Planning Inspectorate

Appeal Decision

Site visit made on 8 October 2026

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2026

Appeal Ref: APP/Y5420/C/25/3358381
Rear of Launderette, 178 Park Lane, Tottenham, London, N17 0JN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Anna Biris (Vivalink Management Limited) against an enforcement notice issued by the Council of the London Borough of Haringey.
- The notice was issued on 20 November 2024.
- The breach of planning control as alleged in the notice is without planning permission, extending the outbuilding upwards to form a flat roof. Without permission changing the use from store unit/garage to commercial music studio (Use Class E).
- The requirements of the notice are to:
  1. Cease the use of the outbuilding as a music studio (Use Class E).
  2. Remove from the outbuilding any equipment/machinery that facilitates the use as a music studio.
  3. Remove from the outbuilding any fixtures which do not relate to its use as a storage unit.
  4. Restore the use of the outbuilding as a storage unit.
  5. Demolish the extended part of the outbuilding.
  6. Reinstate a sloped roof to match the original sloped roof.
  7. Make good any damaged to the premises as a result of carrying out the steps above.
  8. Remove from the land any debris resulting from carrying out the steps above.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (b) 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.

Decision

1. It is directed that the enforcement notice is corrected by:

   - Deleting the breach of planning control alleged in section 3 and its substitution with “Without planning permission, extending the outbuilding upwards to form a flat roof and the material change of its use to commercial music studio (Use Class E).

   - Deleting requirements 3 and 4 in section 5.

   - Deleting the word “damaged” in requirement 7 of section 5 and its substitution with the word “damage”.

   - Renumbering requirements 5, 6, 7 and 8 in section 5, as requirements 3, 4, 5 and 6 respectively.

2. Subject to the corrections, the appeal is allowed insofar as it relates to extending the outbuilding upwards to form a flat roof and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for extending the outbuilding upwards to form a flat roof on land to the rear of Launderette, 178 Park Lane, Tottenham, London, N17 0JN.

3. The appeal is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the material change of use to commercial music studio (Use Class E). Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended in respect of the material change of use to commercial music studio (Use Class E) on land to the rear of Launderette, 178 Park Lane, Tottenham, London, N17 0JN.

The Appeal on Ground (b)

4. A ground (b) appeal is that the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact. The burden of proof lies with the appellant to make her case on the balance of probabilities.

5. The appeal site comprises a two storey end of terrace building with rear outbuilding. The main two storey building fronting onto Park Lane is used as a laundrette on the ground floor with a residential unit above. The focus of the enforcement notice is the outbuilding positioned at the rear of the site.

6. The breach alleged is extending it upwards to form a flat roof and changing its use from store unit/garage to commercial music studio (Use Class E). The ground (b) appeal is made only in respect of the use. The appellant asserts that the property has been in commercial use since it was purchased by Vivalink Management Limited in 2002. She says that until October 2018 the outbuilding was used for purposes ancillary to the management of the launderette, namely as an office with welfare facilities for staff (kitchenette and WC) and storage (old washing machines, old furniture and launderette supplies).

7. The appellant goes on to explain that in October 2018, the launderette was leased to a third party, but the outbuilding was excluded from the lease and remained under the management and use of Vivalink Management Limited. She says that the use remained as an office and store with welfare facilities but was "*disconnected*" from the management of the laundrette. It is further explained that since the works to the property were completed in July 2021, the use of the outbuilding has remained as an office, with welfare facilities and storage, but now also includes the use of the space for music practice.

8. The appellant argues that prior to the Use Classes Order (UCO) being amended in September 2020, the outbuildings' use as an office would have fallen within use Class B1(a), but following the amendments to the UCO, office use now falls within Class E[1]. It is further argued that the outbuilding has been in "*continual use as an office, Use Class E, since 2018 with commercial use dating back to 2002. Ahead of the replacement of the 4 year planning rule with the 10 year planning rule in April 2024, the property had been in Class E use for over four years and therefore the use was established. Despite the use of the space in recent years for music practice and the storage of music equipment, a change in the use of the property has not occurred*."

9. There are a number of issues with those submissions, including arguments pertaining to a ground (c) appeal (that the matters (if they occurred) do not constitute a breach of planning control), as well as a ground (d) appeal (that on the

[1] The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (Use Class Regulations 2020) came into force on 1 September 2020, amending the Town and Country Planning (Use Classes) Order 1987 (UCO). The amendments to the UCO created a new broad 'commercial, business and service' use class (Class E) that incorporates former classes, including Class B1(a) offices.

date that the enforcement notice was issued, it was too late for the Council to take enforcement action).

