



Appeal Decision

Site visit made on 27 July 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2026

Appeal Ref: APP/M5450/C/24/3355600

Masons Arms, 75 High Street, Edgware HA8 7DD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mohamed Laamin on behalf of Allure Lounge London LTD against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The notice was issued on 8 October 2024.
 - The breach of planning control as alleged in the notice is:
 - Without planning permission, the unauthorised construction of a single storey extension to front forecourt, including canopy on the Land (hatched blue on the attached plan two) (known as “the Unauthorised Development”) and
 - Without planning permission, the unauthorised change of use of the ground floor from public house to mixed use of banqueting hall, restaurant, bar and shisha lounge on the Land (known as “the Unauthorised Use”).
 - The requirements of the notice are to:
 - 5.1 Demolish the Unauthorised Development including the separation wall (marked green on the attached plan two)
 - 5.2 Make good any damage caused to the building on the Land, as a result of 5.2 above, and ensure all materials used shall match those in the existing building on the Land
 - 5.3 Cease the unauthorised use of the Land
 - 5.4 Remove from the Land all materials and debris arising from compliance with the aforementioned requirements of the notice.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice be:
 - corrected by replacing the words “as a result of 5.2 above” with “as a result of 5.1 above” under requirement 5.2 in section 5 (what you are required to do); and
 - varied by deleting the words “Three (3) calendar months” within section 6 (time for compliance) and its replacement with “4 months”.
2. Subject to this correction and variation, the appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

3. I have a duty to ensure that the Notice is in order and there is an obvious typographical error within section 5, under requirement 5.2 which incorrectly state “as a result of 5.2 above”. This should instead reference 5.1 above. My understanding of the Notice is not affected by this error and nothing within the appellant’s submissions indicates to me that it has been misunderstood by them as

a result. Therefore, I consider that a minor correction is necessary which can be achieved by using my powers under s176(1)(a) of the Act without causing injustice.

4. The Ground (c) appeal relates to the separation wall within the forecourt, which separates the front access points for the events hall and the restaurant. Reference to the wall appears to relate to the first requirement of the notice rather than the allegation. This is more appropriately dealt with under ground (f). I shall therefore deal with this there.

Appeal on Ground (f)

5. The appeal on this ground is "that the steps required by the Notice to be taken, or the activities required by the Notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e. the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
6. The Notice requires that the single storey extension to front forecourt, including the canopy, and the separation wall are demolished and that the unauthorised use ceases. Therefore, the purpose of the Notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
7. The appellant considers that the removal of the separation wall is excessive since it could be utilised by two other commercial operations allowing the space to be subdivided to accommodate two different uses. They also consider that the wall complies with permitted development legislation and therefore does not require planning permission in itself.
8. Section 173(4)(a) provides that a Notice may require that the breach be remedied by discontinuing any use of land or by restoring the land to its condition before the breach took place. Section 173(5) gives power to require the alteration or removal of buildings or works, or the carrying out of any building or other operations.
9. Accordingly, case law has established that where a Notice is issued in respect of a material change of use (MCU), and works were carried out to facilitate the MCU, the Notice may require that the 'ancillary' or 'incidental' works are removed in order that the site is restored to its previous condition and the breach is remedied. Thus, a Notice can attack operational development via an MCU Notice.
10. The appellant's final comments allege that the separation wall did not facilitate the MCU and that the wall has been in place for more than 4 years and is thus lawful through the passage of time. However, the Council's own evidence contradicts the appellant's claims.
11. The Council's site visit photographs dated 4 November 2020 show that only the metal framework for the single storey extension to front forecourt was being erected at this time. Most notably, the separation wall was not erected at this time and thus is not lawful through the passage of time. Indeed, the separation wall, subdividing the forecourt and entrances to the mixed-use premises was installed by the time of the Council's follow-up site visit on 6 July 2023 and appears relatively new in the photographs at this time. These photographs also show that the premises was laid out as a banqueting hall and a shisha lounge and restaurant at this time.
12. There is very little evidence submitted by the appellant to support the claim that the separation wall did not facilitate the MCU. Indeed, the appellant's own statement in

paragraph 3.1 states that “*this separation wall separates the front of the side to provide separate access points for the events hall and the existing restaurant.*”

13. This statement supports the Council’s contention that the separation wall has been carried out for the purpose of facilitating the MCU to the unauthorised mixed use. Based on the evidence submitted, it is clear the separation wall has facilitated the unlawful use of the premises for a mixed use of banqueting hall, restaurant, bar and shisha lounge. Case law has established that a ground (f) case to retain the works in question cannot succeed if an appellant merely shows that they could serve a lawful use.
14. Furthermore, no clear evidence has been provided to demonstrate that the wall existed as part of a previous lawful use, and it was not in existence at the time of the Council’s visit in November 2020. It follows that the erection of the separation wall is part and parcel of the unauthorised use and should not be viewed in isolation as has been suggested by the appellant. A Notice directed at an MCU, as is the case here, may require its removal. I am therefore satisfied the requirements of the Notice do not exceed what is necessary to remedy the breach of planning control.
15. There are no lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the Notice. On this basis, the Ground (f) appeal fails.

The Appeal on Ground (g)

16. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The appellant asks that the time for compliance is extended from 3 months to 12 months, in order for the occupiers to relocate or adapt the existing business and to carry out the necessary remedial works. The appellant states that the abrupt closure of the business would harm their employees.
17. There would not be any complex building operations required to cease the unauthorised use or dismantle the front extension, canopy and the separation wall. As such, the 12 months requested is disproportionately excessive. The time for completing the requirements should be what is reasonably considered necessary to complete the requirements. It seems reasonable to allow some further time for the business to be relocated and for the remedial works to be carried out.
18. In light of the above, a 4-month period for compliance would strike a more reasonable and proportionate balance to comply with the Notice. I shall therefore extend the period from 3 to 4 months for compliance with the Notice. The appeal succeeds on ground (g), and I shall vary the Notice accordingly.

Conclusion

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

R Satheesan

INSPECTOR