



Appeal Decision

Inquiry held on 20 and 21 March 2025

Site visit made on 19 March 2025

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 13th August 2025

Appeal Ref: APP/A5270/C/24/3348494

8 Lyon Way, Greenford, London, UB6 0BN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Luxural Limited against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 20 June 2024.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the material change of use of premises to a mixed use, including industrial warehouse at ground level and first floor level with ancillary office space, multiple offices (Use Class E(g)(i)) at ground, first and second floor level, a place of worship at first floor level and a children's sensory therapy clinic at second floor level ("the Unauthorised Use")'.
 - The requirements of the notice are:
 1. Cease the mixed use.
 2. Remove the debris.
 - The period for compliance with the requirements is 9 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (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 is varied by removing the second requirement in full by deleting the wording "Remove the debris."
2. Subject to the variation, the appeal is dismissed, 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.

Applications for costs

3. An application for costs was made by the Council of the London Borough of Ealing against Luxural Limited. This application is the subject of a separate Decision.

The Notice

4. The second requirement of the notice refers to the removal of debris. However, as the only other requirement relates to the cessation of the mixed use, in the event of the notice being upheld, there is no debris to remove. The parties agreed that the second requirement should be deleted and, on that basis, the ground (f) appeal was withdrawn. I will therefore vary the requirements by the deletion of the second requirement. This would cause no injustice to either party.

Preliminary Matters

5. Since the appeal was lodged, revisions to the National Planning Policy Framework (the Framework) were published in December 2024 and February 2025. The parties were given the opportunity to comment upon those changes during the Inquiry.
6. The appeal form refers to the appeal being made by Daran Salimian, as an individual, and also by his company Luxural Limited. Whilst the appeal has proceeded in the company name, Mr Salimian entered into a 999-year lease at 8 Lyon Way in his sole name. However, as he owns the company and the company operates from the appeal building, the parties agree that there is no issue with the appeal proceeding in the company name.
7. The appeal has been lodged on grounds (a), (d), (f) and (g). The allegation is ‘the material change of use of premises to a mixed use, including industrial warehouse at ground level and first floor level with ancillary office space, multiple offices (Use Class E(g)(i)) at ground, first and second floor level, a place of worship at first floor level and a children’s sensory therapy clinic at second floor level’ (“the Unauthorised Use”).
8. There is no ground (b) appeal. The appellant accepts that the matters described in the allegation, which make up the mixed use, were occurring prior to the service of the enforcement notice. However, components of that mixed use, namely a place of worship and a children’s sensory clinic, only commenced in 2023. In order to succeed under ground (d) the appellant needs to show that the addition of a place of worship and a children’s sensory therapy clinic did not materially change the character of the mixed use comprising warehouse, ancillary offices and independent offices, which had commenced in June 2014.
9. As the appellant has withdrawn the ground (f) appeal following my confirmation of the deletion of requirement ii), I will determine the appeal on the basis of grounds (a), (d) and (g) only.

Planning History

The original building

10. Planning permission was first granted for excavation of access roads and warehouses in 1965. A series of planning permissions between that date and 1977 created the warehouse buildings that are now located on Lyon Way. It is not known exactly when the original building was constructed. However, there is evidence to show that the original building was being used as a warehouse in around 2008.

The extensions

11. Planning permission (Reference 160460FUL) (“the 2016 PP”) was granted on 1 July 2016 for “Construction of a two storey extension to provide ancillary office space with warehousing (B8 Use Class).” Condition 3 provided ‘notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), the development shall only be used for B8 Use and not for any other use without prior approval from the Local Planning Authority obtained by the submission of a planning application’. The 2016 PP described the building as an industrial warehouse.

12. A subsequent application (Reference 17208VAR) to vary the 2016 PP was submitted in 2017. The variation included increasing the height of the permitted extension by 1 metre to accommodate an additional floor and was granted on 20 June 2017. Condition 3 of the 2016 PP was re-imposed upon this later planning permission ("the 2017 PP").
13. An application for a minor material amendment to remove condition 3 from the 2017 PP to allow B1 use was refused on 5 October 2017 as the application was not considered to be a minor amendment.
14. An application (Reference 177782FUL) for 'construction of two storey side extension for use as offices (B1a Use Class) and change of use of part of the ground and first floors from warehousing (B8 Use Class) to offices (B1a Use Class) was made on the 19 October 2017 and refused on 12 January 2018. The reason for refusal referred to the loss of an industrial use in a designated Strategic and Preferred Industrial Location and the introduction of a more sensitive land use.

