



Appeal Decisions

Inquiry held on 21 October 2025

Site visit made on 21 October 2025

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal A Ref: APP/T5150/C/25/3368126

42 Tanfield Avenue, London NW2 7RX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Alpine Lifestyle Investment Ltd against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 21 May 2025.
 - The breach of planning control as alleged in the notice is the erection of an outbuilding in the rear garden of the premises.
 - The requirements of the notice are:
 1. Demolish the building in the rear garden of the premises.
 2. Remove all associated waste, debris, items and materials arising from its demolition from the premises.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 (as amended).
-

Appeal B Ref: APP/T5150/C/25/3368324

42 Tanfield Avenue, London NW2 7RX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Alpine Lifestyle Investment Ltd against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 21 May 2025.
 - The breach of planning control as alleged in the notice is the erection of an outbuilding in the rear garden of the premises.
 - The requirements of the notice are:
 1. Demolish the building in the rear garden of the premises.
 2. Remove all associated waste, debris, items and materials arising from its demolition from the premises.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the ground 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.
-

Decisions

Appeal A

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

Appeal B

2. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Application for costs

3. An application for costs was made by the Council of the London Borough of Brent against Alpine Lifestyle Investment Ltd. This application is the subject of a separate decision.

Procedural Matters

4. A Case Management Conference (CMC) was held online on 11 September 2025 with representatives of the appellant and the Council. The CMC was held to discuss the arrangements for the Inquiry and not the merits of the appeals.
5. In respect of Appeal A, all oral witness evidence to the Inquiry was given by sworn affirmation.

Appeal A

Ground (d)

6. An appeal on this ground is that, at the date the notice was issued, no enforcement action could be taken due to the passage of time. The matter alleged is operational development and the relevant period is 4 years. It is for the appellant to show, on the balance of probability, that the development was substantially completed over 4 years prior to the issue of the enforcement notice. As the notice was issued on 21 May 2025, the relevant date is therefore 21 May 2021.
7. The appellant contends that an outbuilding has been located in the same position since at least 2008, with that building being refurbished between April and May 2021. In support of this the appellant has produced various documents including undated photographs showing the original outbuilding, Google Earth Aerial images from 2008 and 2024, and Google Streetview images from 2008.
8. The appellant's evidence does not have to be corroborated by independent evidence to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal. The appellant's evidence would however have to be sufficiently precise and unambiguous.
9. There is no dispute that an outbuilding existed in roughly the same position within the rear garden of the appeal property from at least 2008. This is clearly evidenced by the historic aerial photographs produced by both parties, and the undated photographs produced by the appellant. However, the Council produced a Google Earth Aerial image dated 30 March 2021 which shows that the outbuilding which had been in situ since at least 2008 was no longer present. A further Google Earth Aerial Image dated 8 March 2022 shows an outbuilding in situ with its roof complete.
10. The appellant's agent Mr Hassan Solaimani (HS) accepted in cross examination that in the March 2021 aerial image it "*looks like there is nothing there at all*". I would go further, and state that it is abundantly clear from the image that the previous outbuilding had been demolished and that no outbuilding existed at that point. The Council's evidence therefore clearly demonstrates that the previous outbuilding had been demolished, and that the outbuilding subject of this appeal is a new development.

11. This position is further strengthened when comparing the “pre-existing” floor plan and elevation drawings and the “existing” floor plan and elevation drawings submitted by the appellant. Whilst these drawings indicate that the footprint of the new building is the same as the previous, they also show that the new building is significantly taller and has markedly different openings in its front elevation. This is clarified by the appellant’s undated photographs.
12. In my view there is no basis to the appellant’s argument that the works undertaken could amount to a refurbishment of an existing outbuilding. From the evidence before me, it is unarguable that a new building has been constructed at the appeal site at some point after 30 March 2021. Consequently, to be immune from enforcement action, the appellant needs to demonstrate that the development was substantially completed by 21 May 2021.
13. Despite the appellant’s contention in the written appeal submissions that the works were carried out in April and May 2021, no credible evidence has been put forward to demonstrate that was indeed the case. No invoices or receipts for building materials or contractors have been produced to demonstrate when the works took place, and in the absence of any sworn statement or solemnly made declaration, the appellants statement is uncorroborated. The appellant also failed to attend the Inquiry and give evidence himself, whilst HS confirmed that he was unaware of exactly what works took place on site and “*had no clue what happened at the time*”.
14. The Council argue that the building is still not substantially complete, however I do not share that view. The available evidence suggests that the development was undertaken at some point between 30 March 2021 and 8 March 2022. Even if works had commenced on 31 March 2021, that would only leave a period of 52 days for the development to be substantially completed by the relevant date. I find it highly improbable that the works would have been substantially completed within this relatively short window.
15. The appellant has therefore failed to show, on the balance of probability, that the development was substantially complete over 4 years prior to the issue of the enforcement notice. Accordingly, the ground (d) appeal fails.

