

**Case Name:** *Singhal UK Limited v Secretary of State for Housing, Communities and Local Government and Anor* [2025] EWHC 1967 (Admin) (1 August 2025)

**Full case:** [Click Here](#)

**Commentary:** This was the third successful application for statutory review of the decision of an Inspector to dismiss an appeal against an enforcement notice. The notice had been issued in 2014, and required the cessation of the use of a building as three independent dwellings, as well as the demolition of various extensions and an outbuilding. In the most recent appeal against the notice, the Inspector had decided to allow the appeal on ground (a) (that permission should be granted for the matters specified in the notice) in part, authorising a single-storey rear extension, and had imposed a condition which disapplied the permitted development rights for erection of an outbuilding.

The application for statutory review was made on three grounds:

1. that there was procedural unfairness, the Inspector have imposed the condition removing permitted development rights without the opportunity for the parties to comment and the Appellant thereby being prejudiced;
2. that the Inspector failed to take into account the tests for imposing conditions as set out in the NPPF, or that if he did take into account those tests, he failed to give adequate reasons for the imposition of the condition;
3. in relation to an existing outbuilding (required to be removed by the notice) the Inspector failed to take into account material considerations or failed to give adequate reasons for deciding that one of the rooms in the existing outbuilding was not required for a purpose incidental to the enjoyment of a dwellinghouse.

The challenge succeeded on the ground that the parties should have been given an opportunity to make submissions on the imposition of the condition taking away permitted development rights.

In respect of ground 1, it transpired that the Inspector had asked the parties at the appeal hearing about the scope of his power to remove permitted development rights, and both parties had responded that – at least in the terms that the question was put to them – the Inspector did not have the requisite power. The Appellant complained that no warning was given to it of the Inspector’s change of mind on what it understood to be an agreed matter. A partial transcript of the hearing was produced to the court by the Appellant. The transcript showed that the Inspector’s question at the hearing had arisen from his consideration of a potential appeal outcome whereby the use of the site’s main building reverted to a single dwellinghouse. In such circumstances, the parties agreed that the permitted development rights were pre-existing and could not be removed by the Inspector’s decision. The discussion did not cover the situation which eventuated, being the upheld notice requiring the reversion of the use of the building as

a single dwellinghouse and the demolition of the existing outbuilding, with a planning permission being granted for the rear extension. The dispute was not whether a condition could be applied, but rather that the parties were deprived of the opportunity to comment on whether it would be appropriate to apply a condition in the circumstances of the case.

Though in his decision the Inspector had upheld the notice as it related to the requirement for demolition of the outbuilding, he had expressly left open the possibility that a smaller outbuilding might be acceptable in the future – he simply did not have the information before him to be able to make a determination either way. The court found that, had the Inspector notified the parties of his intention to impose the condition, he might have been furnished with information which could have affected his justification for the condition, or its scope. There was, said the judge, substantial prejudice to the Appellant. Accordingly, ground 1 succeeded.

Ground 2 concerned the need, by paragraph 55 of the NPPF, for “clear justification” for a condition removing permitted development rights. The Appellant argued that the Inspector had ignored this, having not mentioned it in his decision. The court disagreed, finding that the Inspector had been aware of the tests in the PPG (which, the judge said, explain and clarify the NPPF) and that the necessary justification – being the harm to residential amenity that the Inspector sought to avoid – had been given.

The third and final ground related to the use of the existing outbuilding. It had been divided into three sections: one part was used as a home gym, the second as a study, and the use of the third was, according to the Inspector, indeterminate. The Inspector found that the first two parts were reasonably required for a purpose incidental to the enjoyment of a dwellinghouse, but did not consider the third reasonably required. This led to his overall conclusion that the outbuilding considered as a whole was not reasonably required. He also commented that the size of the outbuilding was larger than it needed to be.

The Appellant argued that the Inspector had ignored the notation on the drawings which shows that the third space was to be used to accommodate a standing boiler. This had in fact been shown to the Inspector on his site visit, and explained in evidence. The court disagreed, finding that it was highly unlikely that the Inspector had simply ignored the drawings and evidence, and that – even if the boiler was installed as intended and white goods moved in – there would be significant free space within the third section of the outbuilding. The Inspector had not erred in referring to the size of the outbuilding, because his decision did not rest on its substantial size, but the size was one factor that he took into account. The Inspector was, said the judge, entitled to reach the conclusion he did.