



Appeal Decision

Site visit made on 7 May 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 19th May 2026

Appeal Ref: APP/Q5300/C/24/3357359

Land between the eastern end of Queens Road and the southern side of Southbury Road, Enfield

- The appeal is made by Mrs Lalita Bang under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: ENF/24/0798) issued by The London Borough of Enfield on 15 November 2024.
 - The land affected is described in the notice as:
"ALL THAT LAND KNOWN AS Land on the South Side of Southbury Road Enfield (Title number AGL330392)."
 - The breach of planning control as alleged in the notice is:
"Without planning permission, the unauthorised change of use of the Land for a vehicle hire business with associated parking and maintenance and/or repairs of vehicles for hire and the use of a steel shipping container on the Land in connection with the running of a vehicle hire business (outlined in blue for identification purposes only)."
 - The requirements as set out in the notice are as follows: -
 - "5.1 Cease the use of the land in connection with the vehicle hire business.
 - 5.2 Cease the use of the land for the parking of vehicles in connection with the vehicle hire business.
 - 5.3 Cease the use of the land for the storage of vehicles under maintenance and/or repair in connection with the vehicle hire business.
 - 5.4 Cease the use of the land for vehicle maintenance [*sic*] and/or repairs in connection with the vehicle hire business.
 - 5.5 Remove all plant/machinery used in connection with with [*sic*] the vehicle hire business and vehicle maintenance and/or repairs in connection with the vehicle hire business from the Land.
 - 5.6 Cease the use of the shipping container [*sic*] in connection with the running fo [*sic*] a vehicle hire business.
 - 5.7 Remove all external lighting installed in connection with the running of a vehicle hire business.
 - 5.8 Remove all vehicle parts stored in connection with the vehicle hire business from the Land
 - 5.9 Remove all rubbish stored in connection with the vehicle hire business from the Land
 - 5.10 Remove all resulsing [*sic*] materials from the Land"
 - The period stated for compliance with these requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (d), (e) and (f). An application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice as constituting the breach of planning control.
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Decision

1. It is directed that the enforcement notice be corrected as follows : -
 - Replace the description of the land affected in paragraph 2 with "Land between the eastern end of Queens Road and the southern side of Southbury Road, Enfield, shown edged red on the plan attached to this notice".
 - In paragraph 3, replace "(outlined in blue for identification purposes only)" with "on the Land".
 - In paragraph 5.4, replace "maitenance" with "maintenance".
 - Delete the second "with" in paragraph 5.5.
 - Replace paragraph 5.6 with "Cease the use of the shipping container in connection with the running of a vehicle hire business on the land".
 - In paragraph 5.10, replace "resuslting" with "resulting".
2. Subject to this direction, the appeal is dismissed, the enforcement notice is upheld as corrected and planning permission is refused on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990.

Reasons for the decision

Correction of the enforcement notice

3. There are several defects and errors in the notice as issued. The address of the land affected should have had further details; the plan attached to the notice is not referred to in the text of the notice; there is nothing outlined in blue on the plan; and there are a number of spelling and drafting mistakes. The appellant appears nevertheless to have fully understood the intent of the notice and has submitted a comprehensive appeal. I am satisfied that I can correct the notice without causing injustice. The corrections are set out in paragraph 1 above.

The appeal on ground (e)

4. The purpose of an appeal on ground (e) is to demonstrate that the notice was not properly served on everyone with an interest in the land. The appellant states that no warning letter was provided before the notice was issued and that the site address was not accurate as a new address had been assigned to the land.
5. Section 172 requires a copy of the notice to be served on the owner and occupier of the land and on any other person having an interest in the land. The service has to take place not more than twenty-eight days after its issue and not less than twenty-eight days before it is to take effect. There is no requirement to issue a warning letter.
6. The evidence provided by the Council demonstrates that the requirements of section 172 were complied with. Copies of the notice were served on officers of the company owning and occupying the land and on the appellant as an individual. The time limits were complied with. The address given for the land

should have been more fully described, but the plan attached to the notice accurately shows the extent of the land to which the notice applies.