Appeal B

Ground (a) – the deemed planning application

16. In considering whether planning permission ought to be granted for the matters stated in the notice, the main issues are the effect of the development on:
 - The character and appearance of the area
 - The living conditions of current and future occupiers of 42 Tanfield Avenue, having particular regard to the provision of adequate outdoor amenity space; and
 - The living conditions of occupiers of neighbouring residential properties, having particular regard to outlook

Reasons

Character and Appearance

17. 42 Tanfield Avenue is a semi-detached dwelling located within a residential area which is characterised by predominantly two-storey semi-detached residential properties of various styles. The appeal property is currently in use as a small House in Multiple Occupation (Use Class C4) and includes a long narrow garden area to the rear.
18. The outbuilding is located at the back of the rear garden and is constructed in blockwork with a dual pitched tile roof. It extends virtually the full width of the garden, and the submitted drawings show the building to measure 4.55m in height. Although there is currently no boundary fencing between the rear gardens of 40 and 42 Tanfield Avenue, the outbuilding extends significantly above the boundary fencing between the appeal site and 44 Tanfield Avenue as well as the properties to the rear on Dollis Hill Lane.
19. With regard to outbuildings the Council's Residential Extensions & Alterations Supplementary Planning Document (January 2025) (SPD) states that it will need to be demonstrated that "*an outbuilding is only to be used incidentally*". The SPD further states in relation to footprint that, where planning permission is required, "*if your garden is more than 100sqm, your outbuilding could be up to 30sqm*".
20. The appeal outbuilding is of substantial size and at the time of my site visit I observed that it was being used to store an array of building and plumbing materials including radiators, pipes, washing machines, and various fixings and fittings. In my view, the extent of the materials in the outbuilding goes well beyond what could be considered incidental to the host property. The internal ceiling height of the building was also very high, seemingly to accommodate the large storage racks that were present in the building. Consequently, it does not appear that the outbuilding is being used for purposes incidental to the use of the host property, and no reasoning has been provided to explain why an outbuilding of this size is required.
21. The appellant argues that when compared to both the host property and the garden area itself, the size and scale of the outbuilding is not excessive and remains subordinate. I accept that, whilst the outbuilding's footprint exceeds the 30sqm as set out in the SPD, a more than adequate amount of external amenity space remains. However, when combining its excessive height with its overall size and scale, I find that the outbuilding has an overall dominating and out of proportion visual impact.
22. In terms of its visual appearance, by virtue of its size and design, which includes a large central opening from floor to eaves which is consistent with that used for a roller shutter or similar commercial type door, along with the lack of any windows, the outbuilding has a utilitarian "industrial" appearance. This results in the outbuilding appearing as a large, conspicuous, and intrusive form of development.
23. I accept that the outbuilding is not generally visible in the wider public realm. Nevertheless, despite the presence of some nearby trees and vegetation that assist in providing some screening, the outbuilding remains clearly visible from surrounding residential properties.
24. The appellant has drawn my attention to outbuildings at several other nearby properties. However, whilst some of these outbuildings appear to have a footprint similar to the appeal development, many also appear to have a lower ridge height and have a more "domestic" appearance and design that is in-keeping with their

surroundings. The presence of these outbuildings therefore fails to justify or overcome the harm caused by the appeal development.

