



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2025

Appeal Ref: APP/G5750/C/24/3341513

Garage rear of 386 Barking Road, London E13 8HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by GR8 Ventures Ltd against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 21 February 2024.
 - The breach of planning control as alleged in the notice is the material change of use to use as a motorbike rental and repairs shop.
 - The requirements of the notice are: 1. Cease the use as a motorbike rental and repairs workshop; and 2. Remove all fixtures, fittings and paraphernalia that solely facilitate the use as a motorbike rental and repairs workshop.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appeal has been made under ground (c) only; the Appellant is claiming that there has been no change of use because the alleged use is in the same use class as the previous use. In these circumstances and given that the appeal must be determined on the basis of the situation that prevailed on the date that the notice was issued, visiting the site is unnecessary. The appeal has therefore been determined without undertaking a site visit.

Reasons

3. The appeal premises are attached to a building that was, originally, a bank. The building has been converted to a restaurant. Both of these uses fall within Use Class E of Schedule 2 of The Town and Country Planning (Use Classes) Order 1987 (as amended); a restaurant falls under Use Class E(b). The change of use of a building or part of a building to a use within the same use class does not constitute development which requires planning permission, as defined in Section 55 of the Town and Country Planning Act 1990. Use Class E(g)(iii) is the use of a building for any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
4. The Appellant claims that the use of the appeal premises falls under Use Class E(G)(iii) and that, therefore, planning permission is not required for the change of use from restaurant to motorbike rental and repairs shop. The appeal premises adjoins 1 Esk Road, a two storey end-terraced dwelling. The occupiers of this house have submitted a statement accompanied by a detailed log covering the period 9 December 2023 to 3 May 2024. The statement and log demonstrate that use of the appeal

premises as a motorbike rental and repairs shop causes them and their young daughter severe disturbance by reason of noise and vibration. The severity of the disturbance was such, during the period before and after the date of issue of the enforcement notice, that they often had to leave their home to escape the noise.

5. The Council has stated that they have received a number of complaints about the alleged use from residents in the immediate vicinity of the appeal premises. This evidence and that of the immediate neighbour, in particular, clearly indicates that the motorbike rental and repairs shop is a use of the building that is not without detriment to the amenity of the area by reason of noise and vibration. The use does not fall under Use Class E(g)(iii) and there has been a material change of use of the appeal premises to a motorbike rental and repair shop. Such a change of use requires planning permission which has not been granted. The ground (c) appeal therefore fails.

John Braithwaite

Inspector