10. Firstly, prior to the 2018 lease, the appeal site would likely have amounted to a single planning unit. The primary use being a sui generis launderette in the main building with the outbuilding being used for ancillary storage and office purposes in connection with that primary use. The storage and office uses were not therefore primary uses in their own right. Rather, their existence relied on their connection to the primary launderette element in the main building.

11. Based on the appellant's own evidence, those ancillary uses would likely have ceased in 2018 when the launderette was "*disconnected"* and leased to a third party. Consequently, they would not have endured because an ancillary use cannot exist in the absence of the primary use, as there is nothing to be ancillary to.

12. Although Vivalink Management Limited may have then continued to use the outbuilding for office and storage uses, it would likely, in the absence of an explanation to the contrary, have been in connection with purposes unrelated to the launderette. The office and storage uses would no longer have been functionally related to the primary launderette use and as a result would have likely become primary uses in their own right. Consequently, the outbuilding would have amounted to a separate unit of occupation, physically and functionally separated from the launderette use in the main building. As a result, a new planning unit was likely created in the outbuilding and a material change of use occurred due to the associated changes in the character of the use and its effects.

13. In any event, despite the onus lying with the appellant to make her case on the balance of probabilities, no evidence is provided to show that the outbuilding had previously been used in the terms described, whereas the Council has provided contradictory evidence in the form of a plan accompanying a planning application made in 2007, which annotates the building's use as a garage. No toilets or welfare facilities are shown in the outbuilding whereas they are annotated in the main building. The Council do refer to pre-application advice in 2014 which referred to its use as garage/storage unit and to the planning application made in 2020 to replace the outbuilding, which referred to its current use as a storeroom, but no reference is made to an office use.

14. Given that information it is unsurprising that the Council described its previous use as store unit/garage. However, describing the use as such implies that the outbuilding has a lawful use in its own right, rather than being ancillary to the primary use of the main building. In the circumstances and because the notice need not recite the previous use, I shall correct the allegation to remove reference to store unit/garage. The appeal on ground (b) succeeds to that extent.

15. It logically follows that requirements 3 and 4 should be deleted as they require the removal of any fixtures from the outbuilding which do not relate to its use as a storage unit, and to restore its use for that purpose. I would delete requirement 4 in any case, as an enforcement notice cannot require a use to be actively carried out. I shall also correct requirement 7 by substituting the word "*damaged*" with "*damage*", as that is evidently a grammatical error. The allegation should also be corrected to refer to a "*material*" change of use, as a breach can only arise from a change which is material.

16. The person who currently uses the outbuilding explains that he uses it as his office where he stores music equipment and runs Mission London Community Interest Company (CIC), which is active in the local community supporting the development of live music, along with offering educational activities. Nevertheless, the Council evidence shows it to be a facility available for bookings for members of the public. It is therefore likely, that describing the use as a commercial music studio is accurate and reflective of what has occurred. It is also likely that the storage of music equipment in the outbuilding and its use for office purposes, are incidental to the music studio use.

17. The appeal on ground (b) therefore fails in that regard.

18. The appellant has not made a ground (d) appeal. Nevertheless, she has, as noted, referred to the replacement of the "*4 year planning rule*" with the "*10 year planning rule*". However, the amendments made in April 2024 to the four year time limit for taking enforcement action under s171B(1) and (2) of the 1990 Act, relate to operations and the change of use of any building to use a single dwellinghouse, neither of which are applicable here. A material change of use such as this remains to be considered against the immunity period set out in s171B(3) of the 1990 Act, which is that no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

19. As it is for the appellant to specify the grounds on which the appeal is made, I have considered whether to revert to the parties on this matter, but based on the appellant's own evidence the breach would have likely occurred in 2018, when a separate planning unit was created. Given that the enforcement notice was issued in 2024, any primary office or storage use would fall significantly short of the 10-year period required to become immune from enforcement action. That ancillary office or storage activities may have taken place prior to 2018 makes no difference. It is only a breach of planning control arising from a material change of use to a primary use which can attract immunity. Consequently, reverting to the parties would serve no purpose as, based on the appellant's own evidence, a ground (d) appeal would have no reasonable prospect of success.

20. Moreover, if the outbuilding was not being lawfully used as an office within use Class E, it would not be open to the appellant to change the use to another use within that use class, such as music studio, so as to be exempted from being development requiring planning permission by virtue of s55(2)(f) of the 1990 Act. Again therefore, it would serve no purpose in reverting to the parties on this issue because, based on the appellant's own evidence, a ground (c) appeal would have no reasonable prospect of success.

