



Appeal Decision

Site visit made on 7 July 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 10th July 2026

Appeal Ref: APP/G5750/C/25/3365401

Land at 169 Browning Road, Manor Park, London E12 6PA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Raja Rameez Shokat against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 9 April 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a pair of roller shutter doors.
 - The requirements of the notice are to:
 1. Demolish the pair of roller shutter doors (as shown in the approximate location delineated in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1).
 2. On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is: 2 months.
 - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

The ground (c) appeal

2. For an appeal on ground (c) to succeed an appellant must show that the matters alleged in the notice does not constitute a breach of planning control. A breach of planning control is development without planning permission.
3. Caselaw has established that the onus of proof on this ground falls to an appellant with the evidence tested on the balance of probabilities. Accordingly, an appellant is required to provide sufficient evidence in making their case. Also, an appellant's evidence should not be rejected simply because it is uncorroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted. The advice in the national Planning Practice Guidance (PPG) also reflects these Court judgments.
4. There is no evidence before me that the roller shutter doors benefit from express planning permission. Instead, the appellant asserts that these doors benefit from permitted development rights.
5. Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. However, one of the conditions is that such development is not permitted if the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level.

6. During my site visit, I was able to confirm that the shutters exceed 2 metres in height. They actually appeared to be between 3 and 4 metres in height. In any event, their height surpasses the maximum threshold permitted under Class A. I have had regard to the appellant's submission that the development represents a "like-for-like" replacement of pre-existing shutters. While this suggests that a similar structure may previously have existed, there is no substantive evidence before me to confirm the presence, scale, or lawful status of any earlier installation. In the absence of such evidence, I cannot be satisfied that the current development merely replicates a lawful fallback position.
7. As such, the development falls outside the scope of permitted development rights and cannot benefit from deemed planning permission under the Order.
8. The appellant has also indicated that the site is not located within a conservation area and that the shutters do not give rise to harm to neighbouring occupiers. They submit that that no complaints were raised with the Council prior to the commencement of enforcement action. However, these matters are not relevant considerations in this ground of appeal, which is only concerned whether a breach of planning control has occurred.
9. Drawing these matters together, it has not been demonstrated that the development benefits from either express planning permission or permitted development rights. Accordingly, I find that the appellant has failed to provide sufficiently precise and unambiguous evidence, tested on the balance of probabilities, that the matters alleged do not constitute a breach of planning control. Consequently, the appeal on this ground must fail.
10. The appeal on ground (c) therefore fails.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

S Lo

INSPECTOR