

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
PLANNING COURT**

AC-2025-LON-000526



**IN THE MATTER OF AN APPEAL UNDER SECTION 65 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

AC-2025-LON-000526

**BETWEEN:**

**DAEJAN PROPERTIES LIMITED**

**Appellant**

**-and-**

**(1) SECRETARY OF STATE FOR HOUSING, COMMUNITIES  
AND LOCAL GOVERNMENT**

**(2) LONDON BOROUGH OF CAMDEN**

**Respondents**

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**ORDER**

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**UPON** the Appellant and First Respondent having agreed the terms of settlement in this matter and **UPON** the Second Respondent stating that they do not intend to contest the claim;

**BY CONSENT, IT IS ORDERED:**

1. The appeal is allowed for the reasons set out in the Schedule to this Order.
2. The decision of the First Respondent's Inspector dated 23 January 2025 shall be remitted to the First Respondent for redetermination.

3. The hearing listed on 10 June 2025 is vacated.
4. The first Respondent to pay the Appellant's reasonably incurred costs in this action, to be assessed if not agreed.
5. The second Respondent is not participating in these proceedings and is therefore not required to sign this Order.

## **SCHEDULE**

### Statement of Reasons

1. The Appellant has brought this claim under section 65(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, challenging a decision dated 23 January 2025 made by an Inspector appointed by the First Respondent to dismiss the Appellant's appeal against several Enforcement Notices issued by the Second Respondent.
2. The site the subject of the appeal concerns flats within Regency Lodge, Adelaide Road, London, NW3 5EE ("the Property"). The Property is a Grade II listed building which dates from 1937-38.
3. The Second Respondent served enforcement notices between 31 May 2024 and 30 August 2024 in respect of flats 2, 5, 6, 7, 9, 10, 21, 100, 101 on Regency Lodge. The alleged contravention was the removal of the original steel/Crittall windows and replacement with UPVC windows without listed building consent. The enforcement notice required permanent removal of the UPVC and reinstatement of "steel or appropriate aluminium framed windows of a similar size, design, profile, and opening method (outward opening) as original steel windows."
4. The Appellant appealed against the enforcement notice. By a decision letter dated 23 January 2025 ("the Decision") the Inspector dismissed the Appeal and upheld the listed building enforcement notices.

5. In this appeal, the Appellant challenges the Decision on the following grounds:

**Ground 1:** The Inspector failed to provide adequate reasons; and

**Ground 2:** The Inspector failed to have regard to the Planning Practice Guidance on the Historic Environment, a mandatory material consideration.

6. An Oral Permission Hearing was heard on the 19 March 2025 and permission was granted in relation to Ground 2 only.
7. In relation to Ground 2, the First Respondent accepts that the Inspector's decision was inadequately reasoned, such that it did not make clear how (if at all) the Inspector had had regard to the PPG.
8. The parties therefore agree that the Decision should be remitted to the First Respondent for re-determination pursuant to paragraph 6.14 of Practice Direction 54D.

Fladgate LLP

Solicitor for Appellant: .....

Dated: 29 April 2025

Fladgate LLP, 16 Great Queen Street, London WC2B 5DG

Solicitor for the First Respondent: .....  .....

Dated: ..... 02/05/2025 .....

Government Legal Department, 102 Petty France, Westminster, London, SW1H 9GL

Consent order approved by Richard Kimblin KC, sitting as  
a Deputy High Court Judge, 8th May 2025.

BY THE COURT