



Appeal Decision

Site visit made on 17 February 2026

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Appeal Ref: APP/T5150/C/24/3352278

20 Hoveden Road, London NW2 3XD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Achraf Borghol (Java Properties International Ltd) against an enforcement notice issued by the Council of the London Borough of Brent.
- The enforcement notice was issued on 22 August 2024.
- The breach of planning control as alleged in the notice is failure to comply with conditions imposed on a planning permission ref APP/T5150/C/18/3204826 granted on 10 June 2019.
- The development to which the permission relates is: The material change of use of the premises to the storage of vehicles.
- The conditions in question are no's 1, 2 and 3 which state that:
 1. "The use hereby permitted shall be for a limited period, being the period of 5 years from the date of this decision. The use hereby permitted shall be discontinued and the land restored to it's former condition or before the expiration of this permission".
 2. "The site shall be used for the storage of not more than 4 cars at any one time".
 3. "No repair or maintenance work shall be carried out on site on the cars stored there".
- The notice alleges that the conditions have not been complied with in that:
 - There has been a breach of Condition 1, because the use has not been discontinued and the land has not been restored to its former condition on or before the expiration of the temporary permission.
 - There has been a breach of Condition 2, because the site has been used for storage of more than four cars at any one time.
 - There has been a breach of Condition 3, because repair and maintenance work has been carried out on the cars stored on the site.
- The requirements of the notice are to:
 - Step 1 – Discontinue the use of the land for the storage of vehicles and restore it to its former condition.
 - Step 2 – Remove all cars from the land.
 - Step 3 - Do not carry out any repair or maintenance work on cars on the land.
- 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.

Summary of Decision: The appeal is dismissed, and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Preliminary Matters

1. Planning permission was granted for the use of the site for the storage of vehicles following a successful appeal. The permission was subject to a time limitation condition that the use shall be discontinued and the land restored to its former conditions on or before the 5-year expiration of the permission. The permission also limited the number of vehicles to be stored at any one time and for no repair or maintenance work to be undertaken on stored cars.

Main Issues

2. The main issues are whether conditions 1, 2 and 3 are reasonable and necessary in the interests of the living conditions of surrounding residential occupiers with regard to noise and disturbance and outlook, and on trees.

Reasons

3. The appeal site comprises of a vehicle storage use which is situated between properties on Keyes Road and Hoveden Road. Although the appellant has stated that the land subject of this appeal has only been used by one additional car beyond the four permitted, the evidence before me identifies a greater number of vehicles being present on the site than that permitted by condition 2. Reference has also been made by neighbouring residents to service or repair works being undertaken, with various vehicle parts being stored on the site.
4. The storage of additional vehicles and the activity arising from works being undertaken on vehicles, as well as increased comings and goings, has resulted in noise and disturbance to local residents. Although the appeal site is screened by fencing and a gate, it is visible from the upper levels of surrounding residential properties, from where the outlook of parked vehicles and stored vehicular parts results in an unsightly appearance and harmful visual intrusion.
5. Whilst reference has been made to harmful effects from vehicle fumes, oil leaks and fuel spills there is no substantive evidence before me that the development is harmful in these respects.
6. Nevertheless, I conclude that the development has a harmful effect on the living conditions of surrounding residential occupiers with regard to noise and disturbance and outlook. As such, it is contrary to Policy DMP1 of the Brent Local Plan 2019-2041 (Local Plan), Policy D14 of The London Plan and Paragraph 135 of the National Planning Policy Framework (Framework), which seek, amongst other matters, to avoid significant adverse noise impacts on the quality of life. Although reference is made by the Council to Local Plan Policy BSUI2 and Policy SI 1 of The London Plan, these relate to air quality, and I have not found the development unacceptable in this regard.
7. A street tree is located directly to the front of the appeal site. Although there is no crossover for vehicles to cross the footway, there is no substantive evidence before me that this arrangement has resulted in any harm to this tree over a number of years that the use has continued, nor any harm to the tree in a neighbouring garden area arising from the storage of vehicles.
8. I therefore conclude, for the reasons set out, that the development does not have an unacceptable harmful effect on trees and as such, it is compliant with Local Plan Policies DMP1, BGI1 and BGI2 and the Mapesbury Conservation Area Design Guide, which seek, amongst other matters, to retain high amenity trees.

Other Matters

9. The Council has set out that the appeal use does not benefit from a vehicular crossover and results in the unlawful driving of vehicles along the public footway to access the site. They have also set out their concerns relating to the construction of a cross-over citing poor visibility and the potential damage to the street tree.

10. However, a vehicular crossover has not been formed and given the vehicular storage of the site has operated for some time without any demonstrable harm, I concur with my colleague on a previous appeal¹ that the current access arrangement does not result in harm to highway safety.
11. The appeal site is situated in the Mapesbury Conservation Area (CA), and in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. As the site's boundary along Hoveden Road is formed of a fence that shields views of the storage use, I find the development preserves the character and appearance of the CA.
12. Reference has been made by the appellant to alternative residential development not being possible, the history of the site which had two lock up garages and a planning application which was refused. I am however required to determine the appeal before me on its own merits.

Conclusion

13. I have not found the development harmful in relation to the effect on trees.
14. It does however have an unacceptable harmful effect on the living conditions of surrounding residential occupiers. Without conditions 1, 2 and 3, this harm would be long lasting and would be contrary to the objectives of the Framework. I ascribe this substantial weight.
15. The development provides a safe storage place for the appellant's classic cars. No details have been provided that the appeal site is the only means to achieve these storage requirements, and I therefore attribute limited weight to this matter.
16. With this in mind, the limited weight to the appeal scheme's benefit does not outweigh the harm that I have identified.
17. The development conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.
18. For the reasons given above, 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.

Formal Decision

19. 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.

F Rafiq

INSPECTOR

¹ Ref: APP/T5150/C/18/3204826