



Appeal Decision

Site visit made on 8 July 2025

by **Richard S Jones BA (Hons), BTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/F5730/C/24/3354820

Premises known as Centre House, St Leonard's Road, NW10 6ST

(Trading as 'Al Shorfa Lounge')

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Rehan Imtiaz Ahmed against an enforcement notice issued by Old Oak and Park Royal Development Corporation.
 - The notice was issued on 27 September 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the ground floor (Unit 1) and part of the first floor to a mixed use comprising a restaurant, shisha lounge and entertainment venue (Sui Generis) ('The Unauthorised Development').
 - The requirements of the notice are to:
 1. Cease the use of the ground floor and part of the first floor as a mixed use comprising a restaurant, shisha lounge and entertainment venue.
 2. Remove internal and external fittings and fixtures facilitating the unauthorised development, including but not limited to internal tables and chairs, the stage, the toilet block, the cooler/freezer unit, shisha storage room, shisha pipes and paraphernalia and external venue signage.
 3. Remove all debris resulting from compliance with the above steps.
 - The period for compliance with the requirements is three calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) 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 substituting 3 calendar months with 5 calendar months as the time for compliance in section 6. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

Main Issues

2. The main issues are:
 - the effect of the mixed use on the designated Strategic Industrial Location;
 - the adequacy of parking provision to serve the mixed use and the effect on car parking in the area and the highway network; and
 - the effect on the living conditions of local residents with particular regard to noise and disturbance.

Reasons

Strategic Industrial Location

3. The appeal premises is situated within a designated Strategic Industrial Location (SIL). London Plan Policy E5 states, amongst other things, that SILs should be managed proactively through 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.

4. OPDC LP¹ Policy SP5 states that proposals should protect, strengthen and intensify the SIL. Policy E1 of the same plan seeks to achieve that by ensuring proposals are, amongst other things, comprised of uses suitable for broad industrial type activities, achieve no net loss of industrial floorspace capacity and provide a mix of unit sizes. That is consistent with London Plan Policy E5C which states 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 Land for industry, logistics and services to support London's economic function.
5. The mixed use of the property as restaurant, shisha lounge and entertainment venue clearly does not amount to an industrial type activity so it is unsurprising that no part of that mixed use falls within the uses set out in Part A of Policy E4.
6. The appellant argues that the venue operates primarily during evening hours when most industrial businesses are closed, making efficient use of the space and providing complementary, rather than competing uses that do not interfere with daytime industrial operations, providing a beneficial service to the local community and workforce. However, even if that were so, it fails to recognise that the continued use of the property as a restaurant, shisha lounge and entertainment venue, results in the loss of industrial floorspace capacity for SIL-compliant uses.
7. Moreover, I have no evidence to show that the employment benefits of the mixed use should positively weigh in its favour compared to SIL compliant uses and future opportunities to deliver new jobs and economic growth through industrial intensification. Such opportunities would be compromised if industrial sites are not available for comprehensive development because they have been converted to unauthorised non-compliant uses, thereby undermining the above stated strategic objectives of the SIL by failing to protect and intensify its function. Any amenity benefits to local workers are very significantly outweighed by those clear policy conflicts.
8. OPDC LP Policy TCC1 states that in the SIL, town centre uses will only be supported where they do not have an unacceptable adverse impact on the functioning of SIL, by meeting criteria including providing walk-to services for SIL workers, such as cafes or creches, which demonstrably meet a need for walk-to services within the proposed use class and being of a small-scale by not exceeding 80sqm of floorspace.
9. The use does include food and refreshment offer but that is part of a larger mixed use planning unit which the Development Corporation estimate to be around 440sqm. That figure is substantially greater than that stipulated in the policy criterion and is not disputed by the appellant. The mixed use does not therefore amount to a walk-to service and is not supported by OPDC LP Policy TCC1, being a town centre type use, rather than one which provides a valuable service to the SIL.
10. I recognise that retrospective planning permission was granted in 2010 for use of part of the building as a sandwich bar and that a further permission was granted to change that use to a restaurant in 2011. However, the Development Corporation

¹ Old Oak and Park Royal Development Corporation Local Plan 2018 to 2038

explains (and the appellant does not show otherwise), that the uses involved a significantly smaller area of the ground floor, that has subsequently been incorporated into the mixed use. A smaller scale restaurant use is more likely to serve and compliment local businesses and would be much less likely to compromise the integrity or effectiveness of the SIL, due to a smaller loss of industrial floorspace capacity.

11. Overall, I find that the mixed use is incompatible with the SIL designation and undermines its integrity and effectiveness, and its ability to support capacity for a variety of SIL compliant uses and potential future opportunities for a comprehensive and a coordinated approach to industrial intensification. The development is therefore contrary to Policies E4 and E5 of the London Plan and OPDC LP Policies E1, SP5 and TCC1. The overarching aim of these policies is to protect, strengthen and intensify the SIL.

