



Appeal Decisions

Site visit made on 22 April 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2026

Appeal A Ref: APP/K0235/C/24/3355359

Appeal B Ref: APP/K0235/C/24/3355360

Appeal C Ref: APP/K0235/C/24/3355361

Land known as 10-12 Iddesleigh Road, MK40 4LW

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Ameer Hamza, Appeal B by Mr Muhammad Ammar and Appeal C by Mr Ghulam Murtza against an enforcement notice issued by Bedford Borough Council.
 - The notice was issued on 8 October 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the change of use of the land to vehicle storage and sales (Sui Generis), the erection of a temporary sales building and the erection of temporary fencing.
 - The requirements of the notice are to: (i) Cease the use of the land outlined in red on the attached plan for vehicle storage and sales. (ii) Remove all vehicles permanently from the land (iii) Remove the building outlined in blue on the attached plan permanently from the land. (iv) Remove all temporary fencing from the land. (v) Remove all waste and materials arising from (ii-iv) permanently from the land.
 - The period for compliance with the requirements is 2 months from the date the notice takes effect.
 - The appeals are proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Applications for costs

2. An application for an award of costs has been made by Bedford Borough Council against the appellants. That application is the subject of a separate decision.

Preliminary Matters

3. Three appellants were named on the appeal form. In such circumstances three appeals are made and each is allocated its own reference number, as set out in the banner heading above. However, the grounds of appeal are identical and I shall deal with all three in this decision letter.
4. The appeals were initially made under grounds (a) and (d) of s174(2) of the Town and Country Planning Act 1990 (the Act). However, under the provisions of s174(2A) of the Act the appeals under ground (a) are barred due to the fact that the Council has previously determined a planning application for the same development. Consequently, the appeals will proceed under ground (d) alone.

The Appeals Under Ground (d)

5. An appeal on this ground is made on the basis that, at the time the enforcement notice was served, no enforcement action could be taken due to the passage of

time. That links to the provisions of s171B of the Act which specifies the time limits within which enforcement action must be taken. For the development in question, enforcement action must be taken within ten years beginning with the date of the breach.

6. The onus rests with an appellant to make their case on ground (d), on the balance of probability. If a Council has no evidence of its own to make the appellant's evidence less than likely then it should be accepted, providing it is sufficiently precise and unambiguous.
7. The appellants initially contended that the site has been in continuous use for car sales since at least 2014 and provided some dated photographic images from Google Street view depicting numerous vehicles parked on the site, as well as internet details of various car sales businesses showing the site address as their location. However, the number of images initially presented was limited, including one from 2014, one from 2021, one from 2023 and one from 2024. That is not sufficient to demonstrate continuous use, especially given the seven year gap between the first and second image.
8. Moreover, the Council note that investigations into the use were undertaken within that seven year gap which led to the use ceasing in 2018. The Council's enforcement log shows that the unauthorised use had been monitored over a number of years culminating in letters being sent to the then occupier advising them that an enforcement notice would be served if the use did not cease within 28 days.
9. Photographs provided by the Council show the site vacant from December 2018 until at least May 2019. Only a single car is present in both photographs; the same vehicle in each picture in the same position indicating it may not have moved. The fact that those photographs are shortly after the letter was sent to the previous occupant in 2018 indicates that the threat of enforcement action had the required effect and that the car sales business ceased for a significant period of approximately 5 or 6 months at least.
10. Planning application documents submitted in January 2019 for a proposed material change of use to a car sales use also described the existing use as vacant. That casts significant doubt on the appellant's version of events.
11. Perhaps faced with the strength of the Council's evidence, the appellants then altered their case with a suggestion that the car sales use had actually continued from 2008 through to 2025. Included within that new evidence was a statutory declaration from Mr Kamal Lal who claims to have run a sales business under the name "Affordable Cars" from the site from December 2015 to July 2019. Invoices from Autotrader for advertising fees covering the period January to June 2019 are provided, showing the address of the business at the appeal site.
12. However, the fact that those fees were paid does not necessarily indicate that sales from the site took place over that period. The Council's photographic evidence of what was actually on the site show it was vacant. The Council's enforcement record also notes that the landowner called the Council on 10 December 2018 to confirm that the use had ceased and the cars had been removed. On 19 December 2018 the enforcement log notes that the Council's request to cease the use had been complied with and the enforcement case was closed.

