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## Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

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**Appeal Ref: APP/G5180/C/24/3355271**

**41 Queensmead Road, Bromley, BR2 0ER**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mr Thomas Tinker against an enforcement notice issued by the Council of the London Borough of Bromley.
  - The notice was issued on 14 October 2024.
  - The breach of planning control as alleged in the notice is: The erection of a shed in the front garden.
  - The requirements of the notice are: (a) Remove the shed from the land or demolish the shed; (b) Remove all resultant debris from the land.
  - The period for compliance with the requirements is: 1 month.
  - The appeal is proceeding on the ground set out in section 174(2)(f) 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. I have read about the appellant's difficulties over lack of storage for bicycles and other items if the shed must be removed in accordance with the enforcement notice. I also note the previous engagement with the Council and the refused planning application to keep the shed. Furthermore, I note that the appellant considers losing the shed may adversely affect the value of their property. However, these are matters that do not fall within the scope of an appeal under s174(2)(f) of the 1990 Act and so I cannot consider them.
3. The single ground of appeal under s174(2)(f) of the 1990 Act does not require any visual assessment of the site to reach a view about the effect of the development on, for example, the character and appearance of the area. Consequently, I could determine the appeal without seeing the site. Neither appeal party has been prejudiced by this course of action.

### Reasons

4. The scope of a ground (f) appeal is defined by the purpose of the enforcement notice. The notice alleges the erection of a shed and it requires the shed to be removed or demolished and for any resultant debris to be removed from the land. As such, the purpose of the notice falls under s173(4)(a) of the 1990 Act which is to remedy the breach of planning control by restoring the land to its condition before the breach took place. I appreciate that there was a different shed at the side of the property previously. However, this was replaced in November 2020. Taking the old shed away and putting one back that is materially different in appearance and orientation to the old one was a new act of development. Therefore, requiring the site of the shed to become vacant is not excessive.

5. The requirements only seek to meet the purpose of the notice. As such, they do not exceed what is necessary to remedy the breach of planning control.

**Conclusion**

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

*Gareth Symons*

INSPECTOR