7. The appeal on ground (e) has therefore not succeeded.

The appeal on ground (c)

8. The purpose of an appeal on ground (c) is to demonstrate that the matters stated in the notice do not constitute a breach of planning control. The appellant claims that the matters are authorised by planning permission ref. no. 24/00501/FUL and by planning regulations.
9. Planning permission 24/00501/FUL was granted on 18 April 2024. It authorises the "Installation of a shipping container for office use (Class E)" on the southern part of the land to which the notice relates, subject to conditions that amongst other matters require compliance with the approved plans and documents and limit the hours of use to 8am to 7pm Monday to Saturday excluding public holidays. The planning application described the existing use of the land at the time as "Vacant Land" and stated that the proposal did not involve the carrying out of industrial or commercial activities and processes. It stated that the existing parking provision was for one car and that the proposed parking provision was for three cars and six cycles, as shown on the submitted plans.
10. The planning permission does not limit the range of activities within Class E that are permitted in the shipping container, but it relates solely to the shipping container. It does not authorise any change in the use of the vacant land comprising the southern part of the land to which the notice relates, other than on the site area of the shipping container itself and in the parking provision and bin storage to be made in connection with its approved use, and it does not authorise any change at all in the use of the northern part, which consists of a vehicular and pedestrian access from Southbury Road and a parking area used by residents of the adjoining apartment block, Pemberton Court.
11. In these circumstances, the appellant's claim that the matters stated in the notice are authorised by the planning permission or by planning regulations must fail. I have, however, corrected the notice to make it clear that it only applies to the use of the shipping container in connection with the running of a vehicle hire business on the land shown on the plan attached to the notice.

The appeal on ground (d)

12. The purpose of an appeal on ground (d) is to maintain that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters stated in the notice. It is the appellant's responsibility to demonstrate that this is the case, on the balance of probability. In the present instance, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
13. The appellant states the use of the land for a vehicle hire business started after the land was purchased in 2014, but the available evidence does not confirm this. Land Registry details indicate that the purchase of the whole of the land was not completed until 2023. The part of the land where the shipping

container is sited was described as being vacant when the planning application was made on 16 February 2024. The Council received the first reports of a change of use of the land for the vehicle hire business in July 2024. No records relating to the vehicle hire business activities having taking place on the land at an earlier date have been supplied by the appellant; the unsuccessful prosecution of Sams Van Hire to which she refers relates to vans which were allegedly being kept on a different piece of land according to Court papers.

14. The appeal on ground (d) has therefore failed.

The appeal on ground (a)

15. Under ground (a), the appellant maintains that planning permission ought to be granted in respect of the matters stated in the notice. The main issue relates to the effect of the vehicle hire business on its surroundings and the amenities of nearby residents.

16. The land is in a residential area and is surrounded by residential property on all sides. The vehicular access to the southern part is off the end of a residential cul-de-sac, Queens Road, and the access to the northern part is shared with residents of Pemberton Court, who also use the car park on the land to park their vehicles.

17. The Council state that the use of the land by the vehicle hire business is incompatible with these surroundings because residents are disturbed by noise, vehicle movements and general work activities associated with the vans. The Council also point to the detrimental effect of the vehicles on the appearance of the land when viewed from residential property. The Council's concerns have been reinforced by many residents in Queens Road, Pemberton Court and Fotheringham Road, who have in addition identified problems relating to congestion, obstruction and safety.

18. The appellant's response to these concerns has been to maintain that planning permission exists for the business. I have concluded on ground (c) that this is not the case.

19. The use of the land by the vehicle hire business is, as the notice states, in conflict with several adopted development plan policies that exist to protect residential surroundings and the amenities of residents. No considerations arise in this instance to indicate that these policies should not be applied. The appeal on ground (a) has therefore been dismissed and planning permission has been refused.

The appeal on ground (f)

20. This ground allows the appellant to maintain that the requirements of the notice exceed what is necessary to remedy the breach of planning control or to remedy any injury to amenity which has been caused. She has, however, not put forward anything in support of this ground that I have not already considered under the other grounds.

21. The requirements of the notice, as corrected, are the minimum needed to remedy the breach of planning control that has taken place and to remedy the injury to amenity it has caused. The appeal on ground (f) has therefore been dismissed.

Overall conclusion

22. For the reasons explained above, the appeal has failed on all the grounds put forward, the notice has been upheld with corrections and planning permission has been refused.

D.A.Hainsworth

INSPECTOR