The planning unit

15. The planning unit is '*a concept which has evolved as a means of determining the most appropriate physical area against which to assess the materiality of change, to ensure consistency in applying the formula of material change of use. The general rule has always been that materiality of change should be assessed in terms of the whole site concerned*¹. Usually the planning unit is the unit of occupation and unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes the concept of physical and functional separation is key.
16. The appeal building now consists of the original building with the mezzanine floor and the extension. The mezzanine floor in the original building was added in 2014. The extension to the north east of the building was constructed between 5 April 2020 and 30 March 2021. The appellant indicates that the extension was completed in April 2021.
17. There are shared toilet facilities and kitchen areas with car parking spaces to the front and side of the building. The only pedestrian access to the appeal building is a single entrance door on the original building, although direct access is available to the extension and the rear of the original building at ground floor level through roller shutters. All of the uses described in the notice as taking place make up a single mixed use. In my view, the appeal site is a single planning unit consisting of the original building, the extension and the car parking area. The notice attacks the mixed use of the planning unit which includes the components of the mixed use taking place in the extension.

Appeal Site Description

18. The original building has a ground floor and a first floor. The ground floor of the original building is divided into 'workspaces' which are warehouses and 'offices.' The offices on the first floor are numbered 002 to 007 with 009 on the ground floor.
19. The first floor of the original building is described as the mezzanine warehouse and there is a door/stairs to allow access from this floor to the loading bay on the ground floor. There is a single office described as office 1 on the first floor.

¹ Encyclopaedia of Planning Law P55.44

20. The ground floor of the extension is 008. The first floor of the extension has shared kitchen and toilet facilities and two offices numbered 101 and 102. This arrangement of shared facilities and two offices is replicated on the second floor with shared facilities and two offices numbered 201 and 202.

Existing Occupiers

The original building

21. 008 is occupied by Horizon World Cargo as a warehouse and Mop Pro is also a warehouse occupying 009 with both warehouses have roller shutter access.
22. 006 and 005 make up a single unit leased to Innovision Group. 004 is leased to Home Care. 003 is occupied by a taxi company called Dev Cars. 007 is leased to RG Property. 002 is larger than the other workspaces and is occupied by a company called I52 which distributes items such as jewellery. The appellant company uses the warehouse space and office 1 on the first floor.

The extension

23. On the first floor, 101 is occupied by Mobile Tyre Team and 102 is leased to the Celestial Church of Christ Wembley Promise of God (POG). On the second floor, 201 is leased to Sensory Child London (Sensory Child) and 202 to Taur Group Services.

The appeal under ground (d)

24. An appeal under ground (d) is that at the date when the notice was issued, no enforcement action could be taken in respect of the breach of planning control. The relevant period where the allegation relates to a material change of use is 10 years.
25. In order to succeed on ground (d), the appellant must show on a balance of probabilities that the material change of use to the mixed use took place 10 or more years prior to the issue of the notice and has continued without significant interruption for at least 10 years thereafter. The material date is therefore 20 June 2014.
26. The burden of proof in this case lies with the appellant and the test of the evidence is on the balance of probabilities. As established in case law and set out in the Planning Practice Guidance (PPG) an appellant's evidence should not be rejected simply because it is not corroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted.
27. Whilst the material date for the ground (d) appeal is 20 June 2014, the extension to the original building has not been occupied or used for a period of ten years as it was only constructed in 2021. The case of *Beach v SSETR & Runnymede BC [2001] EWHC 381 (Admin)*; [2002] JPL 185 sets out that if an additional component was added to a mixed use, there was a MCU of the whole planning unit to a different mixed use. The original uses were not to be regarded as distinct and unaffected by the new use.
28. I have to consider whether the uses that have occurred in the extension introduced an additional component which resulted in a MCU of the whole planning unit to a

materially different use. If that is the case, then the whole of the planning unit has been in a different mixed use since the extension was occupied. The appellant is then unable to establish an immunity period of ten years, irrespective of whether or not the uses in the original building had occurred over a ten year period.

