



Appeal Decision

Site visit made on 12 May 2026

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2026

Appeal Ref: APP/Z5060/C/24/3347715

Land on the South Eastern side of Collier Row Road , Romford

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Ronald Ayres against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
- The notice was issued on 11 June 2024.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised use of green belt land as a mixed use of a vehicle depot and storage of materials including waste.
- The requirements of the notice are to:
 - Cease the unauthorised uses of green belt land as a mixed use of a vehicle depot and storage of materials including waste.
 - Remove the vehicles and stored piles of materials and waste.
 - Break and remove any surface works introduced for the unauthorised uses.
 - Remove all subsequent waste material from the land and restore the land as green belt.
- The period for compliance with the requirements is: 3 months.
- The appeal is made on the grounds set out in section 174(2)(d) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed; the enforcement notice is upheld with correction and variations.

Matters Concerning the Enforcement Notice

1. It is incumbent upon me to put the Enforcement Notice (Notice) in order. I have had regard to my powers under section 176(1)(a) of the Town and Country Planning Act 1990 (1990 Act) to correct any defect, error or misdescription in the Notice or, under section 176(1)(b), to vary the terms of the Notice. In each case, the test is whether the correction or variation would cause injustice to the appellant or the Council.
2. Paragraph 1 of the Notice states that there has been a breach of planning control falling within section 171A(1)(a) of the 1990 Act, which is the carrying out of development without the required planning permission. Development is defined in section 55(1) of the 1990 Act as including 'the making of any material change in the use of any building or other land'. Whilst the Notice refers to the 'unauthorised use of green belt land' it does not allege that it is a 'material' change in the use of the land. It therefore follows that the allegation in the Notice would not constitute development for the purposes of section 55(1) of the 1990 Act.
3. Additionally, referring to the land as "green belt land" in the allegation and requirements is unnecessary. While I acknowledge that this land is indeed within the Green Belt, this classification does not pertain to the use of the land and does not need to be referred to in the wording of the allegation and requirements of the Notice in paragraphs 3 and 5 respectively.

4. Having regard to the appellant's case and their appeal on ground (d), they have clearly understood that the allegation was intended to refer to a 'material' change in the use of the land. Also, deleting references to 'Green Belt land' in the allegation and requirements does not materially alter the allegation being made or make the requirements any more onerous. It also still remedies the breach alleged. As such, I am satisfied that a correction and variations to the Notice in this manner would not cause any injustice to the appellant or Council's cases.
5. In paragraph 2, the Notice describes the land involved as "Land on the southeastern side of Collier Row Road, Romford." It also includes an attached plan with the same title, and an area marked in blue. However, paragraph 2 does not reference this plan or the blue area. Also, during my visit, I observed an access road, a hardstanding area and buildings adjacent to, but outside of the blue area on the attached plan that could reasonably have been included in the description of the land in paragraph 2. The omission from paragraph 2, therefore, introduces some uncertainty regarding the land affected by the Notice and what is required to remedy the breach.
6. To resolve the ambiguity in the Notice, I proposed varying the Notice to include reference to the accompanying plan and the area edged in blue in paragraph 2. I invited the parties to comment on whether this variation was necessary and whether it would cause any injustice to their cases. Both the Council and the appellant agreed to the variation and stated it would not cause injustice to their cases.
7. Although the Notice did not explicitly reference the plan, the plan was included with the Notice, and the title of the plan aligns with the land description in paragraph 2. Furthermore, the area identified by the plan in blue is smaller than the planning unit, and the appellant's submissions indicate that he understood that the Notice was targeting the area identified by the plan. Therefore, using my powers to vary the Notice is appropriate in this instance. It does not expand upon the allegation or impose more onerous requirements; rather, it clarifies the smaller area of land targeted by the Notice. I will vary the Notice without causing injustice to either party.
8. For clarity, in paragraph 2, after the description of the land, I will insert the words '(as identified by a blue edged line on the attached plan)'. In paragraph 3, I will delete the words of the allegation and substitute with the words 'Without planning permission, the material change of use of land to a mixed use comprising a vehicle depot and storage of materials including waste.' In paragraph 5, step 1, I will delete the words and substitute them with 'Cease the mixed use comprising a vehicle depot and storage of materials including waste.' In paragraph 5, step 4, I will delete the words 'and restore the land as green belt.'

