

Appeal Decisions

Site visit made on 13 May 2026

by **R Satheesan BSc PGCert MSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2026

Appeal A Ref: APP/B5480/C/24/3351504

159-161 Billet Lane, Hornchurch RM11 1UR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr H Khan on behalf of HK Properties & Investments Ltd against an enforcement notice issued by the Council of the London Borough of Havering.
- The notice was issued on 12 August 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the ground floor of the premises from car sales to a mixed use as vehicle sales (including motorcycles), servicing, repairs and vehicle hire (sui generis).
- The requirements of the notice are:
 - (i) Cease the use of the premises as motorbike sales, servicing and hire business; AND
 - (ii) Remove all motor vehicles including motorcycles from the premises and remove all motor vehicle parts and tyres; AND
 - (iii) Remove all debris, rubbish or other materials accumulated as a result of taking steps (i) to (iii) above.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f), (g) of the Town and Country Planning Act 1990 (as amended).

Appeal B Ref: APP/B5480/W/24/3351503

159-161 Billet Lane, Hornchurch RM11 1UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Jason Hopkins on behalf of J and K Architectural Services against the decision of the Council of the London Borough of Havering.
- The application Ref is P1644.23.
- The development proposed is described as “Change of use from former Car Sales - Sui-Generis Class use to Motor Bike Sales and Repair - Sui-Generis Class use.”

Decisions

Appeal A

1. It is directed that the enforcement notice be:

- Corrected by the replacement of the first requirement within section 5 (what you are required to do) with:

“(i) Cease the use of the premises as a mixed use for vehicle sales (including motorcycles), servicing, repairs and vehicle hire (sui generis); AND
- Corrected by the replacement of the third requirement within section 5 (what you are required to do) with:

“(iii) Remove all debris, rubbish or other materials accumulated as a result of taking steps (i) to (ii) above.

- Varied by deleting the words “2 months” within section 6 (time for compliance) and its replacement with “5 months”
2. Subject to these corrections and variation, the appeal is dismissed, and the enforcement notice is upheld.

Appeal B

3. The appeal is dismissed.

Preliminary Matters

4. I have a duty to ensure that the Notice is in order, and I have been referred by the parties to an obvious typographical error within section 5 where the third requirement incorrectly refers to step (iii), whereas this should state step (ii). In addition, the first requirement of the Notice should more precisely reflect the wording of the allegation and in particular refer to the “*mixed use as vehicle sales (including motorcycles), servicing, repairs and vehicle hire (sui generis)*.” My understanding of the Notice is not affected by these errors and nothing within the appellant’s submissions indicates to me that it has been misunderstood by them as a result. Therefore, I consider that a minor correction is therefore necessary which can be achieved by using my powers under s176(1)(a) of the Act without causing injustice.

Appeal B and the Main Issues

5. The main issues are the effect of the development on:
 - Highway and pedestrian safety; and
 - The living conditions for nearby residential occupiers at Billet Lane and Langham Court, with particular regard to noise and disturbance.

Reasons

Highway and pedestrian safety

6. The appeal site relates to a ground floor commercial unit within a small parade of terrace properties which comprises commercial units on the ground floor with predominantly residential uses above at first floor level.
7. The forecourt of the appeal site is used primarily display of motorcycles spread across the entire frontage. Directly in front of the site is a pedestrian Zebra Crossing and zig zag markings on the carriageway which indicate a strict no parking and no overtaking zone, designed to ensure highway safety.
8. The property has been previously extended with a ground floor rear extension and lean-to extension within the rear service yard. There are two roller shutter doors to the rear of the site, which provide access to the rear service yard.
9. The Council’s Highways department has raised an objection that the unauthorised use has resulted in highway and pedestrian safety issues. In particular, there is no vehicular crossing at the front of the site, and therefore the Council are concerned that it is highly likely that motorcycle drivers, and delivery vans are accessing the appeal site via the dropped kerb provided by the zebra crossing, resulting in a particular danger to pedestrians and vehicles. Furthermore, this concern was also

raised by local residents at the application stage. In addition, in response to this appeal, one neighbouring resident comments that on several occasions, she and her partner have witnessed mopeds driving across the pavement, merging on to the carriageway and posing a highway safety risk to both pedestrians and vehicles alike. I also observed that the footway is particularly narrow in this section of the road, and therefore this accentuates the potential risk to pedestrians since they have nowhere to go to avoid motorcycle drivers.