29. Evidence was given by three witnesses by way of oath or affirmation at the Inquiry. The information provided by the appellant in terms of documentation includes bank statements, leases and license agreements, statutory declarations made under the Landlord and Tenant Act, affidavits from most of the occupiers, bank statements from 2016, insurance policies from 2015 and company accounts.
30. Affidavits from current and previous occupiers include Cycrest Ltd, Dev Cars Ltd, Horizon World Cargo Ltd, Iteq Ltd, MDA Home Ltd, Mobile Tyre Repair Team Ltd, Mop Pro Ltd, My Homecare HCI Ltd, POG, Sensory Child Rachel Trading Company Ltd, Regional Fostering Services Ltd, Mop Pro Ltd, My Homecare HCL Ltd, Taur Group Services Ltd. The affidavits follow a generic format and address dates of occupation by other occupiers rather than details about how each unit is occupied in terms of use.
31. The wording of the allegation includes office space being used ancillary to warehouse use and multiple primary offices (Use Class E(g)(i)). The allegation refers specifically to the use as a place of worship at first floor level and a children's sensory therapy clinic at second floor level. The wording of the allegation distinguishes these components of the mixed use from offices or warehousing.
32. The planning history set out above demonstrates that the appeal site use was permitted as warehousing with ancillary storage within Class B8 of the Town and Country Planning (Use Classes) Order 1987 as amended. Class B8 is use for storage or as a distribution centre. It is common ground that there has been a material change of use and that the components parts of the mixed use as set out in the notice were in situ on the date that the notice was issued.
33. The nature of the uses taking place in the original building are largely warehouse and office uses. Independent offices were added in 2014. The place of worship and children's sensory therapy clinic are in the extension that was constructed in 2021 and occupied in 2023. If the uses taking place at Sensory Child and POG since November 2023 are not of the same character and are materially different, to the mixed use that was taking place prior to November 2023 then components have been added to the existing mixed use which results in a MCU of the whole planning unit to a different mixed use. In order to succeed under ground (d) the appellant needs to show that the mixed use being enforced against has occurred for a period of 10 years. It is for the appellant to provide substantiated, precise and unambiguous evidence that the components of the mixed use had remained the same and were not materially different throughout the 10 year period. If the appellant cannot demonstrate this, on the balance of probability, that the place of worship and children's sensory therapy clinic are not materially different to the use that was occurring prior to their introduction then the ground (d) appeal would fail.

Sensory Child

34. The Sensory Child workspace has a desk and storage cupboards as well as children's play equipment. The owner of Sensory Child provided an affidavit which

followed the generic format of the affidavits provided by other occupiers in stating who was in occupation when she took occupation.

35. The document refers to the operation of a clinic, remote sessions and home visits. However, no details are provided of number of clients or how often and in what circumstances, children attend the appeal building with their parents to be observed using the play equipment. The appellant indicated that he works long hours at the appeal building and is on call if there are any issues. Whilst he has CCTV at the appeal building, he said that he does not monitor comings and goings and therefore has limited knowledge of comings and goings at Sensory Child. The owner of Sensory Child did not attend to give oral evidence to the Inquiry.
36. The use of Sensory Child includes a clinic and no explanation has been provided as to how the unit is used on a day to day basis when there is play equipment in the unit and observation of children is a function of the clinic. In order for a clinic to function, in my view, interaction must take place between the clinician and the patients. In this case the patients are children who need to be observed and assessed. Children with parents coming to be assessed using play equipment is different to the other components of the mixed use. The affidavits simply refer to it as a sensory development company for children. It is more likely than not that visiting members of the public visit the unit for assessment. If all services were provided virtually then there would be no need for play equipment for the purpose of observing children at play.
37. POG is described in the notice as a place of worship and its full name is the Celestial Church of Christ Wembley Promise of God Parish. The website details provided by the Council refer to services or study classes on Sunday, Tuesday, Wednesday, Friday and the first Thursday of every month. The last event is stated to be between the hours of 10pm and 1.30am and confirms that transport can be provided.
38. The POG use is located on the first floor of the extension to the appeal building. It has a number of chairs, cutlery and plates within the unit and at the time of my visit had a table set up as an altar with a cross. However, an affidavit provided by a director of POG states that the person responsible for updating the website following the move of POG to Lyon Way had mistakenly only updated the address and not the events. However, the document states that Sunday bible services ceased at the end of February 2025. Even if the information about the errors on the website are correct, it is still not clear what has been occurring since November 2023 at a facility that is a place of worship. The services referred to on the website were being undertaken at the previous location and having services is clearly part of the function of a Church. I saw at my site visit that there was an altar and a cross within the unit. POG is now looking to provide more suitable accommodation but no explanation is provided as to why that is the case.
39. No representatives from the POG attended the Inquiry to give oral evidence. There is no explanation as to how POG has occupied the workspace in terms of daily comings and goings or the nature of any administrative tasks if limited services were taking place from the outset. The Council officer at the time of his visit observed musical instruments and equipment to amplify music. The website details refer to holding in person services. All of the affidavits apart from the POG simply describe the Church as a Christian charity with no further details provided.

