



Appeal Decision

Site visit made on 16 July 2026

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10th September 2026

Appeal Ref: APP/T5150/C/25/3373223

219 Kingsbury Road, LONDON, NW9 8XG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Leverford Properties Limited against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice was issued on 11 August 2025.
 - The breach of planning control as alleged in the notice is failure to comply with a condition imposed on a planning permission ref 11/0119 granted on 29/03/2011.
 - The development to which the permission relates is: Breach of Condition 1 of planning permission reference 11/0119 granted on 28/03/2011 for "Erection of two storey porta cabin structure for Use Class B1(b) and (c) purposes with associated parking, landscaping and refuse arrangements for a temporary period of five years."
 - The condition in question is No.1 which states that: "This permission shall be for a limited period of five years only expiring on 29th March 2016 when (unless a further application has been submitted to and approved by the Local Planning Authority) the development hereby approved shall be removed and the site reinstated to the satisfaction of the Local Planning Authority."
 - The notice alleges that the condition has not been complied with in that the development has not been removed nor the site reinstated to the satisfaction of the LPA.
 - The requirements of the notice are: Step 1 Remove the two storey porta cabin structure for Use Class B1(b) and (c) purposes with associated parking, landscaping and refuse arrangements; Step 2 Remove all items, debris and materials, arising from compliance with Step 1 from the premises; Step 3 Reinstatement of the site to the situation it was before the two storey porta cabin structure was erected.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in sections 174(2)(a) and (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. 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.

Application for costs

2. A costs application has been made by the Council which is the subject of a separate decision.

Preliminary Matters

3. The appeal under ground (d) was withdrawn by the appellant in their final comments.
4. The National Planning Policy Framework 2026 ("the Framework") was issued on 17 August 2026 and is a material consideration from that date. The relevant policies from the Brent Local Plan 2019 – 2041 ("the BLP") and the London Plan 2021 ("the LP") are materially consistent with the Framework.

Ground (a) and the deemed planning application

5. The deemed planning application to be considered is whether permission reference 11/0119 should be allowed without condition No.1 which would permit a permanent consent for the current development.
6. The main issue is the effect of the development on the character and appearance of the area.
7. The appeal site is located on a busy four-lane highway within the Kingsbury Trading Estate and is surrounded by various commercial uses. The site was previously a service station opening onto Kingsbury Road which has since been demolished. The appeal development is a two-storey porta cabin structure used for Class B1(b) and (c) with associated parking, landscaping and refuse arrangements. The character and appearance of the wider area includes residential uses opposite and a distinctive temple building adjacent.
8. The development was approved on a temporary basis under permission reference, 11/0119 and the appearance and construction of the two-storey porta cabin structure reflects the temporary nature of the consent. It is a utilitarian, functional and temporary structure constructed from poor-quality materials appropriate for a time-limited structure only, and does not make optimal use of the appeal site taking into account its size, location and context.
9. The development is not of the highest architectural and urban design quality as required by Policy BD1 of the BDL, and causes harm within the wider context of its location due to its basic and purely functional design and prefabricated and aging appearance which detracts from the local urban character. It is also in conflict with Policy DMP1 Development Management General Policy – Location which requires that the use of materials, detailing and design which complements the locality.
10. In addition, Policy DP3 of the Framework advises that development should respond to their context so that they integrate with, and enhance their surroundings. The ongoing retention of the deteriorating temporary structure in this fairly prominent location fails to achieve this aim, and the policy advises that development proposals should be refused if, without clear justification, they conflict with it.
11. The appellant has submitted an amended scheme which they say mitigates the harm alleged in the notice. The amended scheme consists of a reduction of the car parking spaces from 4 to 3; provision of formal cycle and refuse storage areas; landscaping including a green roof and green wall and replacement of existing cladding with insulated render system. I am satisfied that this can be considered in the appeal as it constitutes part of the matters alleged in the notice.
12. However, I do not believe that the suggested scheme would overcome the harm to the character and appearance of the area. The overall scale, massing, shape and configuration of the building would not alter, and it would still present as a rectangular box in the middle of the appeal site, albeit one with different cladding and some green elements. The benefits provided by the additional landscaping (including the urban greening) and insulation do not adequately mitigate or outweigh the harm identified above.

13. I am also mindful of the fact that the current building houses 3 well-established businesses with 20 employees but there is no compelling information before me to suggest that these businesses could not be adequately relocated, or that a better designed permanent building for the same or a similar use could not be provided on the site.
14. The Council have also raised concerns that the continued breach of condition undermines public confidence in the planning system, but planning enforcement is not a punitive regime and I have considered this appeal based on its planning merits.
15. There is an allegation that representations received from interested parties during the appeal process may be fraudulent. I have not sought further comments from these parties as these representations have not been determinative in my decision.
16. The development causes harm to the character and appearance of the area and is in conflict with the development plan as set out above, as well as the Framework. As there are no other considerations to outweigh this harm, including the presumption of sustainable development as set out in the Framework Policies S3 and S4, the appeal under ground (a) fails and the deemed planning application is refused.

Ground (g)

17. The appellant seeks an extension of the compliance period to 12 months. However, he has not given any specific reason to justify this extended period and 6 months is proportionate in the circumstances to allow for relocation of the businesses and removal of the pre-fabricated structure and associated items.
18. The appeal on ground (g) does not succeed.

Zoë Frank

INSPECTOR