Planning Inspectorate

Appeal Decisions

Site visit made on 29 September 2026

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2026

Appeal A Ref: APP/W5780/C/25/3365810
Appeal B Ref: APP/W5780/C/25/3365811
285 291 Wanstead Park Road, Ilford IG1 3TR

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Zulfiqar Caan (Dexters SD Ltd) (Appeal A) and Mr Habib Iqbal Mundrawala (Biryani Guys) (Appeal B) against an enforcement notice issued by the Council of the London Borough of Redbridge.
- The notice was issued on 30 April 2025.
- The breach of planning control as alleged in the notice is the unauthorised part change of use from F2 to mixed use Sui Generis/Class E which includes business for the hire of motor vehicles/take away/office use.
- The requirements of the notice are to:
    - i) Cease the unauthorised Sui Generis/Class E use of the premises as a van/car hire/takeaway restaurant/office use within the attached redline plan
    - ii) Remove all fixtures, fittings and equipment associated with the unauthorised use detailed in (i).
    - iii) Return the premises to the authorised use (F2 Local Community Use).
    - iv) Clear any resulting debris from requirements i), ii) and iii).
- The period[s] for compliance with the requirements is: 3 months.
- The appeal is proceeding on the ground[s] set out in section 174(2)(b), (c), (e), (f), and (g) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. The enforcement notice is quashed.

Preliminary Matter

2. The Council failed to attend the pre-arranged site visit at the appointed time, and I therefore carried out an access required site visit.

The Notice

3. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority.

4. The alleged breach of planning control relates to the "*unauthorised part change of use from F2 to mixed use Sui Generis/Class E which includes business for the hire of motor vehicles/take away/office use*". Firstly, it is unclear what is meant by "part change of use". The allegation should instead refer to a "material change of use" for it to comprise development as defined in section 55(1) of the 1990 Act. Nevertheless, it is clear that the notice alleges that a mixed use has occurred and

that the mixed use comprises Sui Generis and Class E uses, which is said to "include" the hire of motor vehicles, take away, and office use.

5. The red line plan attached to the notice includes the entire building which contains the properties referred to as 285-291 Wanstead Park Road. If the allegation was correct, and the land identified in the notice was in a mixed use, the notice should describe all the components of the mixed-use taking place on the land. 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.

6. It was apparent from my site visit that the building contained within the red line plan also included a Local Community use (Class F2), as well as a residential dwelling (Class C3). In the event that a mixed use was taking place on the land, the notice should therefore have also included these elements as part of the alleged mixed use.

7. However, in this case and based on my observations at the site visit, the appeal property is not in a single mixed use. Each individual use is contained within a physically separate part of the building. The car/van hire business is contained within a physically separate area at the southern most end of the building, with the alleged takeaway business located in a physically separate area at the northern end of the building. In the centre of the building was what appeared to be a Local Community Use, with offices on the first floor, and a residential flat/dwelling. Additionally, each use has its own separate entrance on the frontage of the building, with the office space at first floor level being accessed via an internal staircase. As such, each use was physically and functionally separate to each other.

8. I consider that the above factors mean that, even if the whole site is under the same ownership, there are separate and distinct areas within the site that are occupied for substantially different and unrelated purposes. These being the car/van hire business, local community use, takeaway, offices, and residential. Consequently, each use constitutes a primary use each in its own planning unit. The alleged breach of planning control is therefore, in my judgement, misdescribed as a mixed use and it incorrect.

9. I have considered whether I could correct the notice using the powers available in section 176(1)(a) of the 1990 Act. Put simply, the notice would need to attack each individual use that the Council considered to be a breach of planning control and resulted in planning harm. However, to correct the notice in such a manner would significantly alter the notice so that it would refer to an entirely different breach, or breaches, and likely require significant amendment to the red line plan.

10. To do so would result in the notice being altered in such a way that the appellants have not had the opportunity to respond to. Different time limits would apply to the separate uses, and as separate planning units, different arguments would apply as to whether a breach of planning control has occurred or whether planning permission should be granted. I note that a planning application had previously been submitted to the Council in respect of a change of use from office to booking

office for vehicle rentals, but from the available evidence there does not appear to have been a previous planning application for a takeaway use. I cannot be certain therefore that an appeal on ground (a) would not have been brought against one or more of the individual uses.

11. Consequently, in my judgement, I cannot correct the description of the alleged breach as injustice to the appellants would result. My decision to quash the notice however leaves the option open to the Council to issue further corrected notice(s) under the provisions of section 171B(4) of the 1990 Act, should it wish to do so.

Conclusion

12. For the reasons given above, I conclude that the enforcement notice is defective. It is not open to me to correct the errors in accordance with my powers under section 176(1)(a) of the 1990 Act, since injustice would be caused if I were to do so. The enforcement notice is invalid and is quashed. In these circumstances, the appeals on grounds (b), (c), (e), (f), and (g) do not fall to be considered.

David Jones

INSPECTOR