40. The nature of the use taking place in the original building appears to be largely limited to warehouse use and the use of individual offices where administrative tasks by desk based staff take place with some storage use. Providing a place of worship where people can meet as a group with music and services is of a materially different character to the office or warehouse uses that have taken place in the original building.
41. The burden of proof is upon the appellant to show that the mixed use as alleged has taken place over a ten period without significant interruption. The appellant has limited knowledge of what use has taken place at either Sensory Child or the POG. The information provided by the occupiers of those two units is also limited and imprecise and vague. Mr Shrimplin referred to what he thought might happen at Sensory Child. Similarly he referred to expecting lots of people to attend at a place of worship but he has no information as to how many people attend or how either unit operates. The appellant has failed to demonstrate how the introduction of a place of worship does not result in a materially different mixed use to the use that existed prior to it taking place.
42. The appellant refers to low key activity being undertaken at POG and Sensory Child. However, in the absence of substantiated evidence to demonstrate the nature of the activities at the POG and Sensory Child units, I am unable to reach a conclusion that attendance at the POG is limited to Sunday services by a very small number of people. Similarly, there is limited evidence that activity at Sensory Child unit has a very low on site attendance of clients. The appellant in his evidence had limited knowledge of what occurred in these rooms. The appellant has therefore failed to demonstrate in a precise and unambiguous way that the POG and Sensory Child uses were not materially different to the warehouse and office use taking place in the original building since 2014.
43. On the balance of probabilities, and on the basis of the evidence available, in November 2023, additional components were added to the mixed use that existed before November 2023 which resulted in a MCU of the whole planning unit to a different mixed use. The amount of floor area that additional components occupy does not mean that the additional components can be simply discounted.
44. The appellant has failed to demonstrate how the introduction of a clinic and a place of worship does not result in a materially different mixed use to the use that existed prior to it taking place. Applying the Beach principle, there is limited evidence before me to show that components of the mixed use taking place at Sensory Child and the POG are of the same character and are not materially different to the mixed use taking place prior to their introduction.
45. The mixed use between 2014 and 2023 was, on the balance of probabilities, a different mixed use to that which is alleged in the notice, which includes Sensory Child and POG who became occupiers of the extension in 2023 which forms part of the single planning unit. Based on the evidence before me, the appellant has not discharged his burden of proof to show the mixed use alleged in the notice has occurred for a period of ten years. The appeal under ground (d) fails.

The appeal under ground (a) and the Deemed Planning Application (DPA)

46. The ground (a) appeal in an enforcement appeal arises from the allegation which is 'use of premises to a mixed use, including industrial warehouse at ground level and first floor level with ancillary office space, multiple offices (Use Class E(g)(i)) at

ground, first and second floor level, a place of worship at first floor level and a children's sensory therapy clinic at second floor level'.

Main Issue

47. The main issue is whether the development is an appropriate use of land having regard to the designation of the appeal site as a Strategic Industrial Location and development policies with particular regard to the loss of industrial floor space.

