



Appeal Decision

Site visit made on 28 May 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/A5270/C/23/3325394

4 Greenford Road, Greenford, Ealing UB6 9AT

- 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 Kirat Singh Bhatia against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The enforcement notice was issued on 9 June 2023.
 - The breach of planning control as alleged in the notice is without planning permission: The erection of an outbuilding used for storage and as a showroom for the adjacent shop.
 - The requirements of the notice are:
 1. Cease the use of the outbuilding as storage and a showroom for the adjacent shop;
 2. Demolish the outbuilding; and
 3. Remove all resulting debris, materials and waste from the land
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice be:
 - Varied by deleting the words "three months" within section 5 (what you are required to do) and its replacement with "six months".
2. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on ground (b)

3. To succeed on this ground, the onus is upon the appellant to demonstrate on the balance of probabilities that the allegation has not occurred as a matter of fact. The appellant states that the outbuilding is not being used as a showroom, and that it is only used as a storage building. In support of this photographs have been provided which show that the building is used for storage purposes only.
4. However, photographs taken by the Council on 31 March 2023¹ clearly show that part of the outbuilding is used for the display of bathroom cabinets, sinks

¹ Shown in Appendix 11 of the Council's Statement

and taps. This photograph shows the items removed from packaging and displayed with clear space in front of these items for viewing. The layout in these photographs do not match the current storage of items I observed during my inspection.

5. Furthermore, manufacturers and advertisement banners was also displayed at the front of the outbuilding next to the entrance, which further suggests that customers would be visiting the outbuilding. No plausible explanation has been given explaining why advertising banners were placed at the entrance to the outbuilding or why bathroom cabinets, sinks and taps were installed and set up as illustrated in the Council's photographs.
6. I appreciate that the advertising banners have since been removed and that at the time of my site inspection the building is no longer being used as a show room. However, In relation to ground (b) and the wording of the Act – that the matters alleged 'have not occurred,' not that the matters are not occurring. The relevant date is the date of the issue of the Notice, but the Notice may be issued sometime after the breach was detected.
7. Therefore, as a matter of fact and degree, on the balance of probabilities, and based on all the evidence before me, I conclude that the appellant has not shown that the alleged showroom use has not occurred.
8. Accordingly, the appeal on ground (b) must fail.

Ground (a) appeal and the Deemed Planning Application

Main Issues

9. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the amenity of neighbouring occupiers, including users of the temple with particular regard to noise or disturbance.

Character and appearance

10. The appeal site is an end of terrace property, comprising a shop at ground floor level, with a separate residential flat above. The terrace in which it forms part of comprises a temple, with a car park to the rear and another shop at ground floor level. However, the area is predominantly residential in character. The appeal development relates to the erection of an outbuilding to the rear of the shop, used for storage and a showroom for the shop.
11. Planning permission was previously approved for an outbuilding to the rear of the shop for storage use (Council ref: 204647FUL approved on 7 January 2021). The outbuilding was limited in area, to approximately 4.3m deep, which preserved the openness of the rear yard area. The limited size and scale of the outbuilding ensured that the development had an acceptable visual appearance and integrated successfully with the surrounding area.
12. However, that development has not been built. Instead, the current unauthorised outbuilding is considerably larger and extends across the rear yard. Given its overall scale, length, poor-quality finish and materials, the 'as-built' outbuilding forms a large, obtrusive and incongruous feature, with a poor-quality finish, which is at odds with the prevailing character of the terrace and

area generally. The unauthorised development comprises poor quality materials consisting of painted breeze block and unfinished sheet material on the roof. In combination, with the poor-quality design and construction, the outbuilding, lacks any architectural merit, resulting in harm to the character and appearance of the area.

13. Despite its single storey height, the outbuilding is clearly visible from neighbouring residential properties on Hawthorn Close, the first floor flat above the appeal shop, and from within the Temple car park. Whilst reasonably localised in its extent, the effect of the development diminishes unacceptably the character and appearance of the host building with consequent harm to the character and appearance of the surrounding area. Furthermore, I do not consider that rendering this structure, or addition of a fascia would overcome this harm, since it is also its excessive size, scale and poor design which is particularly discordant.
14. I therefore conclude that the development harms the character and appearance of the area, in conflict with Policy D3 of the London Plan, 2021 (London Plan) and Policies 7.4 and 7B of the London Borough of Ealing Development Management Development Plan Document, 2013 (DMDP). In combination, these require that development proposals ensure a positive visual impact, as a result of good architecture and layout, enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape.

Amenity of neighbouring occupiers - noise or disturbance

15. The Council consider that the outbuilding has brought about a significant intensification in the use of the site, with additional comings and goings from both customers and delivery vehicle resulting in annoyance for existing neighbouring residents and users of the temple. However, there is little evidence submitted to demonstrate that the outbuilding has had a harmful effect on neighbouring occupiers. At my site visit, I did not see any restrictions on parking on the highway in the vicinity of the site nor did there appear to be much on-street parking at the moment which could indicate evidence of a clear parking problem
16. The extra storage provided by the outbuilding reduces the number of deliveries to the site. I appreciate that part of the outbuilding has been previously used as a showroom. Nevertheless, this represents only a small area of the outbuilding which would not be expected to result in a significant increase in comings and goings.
17. Overall, it has not been demonstrated that the outbuilding has resulted in harm to the amenity of neighbouring occupiers including users of the temple. In this respect I find no conflict against Policy D3 of the London Plan, and Policies 7A and 7B of the DMDP. Amongst other things, these state that new development must achieve a high standard of amenity for adjacent users and should not erode the amenity of surrounding uses.

