



Appeal Decision

Site visit made on 8 September 2026

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2026

Appeal Ref: APP/W5780/C/25/3372674

Land at 112 Highbury Gardens, Seven Kings, Ilford IG3 8AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Arslan Arif of Crown Auto Hub Ltd against an enforcement notice issued by the Council of the London Borough of Redbridge.
 - The notice was issued on 13 August 2025.
 - The breach of planning control as alleged in the notice is the unauthorised change of use class of garage and rear workshop from C3 to sales/purchase office and car sales and repair garage (sui generis), and the unauthorised construction of a side/rear extension across the perimeter of the site.
 - The requirements of the notice are:
 - (i) Remove the unauthorised side and rear extension in its entirety.
 - (ii) The removal from the land all car parts, accessories and tools associated with the car repair and servicing business and cessation of the use of the land for the repair and servicing of vehicles, and
 - (iii) Remove from the land all resulting debris, waste and signage arising from complying with steps (i)-(ii) above, leaving the land in a tidy condition.
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is quashed.

Reasons

2. Following my visit and review of the submissions, I wrote to the Council with a number of questions about the allegation and requirements. The Council responded and their response has been considered.
3. The notice alleges that there has been a "...change of use class of garage and rear workshop from C3 to sales/purchase office and car sales and repair garage (sui generis), and the unauthorised construction of a side/rear extension across the perimeter of the site."
4. The allegation does not identify that the change of use is "material" which it should since that is the act of development. Moreover, although not necessary for an enforcement notice alleging a material change of use to recite what the change was from, where it does, the allegation should describe the previous primary use(s) of the land, not reference a use class or ancillary uses, since an ancillary use is usually part of the main use. In this case it appears the former use was as a domestic garage and workshop.
5. Moreover, the red line plan attached to the notice also includes the dwelling at 112 Highbury Gardens. On this basis the land identified in the notice, may be in a mixed

use and the notice does not describe all the components of the mixed-use taking place on the land.

6. The allegation should refer to all the components of a mixed use even if only one is required to cease. This is because, where there is a mixed use, it is not open to the Council to decouple elements of it; the use is a single mixed use with all its component activities. Even if the additional components are lawful, the enforcement notice should be corrected, if possible, to describe the mixed use properly.
7. It is not clear from the Council's response whether they consider the land on which the extension has been built and use/s are taking place, form a single planning unit with the dwelling at 112 Highbury Gardens and that the dwelling forms part of a mixed use together with the targeted activities. Although they stated that it would be open to me to correct the allegation, they did not suggest how it should be corrected.
8. The requirements of an enforcement notice should reflect and follow logically from the allegation. In this case requirement (ii) requires the cessation of the use of the land for the repair and servicing of vehicles, it does not require the use for car sales to cease.
9. Bearing in mind the effect of section 173(11) of the Town and Country Planning Act, the use for car sales would have deemed planning permission upon compliance with the notice. It seems to me and the Council confirmed that it was their intention to also require the appellant to cease the use for car sales.
10. Finally, requirements should not be open-ended or necessitate subjective judgments, by requiring land to be left in a "tidy condition," as in requirement (iii). Requiring the land to be restored to its condition before the development took place is sufficient.
11. I have a duty to get a notice in order if I can. Pursuant to section 176 of the Act I have power to correct any defect, error or mis-description provided I am satisfied there will be no injustice to either party.
12. It would have been possible to correct the allegation to identify that the change of use was "material" and to clarify the former use or remove reference to it. It may also have been possible to correct the notice to include the dwelling (residential use) as a component of a mixed use, if it does indeed form part of a mixed use with the other uses, which the Council did not clarify. I could also vary the requirements to require the land to be restored to its former condition.
13. However, if I varied the requirements to include cessation of the car sales, this would expand the scope of the enforcement notice, making it more onerous to comply with, thereby causing injustice to the appellant. The appellant may have also chosen to make their case differently and/or on other grounds.
14. Accordingly, I do not consider that correcting or varying the enforcement notice is possible without causing injustice. Therefore, it should be quashed as inaccurate and incapable of correction without injustice to the appellant.

Conclusion

15. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control and the steps

required for compliance are incomplete. It is not open to me to correct all of the errors in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.

16. In these circumstances, the appeal on the ground set out in section 174(2)(b) of the 1990 Act (as amended) does not fall to be considered.

Felicity Thompson

INSPECTOR