellant has

provided me with no detail as to what such a dormer would look like, or how an alternative requirement could be worded such that it would be sufficiently precise.

12. Furthermore, because the GPDO does not grant retrospective planning permission, the dormer would only have planning permission after the enforcement notice is complied with by virtue of section 173(11) of the Act, not as permitted development. The only buildings, works or activities which can benefit from section 173(11) are those in existence when the enforcement notice was issued. A PD scheme is likely to include substantial elements, such as walls and roofs, which were not in existence when the enforcement notice was issued and which the notice could not have required to be removed.
13. Demolishing the rear dormer roof extension, removing the hip to gable extension formed over the two storey side extension and removing all other debris, rubbish or other materials accumulated as a result of taking step 1 would remedy the breach. There are no lesser steps that would achieve the purpose of the notice with less cost and disruption and so the appeals under ground (f) must fail.

Ground (g)

14. An appeal under ground (g) is made on the basis that any period specified in the notice falls short of what should reasonably be allowed. The appellants suggest that 5 months is insufficient to carry out the required steps and request that the compliance period is extended to 8 months to allow for sufficient time to seek quotes from builders who, it is suggested are in short supply, coupled with a higher demand for builders, to carry out the necessary work. It suggested that because this is the family's residence, the works would involve some level of disruption to occupancy.
15. Although the enforcement notice was issued some time ago, given the appellants' arguments under ground (f), it is not unreasonable for the appellants to wait for the outcome of this appeal before contacting builders or formulating actions, since an alternative to demolition would have different implications in terms of time and cost. Although the appeals under ground (f) have not succeeded, the appellants would not have known before the appeal is decided what the requirements of the enforcement notice will ultimately be.
16. Given the scale of the works that are likely to be required to comply with the notice, I agree that complying with the notice is likely to be disruptive to occupants of the building and will take some time to be carried out. The works are also likely to need to be carried out by a builder, who will take time to appoint.
17. I note the concerns of an interested party regarding the harms arising from the appeal scheme, as well as the harms identified by the Council in its enforcement notice and consider that a period of 8 months would be reasonable and proportionate. This would give sufficient time for a suitably qualified builder to be appointed, for the occupants to make any necessary arrangements to minimise disruption and for the works to be carried out.
18. The appeals under ground (g) therefore succeed.

Conclusion

19. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeals on ground (g) succeed to that extent.

M Savage

INSPECTOR