Preliminary Matters

9. Additional evidence was submitted for the ground (d) appeal, along with a hidden ground (g) appeal in the appellant's final comments. Since I had already reviewed the final comments, I found it challenging to overlook this new information and the hidden ground. Consequently, I allowed the Council time to respond to these matters. Having regard to the representations made by the Council, there will be no injustice caused by me having regard to the additional evidence and hidden ground set out in the final comments when determining the appeal.
10. As no ground (a) has been plead, issues such as the impact of the development on the Green Belt is not a matter before me. Since the Notice has been served the appellant has made changes on site, as well as curtailed or changed their activity.

However, section 174(2)(d) of the 1990 Act is worded in the past tense, and the question is whether on 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 those matters. I will consider the appeal on this basis.

The Appeal on Ground (d)

11. An appeal on this ground is that, on the date the Notice was issued, no action could be taken in respect of any breach of planning control that those matters constitute. Having regard to the matters in dispute, the main issue in the ground (d) appeal is whether the mixed use alleged has been continuous for a period of 10 years or more without significant interruption beginning with the date the breach first occurred.
12. Any continuous ten year period is relevant but as the Notice was issued on 11 June 2024, the breach would have had to have occurred on or before 11 June 2014 and continued without significant interruption up to the date the Notice was issued. In cases such as this, the burden of proof rests with the appellant to make their case on the balance of probability. The evidence does not need to be corroborated by independent evidence to be accepted, provided the evidence alone is sufficiently precise and unambiguous to demonstrate the case.

Background and Evidence

13. The appellant states in his written submission that the vehicles (coaches) have been parked on the land for the past 18 years, and that the remaining heavy-duty vehicles, including skips and lorries, are personally owned by the appellant. The building materials and waste are mostly from the dilapidated clubhouse, showers and stands from the football stadium, with the intention of one day rebuilding it. The materials of these buildings have been stored on the land since the demolition works began around 2004.
14. The appellant submits that the matters associated with the vehicle depot activities began prior to 2014, as evidenced in the statements provided by the coach operators. There were approximately five coaches stored on the field initially. At the time the earlier Google Earth images were taken in 2013 and 2014 he contends the coaches would not have been on site as they would have been in use and only returned to the site in the evening. The intensity of the use of the field for these activities varied over the years as a direct consequence of the requirements of the coach operators' activities. It is stated that the coach operators' requirements for storage have intensified since the initial breach to the present day.
15. It is also indicated that the Council's evidence in the form of aerial images from 2013, 2014, 2015 and 2017 is not sufficient evidence to negate the appellant's claim. It is said that the Google Earth image submitted by the Council, dated July 2013, shows vehicular tracks in the field and significant amounts of equipment and materials being stored along the Northwest boundary. A 20 metre wide strip along the Northwest boundary of the field has, therefore, been used for storage for at least ten years, as evidenced by the skip bins and vehicles that can be seen. Therefore, given the length of time that has passed since the aerial photo was taken, the appellant considers that this part of the field is immune from enforcement action.
16. Corroboratory evidence submitted by the appellant in support of his claims of lawfulness includes the following items (my compiled list):

- Google Earth Image- Dated December 2003 and titled Football Pitch and Stands.
- Confirmation Statements of Parking Vehicles (Coaches) on the Land described in the Notice¹. These include

AMI Coaches Limited

- A statement that confirms the coach business name and representative of company, its business address and the length of time the land has been used for parking (17 years). The statement is signed but it is not dated.
- Public Service Vehicle Operator's Licence: Held from 2 November 2009 to 31 October 2019. Public service vehicles authorised is 2.
- Agreement letter: A confirmation letter from appellant dated 1 July 2007 granting permission for the use of 2 parking spaces. Annotated to indicate that the number of vehicles increased to 5.

