



Appeal Decision

Site visit made on 13 October 2026

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2026

Appeal Ref: APP/A5270/C/25/3365409

23 Aintree Road, Perivale UB6 7LA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeal is made by Mr Emad Al-Ebadi of JNT Property Ltd against an enforcement notice issued by the Council of the London Borough of Ealing.
- The notice was issued on 1 April 2025.
- The breach of planning control as alleged in the notice is *without planning permission the material change of use of part of the ground floor to a retail hardware shop*.
- The requirements of the notice are:
 - A. Cease the use of part of the ground floor as a retail hardware shop;
 - B. Remove all items and signage associated with the use as a retail hardware shop;
 - C. Remove all forms of subdivision which have facilitated the use as a retail hardware shop; and
 - D. Remove all rubbish, debris and materials from the land.
- The period for compliance with the requirements is *three months from the date this notice takes effect*.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act (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.

Formal Decision

1. It is directed that 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).

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 17 August 2026. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the new Framework policies where necessary in this appeal.
3. Since the enforcement notice has been issued, and as was clear during my site visit, the hardware shop has ceased trading and a shop specialising in birds has extended into the space subject to this enforcement notice. The Council highlight that another enforcement notice had been served on the original retail unit selling bird supplies and birds. This was the subject of a separate appeal¹, however this has not been accepted by the Planning Inspectorate.
4. Section 181(1) of the 1990 Act (as amended) makes it clear that compliance with a notice does not discharge it. This appeal still needs to be determined in the absence of either its withdrawal by the appellant or by the notice being withdrawn

¹ PINS Ref: APP/A5270/C/25/3365475

by the Council. I have contacted both parties and neither one has withdrawn its original position. As such, I have based my decision on the development that existed at the time the enforcement notice was served, namely its use as a retail hardware shop. The use would be considered Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (the UCO) as amended.

Background

5. From the information before me there has been significant planning history associated with this site. The Council sets out in detail the historic picture of the site within its statement of case, however the key details are as follows.
6. Originally the premises comprised a printworks with ancillary warehouse (Class B8). Planning permission² was granted retrospectively for the use of part of the overall premise as a shop (Class E(a)). This comprised of 91m² for use as a delicatessen shop, known as RJ Market.
7. The Council found that the application was small and located on the edge of the Strategic Industrial Location (SIL), close to established residential areas of Perivale. The site offered basic food and beverage products, which genuinely met the provisions of a “walk-to” service. These were considered to meet the requirements of the local workforce for daily needs and its location close to established residential areas on the edge of the SIL also provided a service for surrounding residents.
8. Further planning applications were submitted to the Council in October 2023 for a butchers and café³; a café⁴; and a restaurant⁵, which were all refused planning permission.
9. However, an unauthorised use known as ‘Cappuccino Café’ commenced in February 2023 although it closed soon after in September 2023. Following the closure extensive renovations and extensions were undertaken to the premises which culminated in ‘Grand Pasha’ opening in November 2023. This was a mixed use consisting of a shisha lounge, restaurant, and café.
10. In November 2023, the Council issued a stop notice and enforcement notice at the site, with the enforcement notice being appealed with the Planning Inspectorate⁶. Following the issue of the stop notice and enforcement notice, the mixed used known as ‘Grand Pasha’ ceased at the appeal site. Parts of the extension which enabled the shisha lounge were also removed from the site.
11. Following this chapter the ground floor was subsequently subdivided and occupied as a hardware shop (Saab Hardware Store), bird shop (North London Birds) and café/hair and beauty salon (Zaire-Rose). The Council considered these uses were unauthorised and have served enforcement notices on the hardware and bird shops, with the café/hair and beauty salon the subject of an undetermined lawful development certificate. It is the notice against the hardware shop to which this appeal relates.

Appeal under ground (a), the deemed planning application

² London Borough of Ealing Planning Ref: 212831FUL

³ London Borough of Ealing Planning Ref: 215210FUL

⁴ London Borough of Ealing Planning Ref: 234003FUL

⁵ London Borough of Ealing Planning Ref: 233988FUL

⁶ PINS Ref: APP/A5270/C/23/3334436

12. An appeal on this ground is that planning permission should be granted for the matters alleged in the enforcement notice. Consequently, the deemed planning application is for the change of use of part of the ground floor to a retail hardware shop at 23 Aintree Road, Perivale UB6 7LA.

Main issue

13. The main issue is the impact of a retail hardware shop (Class E(a)) on the functioning of industrial uses and effectiveness of the Strategic Industrial Location (SIL) of the Perivale Industrial Estate.

Reasons

14. The appeal site lies within a designated SIL, where policy E5 of the London Plan (LP) adopted in March 2021 seeks these locations to be sustained, and policies should protect and intensify their function, attractiveness, and competitiveness. Industrial type uses will be supported, and proposals should not compromise the integrity or effectiveness of them.
15. Policy E4 of the LP seeks sufficient supply of land and premises to meet industrial functions stating that retention of industrial capacity should be prioritised. Any release of land should be focused on locations that are well connected to infrastructure. This is echoed in Policy 1.1(c) of the London Borough of Ealing Core Strategy (CS) adopted April 2012, which highlights that the Council will promote business and enterprise by securing the stock of employment land, encouraging regeneration and renewal and being responsive to market demands, amongst other things.
16. The appellant alleges there is a huge demand for smaller units which attract new start-up businesses within the SIL. However, I have not been supplied with any further information to backup these claims. Moreover, I find it unlikely that a small unit offering basic hardware supplies would be a compatible use within the SIL, which seeks to provide comprehensive industrial intensification. Furthermore, the appellant admits that retail in the form of the pet shop is not compatible with the Class B2 and B8 located within the area.
17. I have been supplied with no evidence to highlight that the use of part of the premises as a hardware shop would be of benefit to the area in comparison to SIL compliant uses and future opportunities to deliver new jobs and economic growth through industrial intensification. Such opportunities would be compromised if industrial sites are not available for comprehensive development because they have been converted to unauthorised non-compliant uses, thereby undermining the above stated strategic objectives of the SIL by failing to protect and intensify its function. Any amenity benefits to local workers are very significantly outweighed by those clear policy conflicts.
18. Overall, the unauthorised use of the premises as a retail hardware shop is an incompatible use in the designated SIL. Unlike the previously approved use as a grocer/delicatessen, the hardware use is unlikely to amount to a “walk-to” service for SIL workers. Therefore, the loss of industrial floorspace to this use results in unacceptable harm to the function and operation of the SIL, and conflicts with policies E4 and E5 of the LP and policy 1.1 of the CS. The overarching aim of these policies is to protect, strengthen and intensify the SIL in Perivale Industrial Estate.

Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Robert Naylor

INSPECTOR