10. The appellant states that they do not allow customers or delivery drivers to cross the pavement onto the forecourt, and that that the main entrance to the site is via the rear service yard. Indeed, proposed plans have been submitted which show additional proposed signage at the front of the site advertising motorcycle deliveries to the rear. I also observed during my site inspection that there was some signage on the forecourt and in the shopwindow directing customers to the rear of the site for the main entrance. Furthermore, the appellant advises that a dedicated reception counter is being created at the rear of the shop to greet customers.
11. Despite the proposed amendments outlined above, no reception counter has been created at the rear of the site. In addition, the shop front, main fascia sign above the shop front, sliding glass entrance doors are all clearly located at the front of the site, providing one clear and legible entrance. The reception counter and customer waiting area is also located towards the front entrance and accessed via the glass sliding front doors. As such, the modest additional signage more recently introduced by the appellant to combat this issue is ineffective and is actually confusing to drivers and customers alike as it contradicts the legible main entrance already provided at the front.
12. Indeed, during my inspection, which involved a walk around the area, I witnessed several motorcycles/mopeds using the pedestrian crossing and driving over the pavement to access the appeal site. Furthermore, one moped driver drove in front of me along the pavement on Billet Lane to move the moped from the forecourt to the rear service yard. This is not acceptable and a risk to all pedestrians using this relatively narrow footway. The additional signage does very little to deter motorbike riders from driving onto the pavement or using the zebra crossing to access the site. I therefore consider that this is an unacceptable risk to the safety of pedestrians, and no detailed evidence has been submitted to demonstrate that the measures proposed by the appellant to enclose the forecourt area would be sufficient to overcome this.
13. I therefore conclude that the development results in significant harm to highway and pedestrian safety, in conflict with Policies 23 and 24 of the Havering Local Plan 2016-2031, adopted in 2021 (LP), and Policy T4 of the London Plan, 2021 (London Plan). Amongst other things, these state that proposal will be supported that provide adequate off-street servicing arrangements for commercial vehicles and general servicing; that the Council will seek to improve road safety within the borough; and that development proposals should not increase road danger.

Living conditions for nearby residential occupiers of Billet Lane and Langham Court with regard to noise and disturbance

14. The Council are concerned that the motorcycle use, and in particular the repair of motorcycles results in noise and disturbance issues to neighbouring residential

occupiers, and I note that neighbouring occupiers raised concerns at the application stage with regard to noise and fumes from motorbikes.

15. The appeal terrace itself contains commercial uses on the ground floor. In addition, Emerson Park train station and the Chequers Public House are located nearby on Billet Lane. Nevertheless, the terrace contains residential flats at first floor level. Furthermore, directly behind the rear car park and rear servicing yard is Langham Court, a three-storey block of flats. As such, whilst there are commercial uses on Billet Lane, the site has a mixed character with residential uses located above and to the rear of the site, where noise levels are likely to be relatively lower, and there is a susceptibility for the living conditions of neighbouring occupiers to be affected by the introduction of a more intensive and commercial use of the site.
16. The opening hours of the business are 09:00 to 19:00 Mondays to Fridays and 09:00 to 17:00 on Saturdays. The appellant states that there are 10 to 11 collections and returns each day, around 6 repairs per day and 5 to 10 test drives per week. The appellant claims that all repairs are carried out inside the building.
17. A Noise Survey and Internal Sound Insulation Assessment dated 15 October 2024, prepared by Pace Consult (Noise Report) has been submitted, which assesses the effect of the use on the occupiers in the two flats above the unit.
18. The report concludes that there is generally no harmful effect on the living conditions to the occupiers of the two flats above the motorcycle business but does recommend some sound insulations improvements between the ground and first floors. However, at this stage, no exact details of the level of enhancement necessary have been provided as the report makes clear that this is dependent on the construction details of the existing floor. It is disappointing that the report does not explore this further. In the absence of this information, I cannot be certain that the sound insulation could be satisfactorily installed to meet the necessary standard. It follows that I am not satisfied that this should be left to a condition.
19. Notwithstanding the apparent findings of the noise report, the repair and servicing of these motor cycles is highly likely to also require the testing, revving engines, and using the jet wash, outside of the building, particularly in warmer weather when carrying out repairs solely inside the building may not be feasible or desirable (for instance, for ventilation when revving and testing engines). Indeed, I observed that in addition to various motorbikes being kept in this rear servicing area, there was also equipment, spare parts and materials stored in this area (including on top of the flat roof of the single storey rear extension, close to neighbouring residential windows at first floor level).
20. Furthermore, during my inspection I witnessed that there was a tyre inflating machine close to the back door that produced a constant sound when on, which was clearly audible from outside the building. Noise from the machinery such as this is expected to be particularly more harmful during summer months when neighbouring occupiers are likely to have windows open for ventilation.
21. Overall, I consider that the close proximity of neighbouring residential windows to these activities taking place in the rear servicing yard is likely to cause an adverse noise and disturbance effect. Indeed, an objection has been received from a neighbouring residential occupier stating that they have experienced high level of noise and loud music being played at the rear of the property from early mornings and all weekend, and that this is most prevalent during warmer weather. It is clear