The Appeal on Ground (a)

Main Issues

21. The main issues are the effect of the development on:

- the character and appearance of the area; and
- the living conditions of the occupiers of neighbouring residential properties, with particular regard to noise and general disturbance.

Reasons

Character and appearance

22. The appeal site is located on the corner of Park Lane and Chalgrove Road. The main building fronting onto Park Lane comprises a two storey end of terrace with rear outrigger. The outbuilding, as noted, is situated at the rear of the property and is primarily viewed within the context of Chalgrove Road, where it directly abuts the back edge of the footway.

23. The central section of Chalgrove Road is characterised by two-storey terraced dwellings set back behind relatively shallow enclosed front gardens. Because the main buildings on the connecting roads to the north and south, namely Park Lane and Manor Road, extend to the full width of their respective blocks, they and their associated outbuildings at the rear of the corner plots project forward of the main building line of the terraces on Chalgrove Road. It is therefore somewhat inevitable, that the respective outbuildings/garages are prominent features in the street scene.

24. The pre-existing outbuilding was situated in the same location but had a mono-pitched roof, rising up to the back of the site towards the adjacent residential property at No 59 Chalgrove Road, whereas the outbuilding now has a flat roof with a parapet wall on three sides and a canopy roof projection on the front elevation, facing into the site. Whilst its visual presence within the street scene has increased as a result, that does not equate to an unacceptably domineering form of development in the context described.

25. In assessing the effect of the development against the requirements of the enforcement notice, it is important to recognise that the comparison is not between the presence and absence of a building, but between a prominently sited mono-pitched outbuilding and a prominently sited flat-roofed outbuilding, albeit with a greater mass. It is not therefore an all-or-nothing scenario. Furthermore, there are other flat-roofed buildings in prominent positions on the opposite side of the road. Although those buildings are lower in height, the appeal building remains single-storey in scale and relatively shallow in depth. Consequently, the extent of blank side wall presented to the back of the footway remains fairly limited.

26. Any increase in overbearing effects experienced by pedestrians would be localised and brief, particularly compared to the two-storey flank wall of the main building's rear outrigger, which is also positioned directly at the back of the footway. Moreover, by reason of its single-storey scale, the outbuilding remains visually subordinate to that two-storey building.

27. Consequently, whilst a mono-pitched roof form would be more attractive and would book end the terrace in a similar style to No 47 Chalgrove Road, a flat roof building in this position is not out of character with the established street scene. The overall effects from the increased mass are not significant and do not result in unacceptable harm to the character and appearance of the area or conflict with Haringey's Local Plan Policy SP11, Haringey's Development Management DPD Policy DM1 or London Plan Policy D3, insofar as those policies relate to this main issue. In that regard, those policies state, amongst other things, that all new development must achieve a high standard of design and contribute to the distinctive character of the local area.

Living conditions

28. The amount of space available within the outbuilding for use as a music studio is fairly limited, given its modest footprint and the space given over to provide a bathroom and kitchenette. Moreover, I saw that whilst there are facilities to play amplified music, the speakers appeared to be similar to those which may reasonably be found in a residential property. I also note the signed statements received from occupants of the nearest residential units at No 178 and No 59, which refer to a lack of noise disturbance.

29. However, future occupants should also be considered as any planning permission granted would run with the land. In that regard, the application deemed to have been made is for a Class E commercial music studio, which clearly has the potential to amount to a non-conforming land use given the close proximity to established residential properties. Whilst the Council acknowledges that the current occupier has acted responsibly since a noise complaint was received, I am very mindful that the occupier could change and so too could its internal configuration and intensity of use.

30. The appellant asserts that the works carried out included the provision of acoustic insulation to minimise any impact on neighbouring dwellings. However, I have been provided with no evidence to that effect, nor has a noise assessment been provided to demonstrate that the outbuilding is capable of being used as a music studio without resulting in unacceptable harm to the living conditions of nearby residents.

31. I accept that the alterations to the building are likely to have improved its sound insulation compared with the previous structure. However, that does not mean or demonstrate that the building is now fit for its current purpose. During my site visit, I observed that the outbuilding incorporates two rooflights, which are unlikely to provide the same level of acoustic containment as the surrounding roof structure. In addition, the building contains windows that may be opened for ventilation purposes, particularly during warmer weather, thereby creating opportunities for noise to escape.