25. In view of the above, I conclude that the outbuilding is harmful to the character and appearance of the area. Therefore, the development does not accord with Policy DMP1 of the Brent Local Plan 2019-2041 (adopted February 2022) (BLP) and guidance contained within the SPD. These seek, amongst other things, to ensure that developments complement the locality in terms of its siting, scale, materials, detailing, and design.

Living Conditions of current and future occupiers

26. As already set out above the host property is currently in use as a small House in Multiple Occupation (Use Class C4). The footprint of the outbuilding exceeds the 30sqm set out in the SPD, nevertheless the Council accepted at the Inquiry that there remains an adequate provision of outdoor amenity space available to occupiers of the host property. I find no reason to disagree with this assessment. The size of the outbuilding, in and of itself, does not therefore result in any harm being caused to the living conditions of current and future occupier of No. 42.
27. The Council's other concern relates to the use of the outbuilding for purposes which are not incidental to the enjoyment of the host property, and the impact that has on current and future occupiers. The outbuilding is currently used for the storage of various building and plumbing materials, and the appellant's response to the Planning Contravention Notice that was issued by the Council stated that the outbuilding was not being used or accessed by occupants of No. 42.
28. It is therefore highly probable that the appellant will need to access the outbuilding to collect or drop off the various building and plumbing items being stored within it. Although there is no evidence before me to suggest how frequent or otherwise those visits may be, the activity would involve persons travelling the entire length of the rear garden to access the outbuilding. Given the nature of the materials and items stored in the outbuilding, and the provision of a gated vehicular access, this could also include a van or other vehicle entering the rear garden for that purpose.
29. As a result, I find it highly likely that the use of the outbuilding will result in noise and disturbance that would negatively impact upon the living conditions of current and future occupiers of No. 42. However, as suggested by the Council, a planning condition restricting the use of the outbuilding to purposes incidental to the enjoyment of host property and/or precluding its use for commercial storage would overcome these concerns and objections.
30. Consequently, subject to an appropriately worded planning condition, the outbuilding will not harm the living conditions of current and future occupiers of the host property. In respect of this main issue, the development therefore accords with Policy DMP1 of the BLP, and guidance contained within the SPD. These seek, amongst other things, to ensure that developments provide high levels of amenity and do not unacceptably increase exposure to noise and general disturbance.

Living Conditions of occupiers of neighbouring properties

31. The SPD also advises that outbuildings should be single storey so that they do not negatively impact on any neighbouring properties. Despite its overall height, the

outbuilding is single storey and its location at the extreme rear of the garden means it is a significant distance from the windows of any neighbouring properties. I am therefore satisfied that the outbuilding does not result in any demonstrable harm to the living conditions of neighbouring properties with regard to outlook.

32. I therefore find that the development does not result in harm being caused to the living conditions of occupiers of neighbouring residential properties, with regard to outlook. As such, in regard to this main issue, the development accords with Policy DMP1 of the BLP and the SPD which seek to ensure that developments do not negatively impact on any neighbouring properties and provide high levels of internal and external amenity.

Planning Balance and Conclusion

33. While I have found that the outbuilding does not result in harm being caused to the living conditions of current or future occupiers (if appropriately conditioned), or neighbouring residents, it is harmful to the character and appearance of the area. The development therefore conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the harm identified and the associated development plan conflict.
34. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal on ground (a) fails and the deemed planning application is refused.

Overall Conclusions

Appeal A

35. For the reasons given above, I conclude that the appeal fails. I have therefore upheld the enforcement notice.

Appeal B

36. For the reasons given above I conclude that the appeal does not succeed. I have upheld 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.

David Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Hassan Solaimani

Homecraft Group Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Nigel Wicks

Director of Enforcement Services Ltd, instructed by
Tim Rolt, Planning Enforcement Manager for the
Council of the London Borough of Brent

He called:

Anna Mascheroni

Planning Enforcement Officer

DOCUMENTS SUBMITTED AT THE INQUIRY:

1. Council's opening statement
2. Report and Valuation by Kent Reliance dated 16 February 2017
3. Hill v Secretary of State for Transport, Local Government and the Regions [2003] EWHC 279 (Admin), Gabbitts v Secretary of State for the Environment and Another [1984], and Nelsovil v Minister of Housing and Local Government [1962] 1 All ER 423 (summary)
4. Suggested planning conditions
5. Council's closing statement