Planning Policies

48. Section 38 of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
49. The development plan policies referred to in the notice are Policies E4 and E5 of the London Plan (2021) (LP) and Policy 1.1 (c) of the Ealing Development Core Strategy 2012 (the Core Strategy). The notice also refers to local variation Policy E4 of the Ealing Draft Local Plan and the Regulation 22 version of the emerging plan was submitted for examination in November 2024.
50. Policy E5 states that 'Strategic Industrial Locations should be managed proactively throughout a plan led process to sustain them as London's largest concentrations of industrial, logistics and related capacity for uses that support the functioning of London's economy.'
51. Policy E5C supports development proposals within SILs only where the uses proposed fall within the industrial -type activities set out in Part A of Policy E4. Policy E5D requires that development proposals within SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial activities and their ability to operate on a 24 hour basis.
52. Policy 1.1 (c) of the Core Strategy refers to protecting Ealing's position as one of London's premier locations for industrial and warehousing businesses. It also refers to focussing on providing high quality office space in Ealing town centre.
53. Policy E4 in the LP refers to providing and maintaining a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions. Land and premises for industry, logistics and services fall into three categories which includes Strategic Industrial Locations (SIL), Locally Significant Industrial Sites and Non Designated Industrial Sites.

Reasons

54. The appeal site lies within an area of Greenford where industrial and commercial activities have long been established. The area was redeveloped in the 1970s by the construction of an estate of industrial style buildings of conventional design, finished with metal cladding. The appeal site is located within a SIL.
55. London's land and premises for industry, logistics and services fall into three categories which are strategic industrial locations (SILs) locally significant industrial sites and non-designated industrial sites. SILs are London's main reservoir of industrial logistics and related uses. They are given strategic protection as they are critical to the effective functioning of London's economy

allowing 24 hour operation of the types of activities that would not be appropriate in other more sensitive locations.

56. Planning permission is being sought for a mixed use which in addition to warehousing and storage, includes independent office components, a place of worship and a childrens sensory therapy clinic. The lawful use of the appeal site is B8. Policy E5C of the L P sets out that development proposals in SILs should be supported where the uses proposed fall within the industrial type activities set out in Part A of Policy E4. The mixed use which includes a place of worship, a sensory clinic and independent offices are not does not fall within those activities.
57. The wording of Policy E5 supports development within a SIL when uses are conforming as defined in Policy E4 and where the integrity of the SIL is not compromised. In defining conforming uses, it must be the case that uses that are non-conforming are contrary to that policy. The use as separate offices, a place of worship and a child sensory clinic are not conforming uses. These components of the mixed use are taking place at an appeal site whose designation is intended to protect industrial logistics and related uses.
58. Policy E5D refers to development not compromising the integrity or effectiveness of the SIL in accommodating industrial type activities and the SILs ability to operate on a 24 hour basis. The POG was previously based at Wembley. No information is provided as to why POG chose to re-locate to the second floor of a warehouse building within a SIL. The uses of both POG and Sensory Child as a place of worship and as a clinic with attendance by parents with children are not compatible with warehousing or ancillary offices. The presence of the independent offices and particularly the elements of the use that commenced in 2023, particularly a place of worship and clinic are not compatible with noise, emissions, forklift trucks and large vehicles that are associated with B8 use.
59. Policy E5(B) 4 requires that any release of land is carried out through a planning framework or Development Plan process not by way of ad hoc decision making on individual development proposals. The grant of planning permission for this individual development would undermine the plan led approach set out in the policy.
60. There is also the issue of the independent offices. These uses are more sensitive than industrial uses where there are likely to be noise, emissions, large vehicles including fork lift trucks. The extension that was intended to provide ancillary storage now replicates what the appellant refers to as his business model in the original building, with smaller office units. Whilst the appellant has referred to there being no demand for B8 use, the existing internal layout is unlikely to encourage interest for warehouse use. However, the internal layout could be altered.
61. The appellant did seek to market the warehouse space in the extension in 2021. He states that he was advised that the ceiling height was disproportionately excessive for the floorspace making it difficult to rent. However, the appellant had constructed the extension with the intention of using it as ancillary B8 use. The additions in November 2023 of two further floors with offices has altered the internal layout. The appellant states that the upper floors are unsuitable for reasons including unsuitable load bearing capacity. However, the mezzanine floor in the original building has been used for warehouse use with a loading bay and

the internal layout could be altered. There is limited evidence before me that there is no demand for B8 use.