Crest Coaches Limited

- A statement that confirms the coach business name and representative of company, its business address and the length of time the land has been used for parking (11 years). The statement is signed but it is not dated.
- Public Service Vehicle Operator's Licence: Valid from 11 June 2011 to 31 May 2016. Public service vehicles authorised is 6.
- Agreement with Appellant: A confirmation letter, signed by both the appellant and a representative from Crest Coaches, confirms agreement to park 6 vehicles, effective from 20 July 2013 until further notice.

Continuous Use of the Land

17. The use of land alleged in the Notice is not simply one of storage of materials and waste, but of a mixed use comprising the storage of materials and the vehicle depot. It is therefore necessary to assess when that mixed use, as opposed to any individual activity comprised in that mixed use, first arose at a material scale. Furthermore, it is necessary for the appellant to demonstrate that the mixed use alleged has taken place on the land identified in the Notice, as shown edged in blue, for a continuous period of 10 years. Activity occurring outside this area does not contribute towards establishing immunity.
18. The appellant's statement indicates that the storage of materials and waste began in 2004. However, he claims that the vehicle depot's use and activities have been continuous on the land for 18 years, which would suggest a later start date around 2006, although he does not provide a precise date. While the appellant mentions that he personally owns lorries and skips, he fails to specify how many he owns, or the activities conducted on the land in connection with them. Therefore, there is limited information regarding when he began using the land as a vehicle depot and for storing building materials and waste as a mixed use.
19. The AMI Coaches statement claims they have been parking on the land for 17 years, with an agreement letter from the appellant citing 1 July 2007. However, it's unclear

¹ Land referred to as 'Land on the South Eastern side of Collier Row Road, Romford' on statements by Coach Companies

from these statements whether the 1 July 2007 date marks the start of the parking agreement for two vehicles and when the increase to five occurred. Also, the Public Vehicle Operating Licence began on 2 November 2009, two years after the claimed commencement. The Crest Coaches statement clearly states their parking began on 20 July 2013 for six vehicles. This coincides with the claim of parking for 11 years. However, the Public Vehicle Operating Licence is dated 11 June 2011, but only spans 5 years until 31 May 2016.

20. The ambiguity with regard to the dates when activities occurred in association with the vehicle depot use varies between 18, 17 and 11 years. Although all of these timeframes would exceed 10 years, there is limited detail to define the scale and level of activities carried out by the appellant in association with this element of the mixed use. More importantly, neither the coach companies nor the appellant provided a location where the vehicles have been parked on the southeastern side of Collier Row Road via a plan. The operator's licences submitted also have differing dates, one of which does not span 10 years, and both fail to designate the site or provide any corroboratory details of the location where the vehicles authorised by the licence have been parked.
21. On its own, therefore, the appellant's evidence is not sufficiently precise and unambiguous to demonstrate his case on a balance of probabilities. It is not accurately defined when the breach of planning control involving the mixed use first began, what activities specifically took place in connection with the mixed use alleged, whether it occurred continuously and if it occurred in the area edged in blue on the Notice. While I recognise that the Council has not offered substantial details regarding their investigation into the alleged breach, it is important to note that the burden of proof lies with the appellant. The aerial images from 2013 to 2017 also serve as valuable evidence, providing insights into the character and scale of activities on the land, even if they represent only a snapshot in time.
22. The aerial evidence indicates that coaches are present in 2013 and 2014, but they are located outside the land edged in blue on the plan attached to the Notice. This demonstrates that the activity relied upon by the appellant was not, at that time, taking place on the land subject to enforcement. Furthermore, even when coaches are present on the land edged in blue on the plan, this is only evident in the aerial imagery dated 2017. Their location outside the land edged in blue on the plan attached to the Notice before these dates indicates that the vehicle depot activities were not occurring on the relevant land before 2017 and cannot be relied upon to demonstrate the continuous use of the land subject to the Notice for ground (d).
23. These aerial images, although a snapshot in time, therefore, contrast with the appellant's claims that coaches have been parked on the land over this period and on the specific area edged in blue on the attached plan to the Notice. It also undermines the appellant's explanation that the absence of coaches in earlier aerial imagery is due to their use in the daytime.
24. The aerial evidence from 2013 and 2014 also shows only limited activity on the land, comprising minimal skip and vehicle presence (some outside the area targeted in blue on the attached plan with the Notice), together with a singular area or no areas of storage of materials and waste. While it is accepted that some activities may have taken place at that time on the land, the scale and extent of those activities, as evidenced, fall materially short of establishing that the mixed use comprising a vehicle depot and storage of materials and waste use were occurring on the land

targeted. The absence of evidence of consistent use of the land edged in blue, together with the limited visual change to the character of the land, indicates that any such use was of insufficient scale to amount to a material change of use of the land to the mixed use alleged.

