



Appeal Decision

Site visit made on 28 July 2026

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2026

Appeal Ref: APP/T5150/C/24/3344966

46 Aylestone Avenue, London, NW6 7AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Felipe Raskin against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 15 April 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the premises to a mixed use as residential and filming/photography use.
 - The requirements of the notice are to: 1. Cease the use of the premises for filming/photography use; 2. Remove all cameras, photo and video recording equipment, props, vehicles and items associated with the unauthorised change of use from the premises.
 - The period for compliance with the requirements is: 2 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by extending the compliance period from two weeks to two months. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. The appellant did not attend the site visit but I was able to see the relevant parts of the site and surroundings unaccompanied from the street.

The Appeal on ground (b)

3. An appeal under ground (b) is that those matters have not occurred. When making an appeal on ground (b) the onus, on the balance of probability, falls upon the appellant to demonstrate that the alleged breach has not occurred.
4. The appellant says that the breach was not taking place on the date of the enforcement notice. A statutory declaration has been submitted in this respect. However, a breach of planning control does not have to be taking place on the date the notice was served – it can have taken place beforehand. The appellant says that filming took place in 2023 which is before the date of the notice.
5. Therefore, on the balance of probability, the breach, as described in the enforcement notice, has occurred as a matter of fact. It follows that the appeal on ground (b) must fail.

The Appeal on ground (c)

6. An appeal on ground (c) is that those matters (if they occurred) do not constitute a breach of planning control.
7. It is the appellant's case that the activities do not constitute a material change of use. The house was a dwelling before the breach. The appellant claims that filming is occasional and the activities involve no more comings and goings than would a family event. The appellant has provided a list of dates that the property was used for photography or filming showing roughly 40 occasions over around a 12-month period.
8. The Council has provided photographs of large vans and film crew on the street outside the house in connection with the use and has provided photographs of bright lights at night high up on scaffolding. The Council has reported camera flashes that could be seen and heard from the other side of the road and they observed 13 film crew on a site visit. Filming equipment also has to be loaded and unloaded into and out of the house.
9. If a family made that much disturbance, it would probably be considered to be anti-social behaviour. This level and type of activity is not usual for a family dwelling and is of a significantly different character. Therefore, a material change of use has occurred.
10. The appeal therefore fails on ground (c)

The Appeal on ground (a)

11. The main issue is the effect of the mixed residential/filming use on the living conditions of neighbours.
12. The appellant suggests that filming can be allowed temporarily under permitted development rights subject to the Prior Notification procedure. However, there are no permitted development rights as such rights cannot be granted retrospectively.
13. I have described the activity under the ground (c) Appeal. I consider this causes unacceptable noise and disturbance to neighbouring occupiers. Even if the filming/photography use were restricted to 8am-8pm, restricted to certain days, or if lights were not used outside, as suggested by the appellant, it would still be too intrusive. Therefore, it harms the living conditions of neighbours and is contrary to Brent Local Plan Policy DMP1 which seeks that development provides high levels of amenity.
14. The appeal therefore fails on ground (a)

The appeal on ground (f)

15. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. In this case, the notice requires the cessation of the filming/photography use. This is consistent with the purpose of remedying the breach of planning control in accordance with s173(4)(a).

16. I have considered all of the appellant's ground (f) arguments under ground (a) as his case for his ground (a) was the same as for his ground (f) and found that none of the suggested adjustments were acceptable. Accordingly, the appeal on ground (f) fails.

The Appeal on ground (g)

17. The ground (g) appeal is that the two weeks given to comply with the notice is too short as it would interfere with contractual obligations for future bookings. The appellant asks for a period of two months. I consider that extending the period for compliance to two months would strike a reasonable and proportionate balance between any difficulties the appellant may encounter and the public interest of remedying the breach of planning control in this case.
18. I shall therefore vary the enforcement notice accordingly prior to upholding it. The appeal on ground (g) succeeds to that extent.

Overall conclusion

19. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice, with a variation, and refuse to grant planning permission on the deemed application.

Siobhán Watson

INSPECTOR