



Appeal Decision

Site visit made on 3 October 2023

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2023

Appeal Ref: APP/A5270/C/23/3318155

Greenford Police Station, 21 Oldfield Lane South, Greenford, Middlesex UB6 9LQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jaswinder Singh Arora against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The enforcement notice was issued on 2 February 2023
 - The breach of planning control as alleged in the notice is the erection of a canopy structure and the material change of use of the site to a mixed use of car sales, car storage, car servicing and the sale of car parts.
 - The requirements of the notice are:
 1. Cease the use of the site as a mixed use of car sales, car storage, car servicing and the sale of car parts.
 2. Remove the canopy structure (the location of which is marked 'X' on the attached plan) and all storage containers from the land.
 3. Remove all cars, car-lifts, tools, machinery, car parts, tyres and all items associated with the unauthorised mixed use of the site.
 4. Remove all resulting rubbish, materials and debris from the site.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

1. It is directed that the enforcement notice is:
 - varied by deleting the words "three months" within section 5 (what you are required to do) and its replacement with "four months".
2. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld.

Procedural matters

3. The appeal has been lodged under ground (f) only. However, it is clear from the substance of the appeal submissions that the appellant is also seeking to appeal under ground (g), in so far as they state that they need more time to comply with the notice. As the Council has provided comments on the appellant's statement, I am satisfied that neither party would be prejudiced by

consideration of the ground (g) appeal. I have therefore determined the appeal on this basis.

The Appeal on Ground (f)

4. The appeal on this ground is "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 (i.e. the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
5. The enforcement notice requires the unauthorised mixed use to cease, the removal of the unauthorised development and restoration of the land to its condition before the breach took place. Therefore, the purpose of the notice is to remedy the breach of planning control.
6. The appellant states that a planning application was submitted. In response to this, the Council have confirmed that there is no application submitted to regularise the existing unauthorised development, and since there is no appeal on ground (a), there is no deemed planning application. Therefore, I must take the notice at face value, which has been issued to remedy the breach of planning control. That would not be achieved by the steps outlined by the appellant, as it would not remedy the breach of planning control and planning permission would still be required.
7. There are no lesser steps drawn to my attention or any obvious alternative that would remedy the breach of planning control which is the purpose of the notice.
8. On this basis, the Ground (f) appeal fails.

The Appeal on Ground (g)

9. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The appellant asks that the time for compliance is extended, since they are seeking to relocate the business and need more time for this and to remove the canopy.
10. The time for completing the requirements should be what is reasonably considered necessary to complete the requirements. There is nothing before to suggest that the works are overly complex. Nevertheless, in my view, 4 months would strike a more reasonable and proportionate balance to cease the use and carry out the remedial works. I shall therefore extend the period from 3 to 4 months.
11. To this extent, the ground (g) appeal succeeds, and I will vary the notice accordingly.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

R Satheesan

INSPECTOR