



Appeal Decision

Site visit made on 12 May 2026

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2026

Appeal Ref: APP/N5090/C/25/3359265

644 High Road, London N12 0NL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Hussein Hassani against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The notice was issued on 17 December 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the making of a material change of use of the property to use as a Motor Bike Repair shop (use class B2).
 - The requirements of the notice are to:
 - 1 Cease the use of the shop as a motorcycle mechanic and repair workshop.
 - 2 Permanently remove all constituent materials resulting from the works in 1. above from the property.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (f) of the Town and Country Planning Act 1990 (as amended).
-

Decision

1. It is directed that the enforcement notice is varied by:
 - 1) The deletion of requirement number one (1) and its replacement with the following requirement: “1. Cease the use as a Motor Bike Repair shop (use class B2).”
2. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

The Enforcement Notice

3. The requirements should reflect and follow logically from the allegation. In this case the allegation correctly identified the breach of planning control as a use for a motor bike repair shop (use class B2). Therefore, logically, the requirement should be to cease the use as a motor bike repair shop (use class B2). I can, however, vary the requirements without injustice since doing so will not change the notice in substance.

The appeals on grounds (b) and (c)

4. An appeal on ground (b) is that the matters alleged have not occurred as a matter of fact and (c) that those matters (if they occurred) do not constitute a breach of planning control. The burden of proof on both grounds is on the appellant, and the relevant test is the balance of probabilities.

5. The appellant's case is that the use as a motor bike repair shop is not a Class B2 use, as alleged, but falls within Class E of the UCO¹, the same as the former restaurant and therefore there is no development and no breach of planning control. The appellant referred to Class E part (c)(ii) professional services (other than health or medical services), or (iii) any other services which it is appropriate to provide in a commercial, business or service locality; but stated that their case is that the use can best be classed within Class E g)(iii).
6. Class E g)(iii) of the UCO encompasses any industrial process, being a use, which can be carried out in *any* [my emphasis] residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
7. The appellant stated that the equipment used is mainly electrical hand drills, which are barely audible from outside the premises, even when the doors are open. They also stated that the property has a compressor, but it is only used once a week for around five minutes to fill the compressed air container which is used to pump up motorised bike tyres.
8. The Council's Noise Team have received complaints from the occupier of an adjacent commercial premises about petrol fumes, oil and the noise of revving engines, but there is no evidence of complaints from occupiers of the flats located above the site.
9. Nevertheless, and whilst any noise may be muffled by the background noise levels of the main road to the front, in order to fall within Class E g)(iii) the use, must be capable of being carried out in *any* residential area.
10. Based on the street advertising, the business offers servicing repairs and MOTs and are an accident claims specialist. In the absence of contrary evidence, it seems to me that maintenance and repairs to scooters and motorcycles is likely to involve a wide range of activities, including use of the compressor, and if bodywork repairs are undertaken hammering and sanding. The revving of engines is also a common and noisy activity associated with vehicle repairs and maintenance.
11. All of these processes would be detrimental to amenity if undertaken in a residential area because of noise, fumes and smell. Accordingly, the use as a motorbike repair shop is a general industrial use that falls within Class B2 of the UCO and, on the balance of probabilities, the use as a motor bike repair shop and the alleged breach of planning control, has occurred as a matter of fact.
12. There is little evidence about how the former restaurant operated. However, whilst the numbers of customers coming and going may be less, there is limited space inside the premises and the Council stated that motorbikes are left on the pavement. Together with the activity associated with the motorbike repairs in particular the noise, fumes and smell, the use would likely have a greater impact on occupiers of dwellings and neighbouring commercial premises and is substantially different to that associated with the use as a restaurant.
13. The use has, on the balance of probabilities, resulted in a definable change in the character of the appeal site and the appellant has failed to demonstrate either that the matters alleged in the notice have not occurred or that those matters do not

¹¹ The Town and Country Planning (Use Classes) Order 1987 as amended.

constitute a breach of planning control. On the balance of probabilities, planning permission is required but not granted for the alleged material change of use. The appeal fails on grounds (b) and (c).

The appeal on ground (f)

14. An appeal on ground (f) is that the requirements of the notice exceed what is necessary to achieve the purpose of the notice. The purposes of an enforcement notice are set out in section 173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)).
15. The notice, as varied, requires that the use as a motor bike repair shop (use class B2) is ceased and all works associated with the use are removed from the premises. Its purpose is therefore to remedy the breach of planning control.
16. The appellant requested the requirements refer to ceasing a Class B2 use, and activities associated with the use which brings about the use to being such a use, rather than activities which can be attributable to a Class E g)(iii) use.
17. I have found that the use as a motor bike repair shop is a Class B2 use and a breach of planning control. It is not for me to identify or attempt to specify the activities which could be carried out, and which might compromise a Class E use.
18. Accordingly, since the requirements, as varied, would do no more than seek to achieve the purpose of the notice, to remedy the breach of planning control, they are not excessive. The appeal on ground (f) fails.

Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

Felicity Thompson

INSPECTOR