

Case Name: *Quarry Mews Ltd v Secretary of State for Housing, Communities and Local Government and Anor* [2025] EWHC 1968 (Admin) (1 August 2025)

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Commentary:

This was an application for statutory review of the decision of an Inspector to dismiss an appeal against an enforcement notice. The enforcement notice required the demolition of a building which accommodated six one-bedroom flats. Permission had been granted in 2006 for a similar form of development, but it had not been constructed in accordance with the approved details and the Council had come to the decision that it would be expedient to take enforcement action.

The application for statutory review was made on two grounds:

1. that, in dismissing the appeal against the enforcement notice, the Inspector failed to comply with the Public Sector Equality Duty ("PSED") as it relates to the protected characteristic of age, there being a concern that the welfare of a child resident of the site was not properly considered; and
2. that the Inspector wrongly reduced the weight to be given to the environmental benefit associated with the scheme on the basis that a similar argument could be made in other enforcement appeals.

In respect of ground 1, the court found that the Inspector was certainly aware of the presence of at least one child resident and that he had duly considered the need to safeguard and promote the welfare of the child when deciding to extend the time period for compliance with the notice. This being so, the judge found it "highly unlikely" that the Inspector had not taken the child's welfare into account when deciding whether or not to grant planning permission for the scheme as built. It was fact that the development was of one-bedroom, rather than family-sized, dwellings, and that the Inspector had made sufficient inquiry into the occupants' awareness of the enforcement notice appeal. Accordingly, it was decided that the Inspector had discharged the PSED and ground 1 was unsuccessful.

On ground 2, the Appellant had said that allowing the appeal and granting permission for the scheme as built would lead to an environmental benefit, there not being disruption, pollution or a waste of resources associated with the need to demolish it. In his decision letter, the Inspector had recorded (in part): *"...but this argument could be too easily repeated, to defeat the whole point of enforcement notices and encourage unauthorised development..."*

In this claim, the Appellant's case was that the Inspector should not have taken into account anything that may or may not happen on other sites – to do so would be to take into account an immaterial consideration. The court, however, decided that:

- the Inspector had accepted that there would be an environmental benefit associated with allowing the appeal;
- the Inspector had given weight to that benefit, albeit limited;
- the benefit had been taken into account in the planning balance and that, based on the decision as a whole, the planning balance had been properly undertaken.

Ground 2 was also therefore unsuccessful, and the application for statutory review was dismissed.

Case summary prepared by Aline Hyde