



Appeal Decision

Site visit made on 30 September 2025

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/R5510/C/23/3335149

1 Clayton Road, Hayes UB3 1AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Jerenya Kumsa against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 8 November 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use to the rear of land known as 1 Clayton Road, Hayes UB3 1AX as a shisha lounge.
 - The requirements of the notice are: (i) Cease the use of the land as a shisha lounge. (ii) Remove from the land all items associated with the use of the land for the purposes of a shisha lounge. You must but not limited to-remove all shisha smoking equipment, remove the countertop fridge, remove all booth seating. (iii) Demolish the covered structure approximate position shown hatched in blue on the plan attached to the notice. (iv) Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the works carried out in compliance with requirements (ii) and (iii).
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) 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.
-

Decision

1. 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.

Preliminary Matter

2. My decision takes the revised National Planning Policy Framework, which came into force during the course of the appeal, into account.

Ground (a) appeal

Main Issue

3. The main issue in this appeal is the effect of the use as a shisha lounge on the living conditions of existing and future occupiers of neighbouring residential property, having regard to noise and disturbance, odours, safety and security, waste and recycling storage, vehicle parking and traffic congestion.

Reasons

4. The appeal premises contains a detached two storey building with commercial use on the ground floor and residential accommodation above. The premises occupies a town centre location, being adjacent to and opposite buildings with commercial uses at ground floor level and residential accommodation on the upper floors.
5. The enforcement notice attacks the use of a substantial single storey covered structure erected at the rear of the premises as a shisha lounge. The covered

structure, which has timber walls and a felt covered flat roof, is accessed via a pedestrian passage at the side of the building, being separate both physically and functionally from the takeaway at the front.

6. My understanding is that a shisha lounge provides visiting customers with the opportunity to smoke a variety of flavoured tobacco or herbal mixtures whilst relaxing and socialising with other customers. Such establishments often also play amplified music, as well as serving food and soft drinks. I was unable to access the interior of the covered structure during the visit. However, the Council supplied photographs taken prior to issuing the notice showing the use as a shisha lounge, including a considerable number of customer tables and seating laid out along the sides of the covered structure with a central aisle, along with a counter display.
7. The shisha lounge is clearly capable of catering for a substantial number of customers. There are likely to be significant levels of noise and disturbance at times, from customer gatherings and activity associated with the use, including music noise, together with from the associated pedestrian and vehicular comings and goings to and from the premises. Also, the distinctive aromas that can be associated with shisha means there is a likelihood of strong smells emanating from the covered structure, along with odours related to any cooking or re-heating of food.
8. There is little firm evidence of any physical or management measures installed with the aim of mitigating the levels of noise and disturbance arising from the shisha lounge use or that assist in attenuating the associated odours. Similarly, there is little firm evidence of measures being in place to deal with safety and security issues at the premises or details of the provision made for storage of the waste and recycling arising from the use. Furthermore, there is little to suggest that occupiers of neighbouring residential property do not experience inconvenience at times due to additional vehicle parking and traffic congestion associated with visitors to the shisha lounge, including customers as well as deliveries.
9. Therefore, based on the available evidence I find that the use causes unacceptable harm to the living conditions of existing and future occupiers of neighbouring residential property. This is in conflict with Policy DMTC 4 of the Hillingdon Local Plan Part Two-Development Management Policies (DMP), which states that new development involving similar establishments will only be supported where, amongst other things, there is no unacceptable disturbance or loss of amenity to nearby properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion. Also, the use conflicts with DMP Policy DHMB 11, which amongst other things requires new development to not adversely affect the amenity of adjacent property.

Conclusion

10. The use as a shisha lounge harms the living conditions of existing and future occupiers of neighbouring residential property, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the appeal should not 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).

Stephen Hawkins

INSPECTOR