62. The appellant refers to the absence of actual planning harm but the harm that occurs is the loss of industrial space by the dilution of the appeal site which is located in a SIL. Whilst the individual offices provide some employment, there is no substantiated evidence before me that those businesses cannot continue to provide employment by relocating. The information with regard to the employment generated by any of the business uses is limited. The POG is a charity and Sensory Child is run by a sole practitioner.
63. Whilst mixed uses may be encouraged by other policies, those policies do not support locating mixed use sites within a SIL. No information has been provided by any individual workspace occupier to show why their business has to be located within this industrial location or that there is a lack of suitable accommodation for their businesses within the Borough.
64. Whilst the non-warehouse uses may provide employment, there is no information before me to suggest that the businesses cannot retain existing employees by locating elsewhere in the Borough. Policy 1.1 of the Core Strategy refers to directing office uses towards the town centre.
65. I therefore find that the development harms the integrity of the SIL and compromises Ealing's position as one of London's premier locations for industrial and warehousing businesses which is contrary to Policy 1.1 (c) of the Core Strategy and Policies E4 and E5 of the LP.
66. Whilst the emerging plan is not part of the development plan, it can be a material consideration. The emerging plan at Policy E4 (H)(ii)(a) follows the LP more closely in excluding non-conforming uses. The supporting text at 5.31 makes clear that any Class E uses are to be industrial and strictly defined as in Class E(g) (iii). The emerging plan has reached Regulation 22 stage and follows the LP in referring to conforming uses and can therefore be attributed with moderate weight. The development is therefore also contrary to this emerging policy.

Part of the development

67. As an alternative to seeking planning permission for the matters alleged in the notice, the appellant proposed alternatives at the Inquiry in the event of planning permission for the matters alleged not being considered appropriate. The alternatives relate to either both Sensory Child and POG being excluded as components of the mixed use or either of those components being excluded. The appellant proposed options which included rooms currently occupied by Sensory Child and POG being limited to use as offices.
68. Section 177 of the Act provides that planning permission may be granted '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'. However, what is being enforced against is a single mixed use. Excluding those uses would result in consideration of a different mixed use. I do not therefore consider that it is within the scope of this appeal to consider excluding individual components of a single mixed use when to do so would result in consideration of a different mixed use.

Other matters

69. The appellant indicates that he has incurred substantial costs on the appeal building including a significant sum on the extension alone. He has undertaken refinancing following the service of the enforcement notice. The appellant is concerned about the loss of rental income in the event of the notice being upheld.
70. The appellant also refers to health concerns arising from the stress of running his business and dealing with enforcement action. Whilst I sympathise with the personal circumstances of the appellant, these matters do not justify a permanent grant of planning permission.

Conclusion on ground (a)

71. For the reasons given above, and having regard to the matters raised, the development is contrary to the development plan as a whole and there are no other considerations which outweigh this finding.

The appeal under ground (g)

72. An appeal under ground (g) is whether the period specified in the notice falls short of what should reasonably be allowed. The period specified is 9 months. The appellant considers that a period of 24 months is more appropriate and refers to disruption to the operation of businesses, the costs of relocation, staff and customer impacts, loss of business identity and additional administrative work. POG has confirmed that it is already looking for suitable accommodation.
73. The summary of leases provided indicates that the leases all have different timescales and different terms with regard to termination of agreements. The 24 month period does not appear to directly relate to the dates of break clauses or expiry dates for the leases which vary between 1 July 2025 and 1 November 2028. The occupiers are small business operators who, apart from Sensory Child and POG are looking for office type accommodation. On the evidence available, I consider that 9 months is a reasonable period for the occupiers to look for alternative premises. The appeal under ground (g) therefore fails.

Conclusion

74. 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).

E Griffin

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Walton Kings Counsel

Roger Shrimplin Agent

Daran Salimian Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Roderick Moreton Solicitor (Ivy Legal)

Neil Roderick Planning Enforcement Officer

LIST OF DOCUMENTS HANDED IN AT THE INQUIRY

1. Index for Appendix 17 of the appellants Proof of Evidence
2. Index for Appendix 23 of the appellants Proof of Evidence
3. Plan Reference 1307/27C
4. Affidavit of Nicholas Agbeni of POG

SUBMITTED AFTER THE INQUIRY

5. Table of Leases
6. Alternative floor plans