

Appeal Decisions

Site Visits made on 7 January 2026 and 19 May 2026

by J Whitfield BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2026

Appeal A Ref: APP/X5990/C/24/3348704

The buildings and associated land at Basement and Ground Floor, 362 Harrow Road, London W9 2HU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Noor Quality Food Centre against an enforcement notice issued by City of Westminster Council (the LPA).
- The notice was issued on 17 July 2024.
- The breach of planning control as alleged in the notice is, without the requisite planning permission and within the last 10 years, the material change of use of the Property to use for Class E (commercial, business and service) purposes as a retail shop; without the requisite planning permission and within the last 10 years, the material change of use of the adopted public highway outside the Property on Harrow Road for the placement of shelving and the display of goods associated with the unauthorised Class E use; without the requisite planning permission and within the last 4 years, the installation of six air conditioning units within the rear basement lightwell; without the requisite planning permission and within the last 4 years, the removal of the timber framed entrance doors from the corner elevation ; without the requisite planning permission and within the last 4 years, the removal of a section of shopfront from the Harrow Road frontage of the Property (as shown in attached Photograph B) and its replacement with an external roller shutter; and without the requisite planning permission and within the last 4 years, the installation of awnings on the Harrow Road frontage of the shopfront (as shown in attached Photograph D) ("the Unauthorised Development")..
- The requirements of the notice are:
 1. Cease the unauthorised Class E (commercial, business and service) use of the Property;
 2. Cease the unauthorised use of the adopted public highway adjacent to the Harrow Road façade of the Property for the placement of shelving and goods associated with the unauthorised Class E use by removing all shelving, storage facilities and goods stored on the adopted public highway.
 3. Remove the six air conditioning units installed in the rear basement lightwell and all associated cabling, fixtures and fittings.
 4. Reinstate the timber framed doors on the corner entrance to match in design and materials the doors which were previously in situ (as shown in attached Photograph A).
 5. Remove the unauthorised external roller shutter and associated box housing, running tracks and other associated fixtures and fittings from the section of the shopfront removed from the Harrow Road frontage (as shown in attached Photograph B).
 6. Reinstate the section of the shopfront removed from the Harrow Road frontage and restore the Property to its former condition in materials and detailing to match the existing fabric of the Property, including the timber framed panels and double entrance doors (as shown in attached Photograph C).
 7. Remove the awnings and any associated fixtures and fittings (as shown in attached Photograph D) from the Harrow Road frontage of the shopfront and make good any damage caused by their installation and/or removal; and,
 8. Following compliance with Steps 1) – 7), remove any resulting waste materials and detritus from the Property.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f), (g) 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.

Appeal B Ref: APP/X5990/Z/24/3353282

362 Harrow Road, London W9 2HU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by group against the decision of City of Westminster Council.
 - The application Ref is 24/03917/ADV.
 - The advertisement proposed is display of three internally illuminated fascia signs, two measuring 78cm x 800cm and one measuring 160cm x 80cm. (Retrospective)
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DECISIONS

Appeal A

1. The enforcement notice is quashed.

Appeal B

2. The appeal is dismissed.

APPEAL A

The Enforcement Notice

3. The land affected by the notice is the buildings and associated land at Basement and Ground Floor of 362 Harrow Road, described as “the Property”, as identified as that edged in red on the plan attached to the notice.
4. The notice alleges two separate material changes of use, firstly of the Property, that being the land edged in red, to a retail unit. However, the notice also alleges the material change of use of the adopted public highway outside of the Property for the placement of shelving and the display of goods associated with the retail unit. The public highway falls outside of “the Property”.
5. In accordance with S173(10) of the Act and the provisions of ENAR4(c)¹, a notice should identify the precise boundaries of the land to which it relates. The corollary of that, is that a notice cannot seek to allege a breach of planning control on land which is not comprised in the land identified by the notice.
6. The inclusion of a breach of planning control not within the Property is therefore an error. I can correct such an error in respect of the powers afforded to me under S176(1)(a) of the Act, provided I am satisfied no injustice would arise to the LPA or the appellant.
7. One option to correct the error would be to extend the land affected by the notice to include the area of highway upon which the alleged breach has said to have taken place. However, that would result in the notice including land which falls within the ownership or interest of persons who have not been served with a copy of the enforcement notice.
8. The other option to correct the defect would be to omit the alleged use of the highway from the notice. However, the appellant does not pursue a ground (b) appeal in respect of the placement of shelving and the display of goods on the footpath and thus does not dispute that the breach of planning control in that respect has not occurred. Taking that approach would therefore cause injustice to

¹ The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002

the LPA since the notice would omit a breach of planning control which has appeared to have occurred and which the LPA consider it expedient to take enforcement action against.

9. I see no other appropriate options I could take to correct the error in the notice. As a consequence, the notice contains an error which I am unable to correct within the provisions of S176 of the Act. The notice is therefore invalid and must be quashed.

Conclusion

10. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the land where the breach of planning control is alleged to have taken place. It is not open to me to correct the error in accordance with my powers under S176(1)(a) of the Act, since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
11. In these circumstances, the appeal on grounds (a), (b), (f) and (g) of S174(2) of the Act and the application for planning permission deemed to have been made under S177(5) of the Act does not fall to be considered.

APPEAL B

Procedural Matters

12. The LPA's refusal was a result of a split decision on an application for advertisement consent at the appeal property. The description of the advertisements in the heading above for which consent is sought is taken from the LPA's decision notice.

Main Issue

13. The main issue is the effect of the advertisements on amenity.

Reasons

14. The appeal site is a four-storey building located on the corner of Harrow Road and Marylands Road. The area is predominately characterised by commercial frontages at ground floor level with upper levels largely unaltered. The appeal property was formerly a public house, which, whilst unlisted, dates from the Victorian era and the LPA considers to be a non-designated heritage asset. Beyond the alterations subject of Appeal A, the original frontage is largely maintained with a traditional public house frontage and plain fascia below a profiled cornice.
15. I was able to see from my site visit that the surrounding area features a variation of different signage types. There are examples of applied lettering advertisements, printed fascia signs and projecting signs of various colours, materials and designs.
16. Nevertheless, the advertisements cover a significant expanse of the fascia of the buildings ground floor frontage such that the traditional frontage is hidden and difficult to appreciate. In addition, the signs comprise metal housings with plastic fronts, at odds to the traditional vernacular of the building. Moreover, the individual letters project from the frontage and as a result, they appear obtrusive and dominant in the street scene.

17. I note that there are signs elsewhere, some which detract from the character and appearance of the area. However, this is indicative of the harm that can arise and the existing harm does not justify adding to their detracting from the visual amenity of the area.
18. I conclude, therefore, that the advertisements will have a harmful effect on amenity, in conflict with Policies 38, 39 and 43 of the City of Westminster City Plan 2019-2040 (2021) which seek to ensure new development incorporates high quality design, to conserve non-designated heritage assets, and that signs and advertisements should make a positive contribution to amenity by being sensitively designed in terms of their size, location and degree of illumination, their impact on the building on which they are displayed, local context, street scene and wider townscape.

Conclusion

19. For the reasons given above the appeal should be dismissed.

J Whitfield

INSPECTOR