25. By contrast, the aerial evidence from 2015 onwards demonstrates a change in the scale and character of the activities on the land, including the introduction of extensive hardcore across the field, more widespread and concentrated storage of materials and waste, and the presence of multiple vehicles within the area identified in the Notice. Based on the aerial evidence, it appears likely that this represents the point at which the use of the land has the characteristics of the mixed use alleged.
26. Accordingly, the evidence indicates that the mixed use had not occurred at a material level on the land edged in blue on the plan attached to the Notice, either across the site as a whole or within any part of it claimed by the appellant, before 2015. This contradicts the appellant's claim and makes it less than probable that the use was immune from enforcement action.
27. I attach significant weight to the aerial imagery in this instance. These aerial images provide independent and site-specific evidence of the condition and use of the land at identifiable points in time. Although a snapshot in time, they provide an understanding of the activities taking place and physical changes to the characteristics of the land. By contrast, the written evidence submitted by the appellant and third parties carries limited weight. The statements are not sworn, and they lack precision with regard to the nature and scale of the activities. They also do not include plans identifying where on the land the activities took place and are somewhat vague in terms of the time the alleged mixed use began and across what continuous timeframe before the Notice was issued.
28. For the reasons given above, I find that the appellant's evidence is not sufficiently precise and unambiguous to demonstrate, on the balance of probabilities, that the mixed use alleged was carried out continuously on the land edged in blue on the plan attached to the Notice for a period of 10 years prior to the issue of the Notice. Furthermore, evidence has been produced which indicates that the scale and level of activities associated with the material change to a mixed use alleged took place sometime after 2014, making his version of events less than probable.
29. Accordingly, the ground (d) appeal fails

The Appeal on Hidden Ground (g)

30. This ground of appeal is that any period specified in the Notice falls short of what should reasonably be allowed.
31. The appellant is requesting an extension of the compliance time from 3 months to 6 months due to the potential for inclement weather, which will complicate the removal of the surface works. The field is prone to waterlogging, and reduced time pressure will allow for better management of the demolition work, particularly as the appellant has minimised waste storage to a small amount of waste. The Council does not dispute the request for an extension of time and is satisfied that the time to comply can be extended as requested.
32. Having regard to the potential disruption from inclement weather and the time it may take to break up and remove the hard surfacing, I consider that a period of time in

excess of three months can be justified. Extending the period of compliance to 6 months would strike an appropriate balance between the need to minimise the identified harms and the scale and extent of the work needed to be undertaken to comply with the requirements of the Notice in full.

33. To this limited extent, the appeal on ground (g) succeeds. I shall vary the terms of the Notice accordingly.

Conclusion

34. For the reasons given above, I conclude that the appeal on ground (d) should not succeed and I shall uphold the enforcement notice with a correction and variations. However, I conclude that the period for compliance with the notice falls short of what is reasonable. The appeal on ground (g) succeeds only to that extent.

Formal Decision

35. It is directed that the enforcement notice is corrected and varied by:

In paragraph 2, after the description of the land insert the words ‘(as identified by a blue edged line on the attached plan)’

In paragraph 3, delete the words and substitute with the words ‘Without planning permission, the material change of use of land to a mixed use comprising a vehicle depot and storage of materials including waste.’

In paragraph 5, step 1, delete the words and substitute with ‘Cease the mixed use comprising a vehicle depot and storage of materials including waste.’

In paragraph 5, step 4, delete the words ‘and restore the land as green belt.’

In paragraph 6, under time for compliance delete the number ‘3’ and substitute it with the number ‘6.’

36. Subject to the correction and variations, the appeal is dismissed, and the enforcement notice is upheld.

M. P. Howell

INSPECTOR