Parking

12. The Development Corporation states, and the appellant does not show otherwise, that the premises has no dedicated parking for staff or customers. The site also forms part of a controlled parking zone, with double yellow lines in the stretch of road in front of the site. Parking bays along the road are for permit holders or for paid parking, effective Monday to Friday between 0800 and 1800 hours.
13. At my weekday, morning site visit, I observed very limited capacity within the marked parking bays and no evidence, such as a parking survey, has been provided to demonstrate that isn't the norm.
14. The appellant says he has implemented measures to manage customer transport through information on public transport options and agreements with local taxi providers and has secured arrangements with neighbouring properties for additional off-street parking during busy periods. However, those submissions attract limited weight in the absence of any corroborating evidence.
15. The appellant further asserts that the business primarily operates during the evening time when the surrounding industrial businesses are closed and parking demand for those uses is minimal. However, no evidence is provided to show that those industrial businesses operate only during the daytime and that there is sufficient capacity during the evening time to accommodate the additional parking demands.
16. The pollution control officer from the London Borough of Ealing also refers to a significant number of cars being parked on both sides of the road at 0200 hours, potentially obstructing HGVs manoeuvring into nearby commercial premises. That also appears to contradict the appellant's submission that most of the appeal site customers are from nearby businesses. Moreover, although the site has a PTAL rating of 4, it is likely, given the late-night opening hours, that customers will be more reliant on private methods of transport.
17. In any case, the licensing opening hours are from 1100 so there is potential for considerable daytime overlap with surrounding businesses. Although the Development Corporation has produced no evidence of incidences arising, the appellant, has similarly provided no evidence to show that the increased parking demands arising from the mixed use can be accommodated within the surrounding streets. In the circumstances described, it is likely that the development

exacerbates existing levels of parking stress to the detriment of neighbouring businesses' ability to access their units and to function effectively. That is contrary to London Plan Policies T1, T2, T4 and T6 and OPDC LP Policies SP7 and T1. Those policies state, amongst other things, that proposals should contribute to a high quality, safe and accessible movement network.

18. London Plan Policy T6.5 also states that at least one, on or off-street disabled persons parking bay should be provided in accordance with the British Standards design guidance (BS8300: Vol 1). As noted, the site provides no off-street parking provision and no on-street disabled persons parking bay has been identified in the vicinity of the site. The development is therefore also contrary to London Plan Policy T6.5.

Living conditions

19. Internally, I saw a stage with a number of large speakers, as well as other speakers and televisions positioned around the premises. Given the degree of openness to the frontage, there is limited opportunity for sound containment from those amplified sources. Moreover, because of the wide and relatively shallow depth to the unit, any source of amplification is going to be close to the largely open frontage. There are also a significant number of covers at the premises which in turn will generate significant comings and goings and noise from customers talking and socialising.
20. It is very likely therefore that the use, combined with the design and configuration of the unit, has the potential to result in significant levels of noise emanating from the premises. I note the appellant's submission regarding the implementation of noise management measures but the pollution control officer from the London Borough of Ealing has noted instances of very loud amplified music at 2325 hours on 15 June 2024 and 0200 hours on 24 November 2024, the latter from a residential area approximately 90m from the site.
21. However, the more immediate surrounding land use is commercial in nature, and I saw no residential property which is likely closer than the distance referred to by the pollution control officer. Whilst I note the Development Corporation's concerns over hours of operation, I am satisfied that could be adequately controlled by way of condition to ensure compliance with Policy TCC10, relating to the night time economy. Along with a condition restricting the operation of amplified music, the use is capable of avoiding unacceptable harm to the living conditions of the occupiers of the nearest residential properties.
22. I appreciate the concerns expressed by the pollution control team but the Council's Licensing Sub-Committee recently granted a full variation of the premises license. Although the pollution control team questions the applicant's ability to uphold the licensing objectives, I have no evidence of complaints from local residents.
23. Moreover, as I have no evidence that the operation of existing businesses has a significant adverse effect on the use of the appeal premises, the agent of change principle has limited relevance.
24. I therefore find that, subject to conditions, the use would not result in unacceptable harm to living conditions and thus would not be contrary to OPDC LP Policies EU5, SP9, D5 and TCC10 or London Plan Policies D13 and D14. Those policies state, amongst other things, that proposals will be required to deliver an

appropriate standard of amenity by implementing the Agent of Change principle so that new development does not materially affect the ongoing functioning of existing uses and does not cause unacceptable harm to the amenity of existing uses.

Conclusion

25. Nevertheless, for the reasons given above, I conclude that the mixed use is contrary to the development plan as a whole, and that material considerations do not indicate that the appeal should be determined otherwise than in accordance with the development plan. The ground (a) appeal should not therefore succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (g)

26. The ground (g) appeal is that the three months given to comply with the notice is too short.
27. The appellant says he will need time to find suitable alternative premises, secure necessary planning permissions and licenses for any new location, fit out the new premises, undertake the necessary remedial work at the current premises, and to properly terminate the existing lease. The appellant requests a period of at least 9 months to undertake these steps without causing undue hardship to the business, its employees, and its customers.
28. However, the removal of internal fixtures and fittings facilitating the use should be a relatively straight forward matter and no evidence is provided to show that finding alternative premises is likely to be particularly difficult or time consuming. Nevertheless, the business has evidently been operating for a number of years so complying with the notice is going to be disruptive. A period of five months would strike a reasonable and proportionate balance between any difficulties which may be encountered and the public interest in this case.
29. The ground (g) appeal succeeds to the extent explained.

Richard S Jones

INSPECTOR