



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: 1 October 2026

Appeal Ref: APP/W5780/C/25/3372932

Land at 2 and 4, land on the south side of High Road and land and buildings rear of 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 Daljit Johal of Southwill Limited 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 construction of three workshops structures and use of the site for car repair/spray painting works (sui generis).
 - The requirements of the notice are to:
 - (i) Remove the unauthorised canopy workshop structures in their entirety, and
 - (ii) Remove from the land all car parts, accessories and tools associated with the car repair and servicing business and cease 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 two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(e) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is quashed.

Preliminary Matter

2. Following my visit and review of the submissions, I wrote to the Council with a number of questions about the allegation and requirements and their response has been considered.

Reasons

3. The notice alleges "The construction of three workshops and use of the site for car repair/spray painting works (sui generis)."
4. In my letter I pointed out that the allegation does not identify that the change of use is "material" which it should, since that is the act of development.
5. In response, the Council acknowledged this but went further to suggest that the allegation could be corrected to reflect that the breach of planning control is *"Without planning permission, the construction of three workshops and the material change of use of the land from builder's yard (B8) to a mixed sui generis use comprising vehicle repair, servicing and vehicle spray-painting operations."*
6. The requirements of an enforcement notice should also reflect and follow logically from the allegation. In this case there are inconsistencies between the allegation and requirements, namely the allegation relates to the use for car repair/spray

- painting works. It does not relate to the repair *and servicing of vehicles* [my emphasis], yet requirement (ii) requires the cessation of the use of the land for the repair and servicing of vehicles. Additionally, it does not require the use for spray painting to cease, which is evidently not what the Council intended.
7. Moreover, 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.
 8. 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.
 9. I am satisfied that the allegation could be corrected to identify that the change of use was “material”. I could also vary the requirements to require the land to be restored to its former condition. Neither correction or variation would enlarge the scope of the breach or requirements and there would be no injustice caused.
 10. However, if I were to correct the allegation as suggested, this would enlarge the scope of the allegation, since as issued, it is confined to car repair and spray-painting works and does not extend to vehicles more generally.
 11. Moreover, I would have to make consequential variations to the requirements, including requiring the vehicle spray painting to cease. This would expand the scope of the enforcement notice, making it more onerous to comply with, thereby causing injustice to the appellant. I also cannot discount the possibility that the appellant may have chosen to make their appeal on other grounds had the alleged breach been described correctly.
 12. 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. Since this is a case where the Council have misdescribed the alleged breach, they may be able to issue another enforcement notice in exercise of their ‘second bite’ powers under section 171B(4).
 13. It should be noted that “sui generis” need not be inserted between “mixed” and “use”, since a mixed use is a single mixed use and thus “sui generis”.

Conclusion

14. 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. It is not open to me to correct the error 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.
15. In these circumstances, the appeal on the grounds set out in section 174(2)(e) and (g) of the 1990 Act (as amended) do not fall to be considered.

Felicity Thompson

INSPECTOR