32. Therefore, whilst the hours of operation could be restricted by condition, the evidence before me does not demonstrate that the building provides sufficient sound containment to ensure that noise generated by the use would not result in unacceptable harm to the living conditions of nearby residents, even during the hours proposed by the appellant.

33. The appellant states that the only visitations to the property are undertaken by the owner, but that is contradicted by other evidence before me. The current user of the outbuilding refers to its community use, thereby implying use by a much wider group of people. In addition, the Council has also provided an on-line screenshot which appears to offer the facility for bookings and includes a photograph showing five people in what appears to be the room within the outbuilding containing the music decks. Therefore, as well as potential noise disturbance from amplified music, the use is also likely to generate noise and general disturbance from additional comings and goings.

34. Having regard to my reasoning under ground (b), the likely lawful baseline/fallback position are ancillary level uses associated with the launderette, rather than whatever could operate from the outbuilding under Class E, as suggested. Against

that position, the use of the outbuilding as a music studio is likely to result in much greater noise generating harm.

35. I recognise that because of the similarly high pre-existing parapet wall, the extended outbuilding is unlikely to materially affect the outlook for the occupiers of No 59, or the amount of light entering that property. However, for the reasons explained, its use as a music studio has the potential to result in significant and unacceptable harm to the living conditions of neighbouring residents, contrary to London Plan Policy D14 and DMP Policy DM1. Those policies state, amongst other things, that development proposals must ensure a high standard of amenity for the development's users and neighbours.

Planning Balance

36. In terms of decision-making, the National Planning Policy Framework (NPPF) is a material consideration of critical importance. Policy S3 of the same states that decisions on development proposals should apply a presumption in favour of sustainable development. Policy S4(1) sets out that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.

37. It is explained that Mission London CIC is active in the local community supporting the development of live music and offering educational activities. I note that it has been awarded funding by the Arts Council and is committed to nurturing talented individuals who can benefit from access to a dedicated music hub. It is further explained that the vast majority of participants, who are required to be interviewed in the outbuilding, do not have access to any other specialised music equipment and thus, Mission London, provides a valuable community service in the Tottenham area. The use as a commercial music studio is therefore at least in part a new community facility to which NPPF Policy HC4 stipulates should be ascribed substantial weight.

38. However, Policy HC4 also states that planning authorities, developers and public service providers should collaborate in a positive and proactive manner to identify and resolve key planning issues before applications for community facilities are submitted. In this case, a key planning issue remains unresolved (noise), and it is not shown that no other locations are available, or have even been considered, which would avoid the harm arising to living conditions. Moreover, as a result of that harm, the material change of use fails to comply with national decision-making Policy P3 which states that proposals should not give rise to or contribute to unacceptable levels of noise pollution on or beyond the site. Furthermore, I am mindful that the application deemed to have been made is for a commercial music studio, so the community benefits may not endure.

39. London Plan Policy D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. However, optimising site capacity means ensuring that development is of the most appropriate form and land use for the site, which is not the case here. I therefore find limited support from Policy D3 and in the circumstances described I attach moderate weight to the community benefits.

40. The benefits arising from the use of the outbuilding are therefore substantially outweighed by the adverse effects identified.

Conclusion

41. S177(1) of the 1990 Act provides that planning permission may be granted in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates. Consequently, I am able to make a split decision on ground (a) in respect of part of the matters which are clearly severable.

42. For the reasons explained, I have found that extending the outbuilding upwards to form a flat roof is acceptable. As a distinct and separate breach from its material change of use, I will grant planning permission for those building operations. The Council does not suggest that any conditions be imposed for that particular breach, and I consider none are necessary.

43. Even though I am allowing the ground (a) appeal in respect of the extension to the outbuilding, it does not follow that I should correct the notice to delete the requirements relating to it. That is because s180 of the 1990 Act provides that the requirements of the notice will cease to have effect so far as they are inconsistent with the planning permission granted.

44. For the reasons explained, I have found the material change of use to commercial music studio (Use Class E) to be contrary to the development plan as a whole and material considerations do not indicate that aspect of the appeal should be determined otherwise than in accordance with the development plan. I will uphold the notice with corrections and refuse to grant planning permission in respect of the same.

45. As the parties have had opportunity to make representation on the merits of the breaches of planning control, I am satisfied that no injustice will arise from me issuing a split decision.

46. I therefore conclude that the appeal should be allowed in part and dismissed in part.

Richard S Jones

INSPECTOR