



Appeal Decision

Site visit made on 23 July 2026

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2026

Appeal Ref: APP/E5900/C/25/3373372

The land at 111A Commercial Road, London E1 1RD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Aziz Rahman of Hungry Cow Ltd against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
 - The notice was issued on 18 August 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the premises from a café/coffee shop (Class E) to a takeaway (sui-generis).
 - The requirement of the notice is to: a) cease the use of the premises as a takeaway (sui-generis).
 - The period for compliance with the requirement is three (3) months from the date this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Act.
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Decision

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

Reasons

2. An appeal on ground (g) is that any period specified in the notice falls short of what should reasonably be allowed.
3. The appellant says that the compliance period is too short and seeks an extra three months (six months in total). This is so the appellant can submit a pre-application before the submission of a planning application to the Council for a mixed-use proposal, given that the authorised use of the premises is a café, which can sell similar food to a takeaway. Further, a longer time period would enable existing employees to apply for alternate jobs, attend interviews and have a better chance of alternative employment in the context of Tower Hamlets having one of the highest unemployment rates in London and a very high rate of long-term unemployment.
4. Two previous planning applications to change the use of the premises to a takeaway have been refused by the Council and dismissed on appeal. This is because of the appeal site's location within 200 metres of existing primary and secondary schools. Given this, and the clear expectations of development plan policies relating to the distance between schools and new takeaways, which do not allow for exceptions based on opening hours, there is a clear unacceptability of a takeaway here.
5. These reasons and the purpose of the notice, which is to remedy the breach of planning control, mean that extending the compliance period for a further proposal to be submitted which includes a takeaway would not be reasonable, as there is little prospect of that succeeding. Also, extending the compliance period would only prolong the period in which school-aged children have easy access to unhealthy food, which impacts on their health and wellbeing.

6. Two full-time employees would lose their means of employment at the takeaway in an area where there appear to be unemployment issues. Extending the compliance period would provide a greater period of time for those employees to find alternative employment. However, this must be balanced against the impacts of the takeaway potentially operating for the corresponding length of time. In my judgement, extending the compliance period is not reasonable in this case because of those health impacts. As such, I conclude that the appeal on ground (g) fails.

Conclusion

7. For the reasons given above, I conclude that the appeal on ground (g) should not succeed. I shall dismiss the appeal and uphold the enforcement notice.

Andrew McGlone

INSPECTOR