



Appeal Decision

Site visit made on 9 February 2026

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Appeal Ref: APP/G5750/C/24/3339961

Land at 418 Katherine Road, Forest Gate, London E7 8NP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr S Farukh, on behalf of NEW SF CASH & CARRY LTD, against an enforcement notice issued by the Council of the London Borough of Newham.
- The enforcement notice was issued on 31 January 2024.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a canopy.
- The requirements of the notice are:
 1. Demolish the canopy (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1).
 2. On completion of step 1, remove all materials and debris from the site.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended) (the Act). 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.

The Appeal on Ground (a) and the Deemed Planning Application

2. An appeal on ground (a) is that planning permission ought to be granted for the matters alleged in the notice. Therefore, in pursuing an appeal on ground (a), the appellant is seeking planning permission for the erection of a canopy as currently constructed.
3. Notwithstanding the Council's reasons for issuing the notice, the alleged breach of planning control is directed at operational development rather than any use of the land. It is also clear from the requirements that the notice only seeks the removal of the operational development that has occurred. I have therefore dealt with the appeal on this basis.
4. Therefore, the main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

5. The site comprises a two-storey mid-terrace traditional property with a commercial use at ground floor and residential accommodation above. Katherine Road is a key movement corridor in the Local Plan. It is characterised by similar properties lining the road and includes a mixture of commercial and residential uses. The buildings are typically set back from the pavement behind further paving or modest front

gardens. The street is tree lined, and the frontages of most properties are predominantly open, particularly where there is a ground floor commercial use.

6. The development partially encloses the front paved area and obscures the shop front. Its wooden frame and lightweight roof material gives it a somewhat ad hoc appearance that is out of keeping with the design and material finish of the building it is attached to, and neighbouring properties. Its projection into the street scene is further emphasised by the absence of any similar incursions either side.
7. The appellant suggests that many similar properties along the road have approved canopies. I saw that some units have retractable canopies extending over their front paved area. However, there were very few examples of fixed canopies, and none within the immediate setting of the appeal site. In any case, where similar forms of development were present, they appear as discordant features that detract from the otherwise open nature of the street scene and so do not positively contribute to the character and appearance of the area. Furthermore, I note that some of these other canopies do not benefit from planning permission, and some are subject to separate enforcement action.
8. The appellant maintains that the external space is needed for the storage of fruit and vegetables, and that the business cannot operate without this. However, no evidence has been provided to substantiate these claims, and it is not clear why produce could not be stored inside the property.
9. For these reasons, the development has a harmful effect on the character and appearance of the area. It conflicts with Policies S1, S6, SP1, SP2, SP3, SP7 and SP8 of the Local Plan and Policies D1, D3 and D4 of the London Plan. These policies, among other provisions, seek to upgrade the design and environment of key corridors, and ensure that development is high quality, integrated with the street scene, and takes advantage of and enhances the positive elements and distinctive features of the borough. In these regards, the development is also contrary to the associated provisions of the Framework which seek to achieve high quality design.

Conclusion

10. I have found the development to be harmful to the character and appearance of the area. In this regard, the development is contrary to the above cited policies of the development plan and the associated provisions of the Framework. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan.
11. I therefore 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.

Ryan Cowley

INSPECTOR