13. It seems highly unlikely that would have been done if the use was still proceeding. On the contrary, the evidence indicates that the use had ceased and the site had been cleared by December 2018 and did not commence again until mid-2019.
14. The appellants' revised position that the site had been in use for car sales since 2008 is even less plausible. As noted by the Council, the former building which occupied the site was still in situ in 2008 and 2009. An overhead photographic image provided by the Council suggests the structure was still standing in 2010 and it appears likely to have been demolished some time between 2010 and 2012. Photographs provided by the Council show that the site was empty as of June 2012. The first complaint to the Council regarding car sales was made in August 2012.
15. Plans submitted with a planning application to demolish the structure and erect an Islamic Community Centre in June 2009 showed the building had no openings wide enough to afford access to vehicles, such that sales could not have taken place inside the structure at that point.
16. Space outside the structure was extremely limited; enough to accommodate 2 cars to the front. Two photographic image submitted with the affidavit of Mr Yasir Mahmood, purportedly from 2009, show two cars, one with sheets of paper fastened to the windows which may indicate it was for sale. There are no similar posters in the other car. The cars are parked in different positions on each image which may suggest that they came and went, rather than being stationary. Even if the single vehicle was for sale there is nothing which indicates the site was in use for car sales more generally and the images appear more indicative of private cars using the land for parking whilst one is incidentally for sale, as one often sees in residential areas when people are trying to sell a vehicle privately.
17. I also note that the printed version of the affidavit originally stated that the car sales use operated by Mr Mahmood commenced in 2009 but the 9 has been drawn over in pen and replaced with an 8. The appellants suggest that was to correct a simple mistake but it does raise doubts as to the authenticity of the document, especially in the context of other evidence which shows that the previous building was still in situ at that point in time.
18. Mr Mahmood states that he operated a car sales business under the trading name 'Safecars' from December 2008 to January 2015. An undated photograph showing an advertising board at the site for 'Safecars' is provided. However, I note that photographs provided by the Council of various visits from enforcement officers depict a 'Safecars' sign in March 2015. The sign was not present in January 2013 and in March 2014 a sign for 'Yasir Choudhary Tradecars' was displayed.
19. Overall, the number of inconsistencies raise significant doubt on the accuracy of Mr Mahmood's affidavit. I have similar concerns over the accuracy of the affidavits signed by Mr Ravi Duggal, a resident of Fairfax Road, and Maqsood Ali owner of a retail unit on Iddesleigh Road who state that they can recall car sales taking place from the site since 2009. Given that the previous building wasn't demolished until 2012 and the site remained vacant as of June 2012 it is hard to see how those statements can be accurate.
20. Whether Mr Duggal and Mr Ali were referring to the single car shown for sale outside the former building is not clear but there is no other supporting evidence to

indicate that there had been a material change of use to a car sales use prior to the demolition of the former structure.

21. Moreover, the printed text of the two affidavits appears to have been pre-prepared by someone else given that the wording is identical. The fact that the statements refer to 2009, as did the originally printed affidavit of Mr Mahmood (before it was written over in hand with an 8) indicates that was the appellants' intended evidence when those documents were initially put together.
22. Given that the Council has provided clear evidence of a break in the use in December 2018 it seems to me that the appellants perhaps realised that they would need to try and demonstrate 10 years' continuous use prior to that point, hence the changing of the 9 for an 8.
23. In any event, the appellants' suggestion that the car sales use has continued, uninterrupted since 2008 is not supported by the evidence presented. It would also have been very difficult to maintain any sales use whilst the building was being demolished and the site cleared of rubble and associated material. The building was substantial and occupied virtually the whole of the site.
24. Overall, it seems likely that the use commenced after the demolition of the former building, some time after 2012. The Council then monitored the site for a number of years after receiving complaints before writing to the occupants in 2018 advising them to cease the use or face enforcement proceedings. The use subsequently ceased and cars advertised for sale were removed, at which point no immunity had been gained as a result of the passage of time. That represented a significant break in use. To put that another way, there would have been no car sales use against which the Council could have enforced during that period.
25. Thus, when the use commenced again after May 2019 the clock was effectively set to zero. The Council granted a temporary planning permission for a change of use of "vacant land" to car sales use in 2019. The applicant was one of the appellants in the present appeal. The description of the use as vacant is another indication that there were no car sales taking place at the time the application was made.
26. The Council granted a temporary planning permission for a car sales use in 2019 with a condition requiring that the use should cease by August 2021. Even if the use had gained immunity prior to that application being made, which is implausible for the reasons set out, the terms of that condition would still have effect. When the use continued or recommenced after the expiry of that planning permission that would represent a new breach of planning control against which the Council would be entitled to serve an enforcement notice.
27. In either case, it follows that the unauthorised use had not gained immunity due to the passage of time in October 2024 when the notice was served. Accordingly, the appeals on ground (d) must fail and I shall dismiss the appeals and uphold the enforcement notice.

Chris Preston

INSPECTOR