



Appeal Decision

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an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/T5150/C/24/3346020

Tregenna Court, Harrow Road, Wembley HA0 2EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Chartwell Land Limited against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 2 May 2024.
- The breach of planning control as alleged in the notice is:

The breach of Condition 12 of planning permission no. 12/2449 granted by the London Borough of Brent on 28th June 2013 for the "Extension to time limit for implementation of full planning permission 07/2297 dated 15 September 2009 for the "erection of 2-storey building containing 6 self-contained flats, 4 single-storey garages, refuse stores, cycle parking, associated landscaping, with new access pathways, on land to rear of existing block of flats ("a car free development"?, and subject to a Deed of Agreement dated 20th August 2009 under Section 106 of the Town and Country Planning Act 1990, as amended and subject to the Deed of Variation dated 28th June 2013."

Condition 12 reads:

"The 12 on site parking and garage spaces hereby approved shall be implemented in full prior to the commencement of works to demolish the existing garage block and shall thereafter be permanently retained for use solely by the occupiers of the existing flats 1-12 Tregenna Court, with 1 parking space or garage allocated per flat at no additional cost to the occupiers, unless the Local Planning Authority agree in writing to a variation to the approved parking arrangements. Details to be submitted for approval shall include a Management Plan setting out the allocation arrangements for the garages and parking spaces, including arrangements for those spaces not taken up by the existing residents".

Reason: To ensure that sufficient off street parking is retained for existing residents.

There has been a breach of Condition 12, because the car parking management plan has not been complied with as spaces have not been allocated as set out in the plan for the existing flats 1-12 Tregenna Court, and the units to the rear are using the parking spaces in breach of the car free arrangements set out in the planning permission.

- The requirements of the notice are: 1. Allocate the 12 on site parking and garage spaces within the premises in line with the table below, ensuring that each parking space is marked for each apartment by an appropriate sign and label; 2. Remove any vehicle which is not authorised to be parked there by the occupant of the flat whose space has been parked in; and 3. The parking arrangements described in steps 1 and 2 and the requirements of Condition 12 shall not come at any additional cost to the occupiers of the apartments.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).

Decision

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

Preliminary Matters

2. The appeal has been made under ground (b). Under this ground the Appellant claims that the breach of planning control alleged in the notice has not occurred as a matter of fact. To determine whether the breach has occurred requires an assessment of written and other evidence of the situation that prevailed on the date of issue of the enforcement notice, and nothing would be achieved by visiting the site. The appeals have therefore been determined without undertaking a site visit.

Reasons

3. The Appellant Company has submitted a statutory declaration, by a Company Director, which states that "...the Condition has been complied with". The declaration is dated 10 June 2024 whereas the enforcement notice is dated 2 May 2024. The requirements of the notice may have been complied with, but there is compelling evidence, submitted by the Council, which indicates that condition 12 of planning permission 12/2449 had previously been breached and was being breached on the date of issue of the enforcement notice. In these circumstances the ground (b) appeal must fail and the notice must be upheld.

John Braithwaite

Inspector