



## Appeal Decision

Site visit made on 3 January 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 26<sup>th</sup> January 2026

**Appeal Ref: APP/B5480/C/24/3344081**

**284 Brentwood Road, Romford RM2 5TA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the "Act").
- The appeal is made by Mr Bill Bacheta against an enforcement notice issued by the Council of the London Borough of Havering.
- The enforcement notice was issued on 5 April 2024.
- The breach of planning control as alleged is the material change of use of the site to a mixed use as a shop, vehicle broker, retail vehicle sales and for the storage of vehicles (*sui generis*).
- The requirements of the enforcement notice are to: (1) Cease the use of the land as: (i) a vehicle broker (ii) or as motor vehicle sales (iii) or as storage of motor vehicles (2) Remove all motor vehicles forming part of the unlawful use from the land, and (3) remove all debris, any other waste materials as a result of taking step (1) and (2) above.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Act.

### Decision

1. It is directed that the enforcement notice be varied by the deletion of the text "three months" in section 6, time for compliance, and the substitution therefor by the following text and number "six (6) months". Subject to this variation, the appeal is dismissed, and 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.

### Ground (a)

2. No. 284 is located on a corner at the end of a run of commercial units with accommodation above. The latter's ground floor and rear yard is occupied by the mixed use. The terms of the deemed application are directly derived from the allegation and the Council's objections to the development are explained in the reasons for issuing the notice, but there is significant overlap. I consider that the **main issue** is the effect on the living conditions of the neighbours having regard to noise and general disturbance, parking and local amenity.
3. The Council say it has responded to concerns about the level of activity generated by the mixed use, and much is made about the way in which the vehicle broker business operates. On the other hand, the appellant argues that the Council has misunderstood the nature of the activity. A business or usage plan has been submitted, and the claim is that the vehicle broker use could be controlled by conditions. However, for the following reasons, I consider the site is unsuitable for this kind of land-use.
4. Although located at the end of a parade, the surrounding area is residential in character. The argument is that the business is likely to operate in a certain way and the evidence gathered by the Council about the current use could be addressed via the usage plan. For example, a prior appointment system would operate, and vehicle movements would be less than the previous retail use of the premises. However, it should be kept in mind that

planning permission runs with the land. Any future occupier may choose to operate the vehicle sales business differently.

5. The argument is that the rear yard could be organised for viewings and operations, and the designated parking spaces can be accessed from the side road without impediment. In addition, there would be no maintenance or servicing. Be that as it may, it is reasonable to assume patrons will inspect vehicles prior to purchase, which could take place in the yard or highway. Although test drives will be held off site, vehicle doors slamming, engine testing or revving, even people chatting and talking during viewing, individually or in combination, are likely to generate some level of noise.
6. The appellant refers to the absence of a statutory nuisance and objection from the Council Environmental Health section, but that does not necessarily mean the land-use is acceptable in planning terms. Given the position and location of the site and make-up of the locality, the level and pattern of comings and goings associated with the vehicle broker business is likely to be noticeable to residents, especially those living above commercial units near the site. Opening hours could be controlled however given the nature and scale of the vehicle broker activity, I concur with the Council that the development has caused, and would cause, harm to nearby residents' living conditions because of increase in general disturbance arising from the vehicle broker operations.
7. I am satisfied, based on the available evidence and my own observations, that the vehicle sales business is unlikely to compromise highway safety. This is because of the site's corner location. The Council refers to residents' concerns about the effect on local parking conditions and increase in competition for kerbside parking space, but the evidence shows no significant parking stress. Two customer spaces at the front of the premises would be available and a survey indicates there is sufficient capacity for kerbside parking nearby.
8. I have carefully considered if the development can be made acceptable in planning terms by imposing conditions having regard to the previous use of the unit and history. However, while there is potential to control opening hours and days amongst other things, I do not share the appellant's view that the current or future use can be controlled by planning conditions alone. Controlling vehicle movements, comings and goings to and from the site by customers, or general level of vehicle broker activities would be difficult to enforce and form unreasonable restrictions of the business.
9. Pulling all the above points together, the development is unlikely to have an unacceptable impact on highway safety and local parking conditions. There are other economic or social benefits although I am not persuaded by these arguments and attach them little weight. On balance, in my planning judgment and contrary to the appellant's representations, the development has, and would have, a detrimental effect on nearby residents' living conditions given the site's location and the other considerations advanced do not outweigh this finding. There is conflict with Policies 7, 13, and 26 of the Havering Local Plan (2021), and guidance found in the National Planning Policy Framework (2024) paragraph 135(b)(c)(f) and 139.

## **Ground (g)**

10. It is necessary to consider whether the period specified in the issued notice falls short of what should reasonably be allowed. The notice is held in abeyance because of the appeal, and the appellant is entitled to assume success. That said, nine months is excessive. Notwithstanding that, given the nature of the work required by the notice and its potential effect on the business, I am of the firm view that 6 months is a reasonable period of compliance. The work would need to be arranged and alternative site found. A slightly

extended period will assist occupiers to consider making suitable arrangements without causing significant interruption to their operations.

11. On the circumstances, an extended period would be reasonable. This is a proportionate response and strike a fair balance between the competing interests of the wider public interest and this case. I am content that there would be no violation of the rights under Article 8 of the Human Rights Act. Therefore, ground (g) succeeds to this extent

### **Overall conclusions**

12. For all the above reasons and having considered all other matters raised, I conclude that the appeal against the enforcement notice should fail on ground (a). As I have varied the period of compliance, ground (g) succeeds to that extent.

*A U Ghafoor*

INSPECTOR