Other matters

18. The appellant states that there a number of large outbuildings to the north of the site, which are situated to the rear of commercial properties on Greenford Road. I visited these buildings which are separate businesses accessed from

Link Lane and each have a satisfactory external appearance with the use of high-quality building materials such as brick finishes. As such, these do not lend support for the current appeal development before me. I appreciate that the area was previously used for open storage. Nevertheless, this does not justify the current poor design and finish of the development.

Alternative scheme

19. Section 177(1) of the Act allows me to grant planning permission in respect of the matters stated in the Notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the Notice relates. Under the Ground (f) appeal the appellant states that no planning purpose would be served by requesting the demolition of the proposed outbuilding only for the outbuilding to be rebuilt soon afterwards in accordance with the approved plans under application ref 204647FUL. Therefore, I must consider whether that permission remains extant.

20. Condition 1 and 2 of that permission stated:

"1) Within 6 months of the date of this permission, the existing outbuilding shall be rendered white in colour. This permission will lapse if the works are not carried out and completed within the required time frame."

"2) The development hereby approved shall be carried out in accordance with drawing title number(s):

2020-105 01A – Existing block plan, 2020-105-02 A – Block plan, 2020-105-03 A – Location plan, 2020-105-04 A – Location plan, 2020-105-05 A – Proposed outbuilding, Email received on 06/01/2021."

21. Condition 1 required the approved outbuilding to be rendered within 6 months of the planning permission (approved on 7 January 2021), and that if this is not carried out the planning permission would lapse. The building was not rendered within 6 months of that permission. In addition, the Council's photographs shows that that permission was not implemented, but instead the construction of a materially different outbuilding of greater depth, scale and size was constructed. The photographs provided by the Council show that the current outbuilding was built in one building operation, with the blockwork forming the front and side elevation of the outbuilding constructed at the same time. Furthermore, the side elevation facing Hawthorn Close is built using the existing boundary wall and is not made of blockwork and rendered as per the approved drawings.

22. Overall, having reviewed all the evidence, I consider that the 2021 permission has lapsed and is no longer capable of being implemented. I have also considered whether I could approve the drawings which were submitted and approved under 2021 permission. This alternative scheme, which involves revisions to the size of the outbuilding is part of the matters alleged, therefore I can consider it. However, as mentioned above, the elevational drawings appear to show that the flank wall of the extension facing Hawthorn Close was intended to match the other walls of the outbuilding, comprising blockwork rendered and painted white. However, this has not been implemented, and the outbuilding has been attached to the pre-existing (cracked) boundary wall facing Hawthorn Close.

23. No specific details have been provided to explain whether the proposed revised scheme would retain the existing brick boundary wall facing Hawthorn Close (as currently built) or whether a new wall is proposed, and the roof constructed above that. The current drawings are ambiguous in regard to this, and do not explain how the existing larger outbuilding would be modified and altered to achieve a satisfactory external appearance. If the existing brick boundary wall were to continue to be used, this would not provide a satisfactory appearance given that it is already cracked with large gaps in the brickwork.
24. Therefore, further clarity and precision regarding the materials is necessary. In the absence of greater certainty of the final finish of the outbuilding, I consider that the revised proposal would also not accord with the aforementioned policies on character and appearance.

Conclusion on Ground (a) and the Deemed Planning Application

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development harms the character and appearance of the area in conflict with the development plan taken as a whole. Furthermore, the 'alternative scheme' also fails to overcome these harms. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
26. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The appeal on Ground (f)

27. 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".
28. The enforcement notice requires the use of the outbuilding as storage and a showroom adjacent to the shop to cease the removal of the outbuilding. Therefore, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
29. The appellant states that the requirements are excessive since no planning purpose would be served by requesting the demolition of the outbuilding only for the outbuilding to be rebuilt in accordance with the approved plans under application ref 204647FUL. However, I have found under the ground (a) appeal that the previous 2021 permission has lapsed and is no longer capable of being implemented. Furthermore, the drawings submitted under that application do not illustrate how the current outbuilding, which is poorly constructed, would be modified to achieve a satisfactory external appearance. As such, further clarity on this matter would be necessary before such a scheme could be approved. Indeed, it is open to the appellant to submit a planning application or for this revised scheme, providing greater clarity, if they so wish.
30. As the notice does no more than seek remedy of the breach, it is not excessive. It is not therefore possible to vary the notice in the ways suggested by the

appellant whilst achieving the purpose of the notice. There are no lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the notice.

31. On this basis, the Ground (f) appeal fails.

The Appeals on Ground (g)

32. 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 from 3 to 6 months, to find alternative premises to store stock, to relocate the business and to ensure the existing business is not put under financial hardship.

33. 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 removal works are overly complex. Nevertheless, in my view, 6 months would strike a more reasonable and proportionate balance to carry out the remedial works and find an alternative storage area. This would also provide additional time for the appellant to seek planning permission for an alternative outbuilding. I shall therefore extend the period from 3 to 6 months.

34. To this extent, the ground (g) appeals succeed, and I will vary the notice accordingly.

Conclusion

35. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R. Satheesan

INSPECTOR