from this response that the motorcycle repairs use is not solely confined to inside the building. The objection also states that there are increased strong chemical odours in the area.

22. I therefore conclude that the development fails to provide acceptable living conditions for the neighbouring residential occupiers of Billet Lane and Langham Court with particular regard to noise and disturbance. Accordingly, the development conflicts Policy 7 of the LP. Amongst other things, this requires that the Council will support developments that do not result in unacceptable levels of noise, vibration and disturbance.

Other matters

23. I appreciate that a former use of the site was a car show room. However, that does not justify further risk to the pedestrian and highway safety, and the noise and disturbance issues outlined above resulting from the current unauthorised use for motorcycle sales, hire and repairs. Indeed, during my site inspection, I witnessed a number of mopeds and motorcycles merging the pavement, via the zebra crossing. The current use also includes the hire and repair of motorcycles. This is therefore materially and fundamentally different to the former use of the site as a car show room and is more harmful than that former use.
24. I have considered whether conditions relating to restricting the hours of use to Mondays to Saturdays during daytime hours only. However, given the close proximity of the motorcycle business to the surrounding residential properties, and the harmful effects on pedestrian and highway safety, I do not consider that the imposition of this condition would overcome the harms identified above.

Conclusion Appeal B

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development has a harmful effect on highway and pedestrian safety and the living conditions of neighbouring occupiers with regard to noise and disturbance in conflict with the development plan taken as a whole. None of the other matters raised by the appellant, including making use of this empty premises and the employment benefits of the use, outweigh the harms identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
26. For the reasons given and with regard to all other matters raised, I conclude that the Appeal B should fail, and planning permission should be refused.

Appeal A on Ground (f)

27. The appeal on this ground is "that the steps required by the Notice to be taken, or the activities required by the Notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e. the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
28. The Notice, as corrected, requires that the use of the premises as a mixed use for vehicle sales (including motorcycles), servicing, repairs and vehicle hire to cease and that all motor vehicles, debris, rubbish and materials are removed from the

land which facilitate the unauthorised use. Therefore, the purpose of the Notice is to remedy the breach of planning control rather than only remedy any injury to amenity.

29. The appellant considers that the removal of all vehicles from the premises is excessive since the lawful use of the site is for the sale of motor cars, and that it is unclear what 'debris, rubbish or other materials' should be removed.
30. It is clear that the motor vehicles on site have sustained the unlawful use of the premises for a mixed use of vehicle sales (including motorcycles), servicing, repairs and vehicle hire (sui generis). These motorcycles, parts and materials used in connection with the unauthorised use are part and parcel of the unauthorised use and should not be viewed in isolation as has been suggested by the appellant. A Notice directed at a material change of use, as is the case here, may require their removal. I am therefore satisfied the requirements of the Notice, as corrected, do not exceed what is necessary to remedy the breach of planning control.
31. There are no lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the Notice
32. On this basis, the Ground (f) appeal fails.

Appeal A on Ground (g)

33. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant asks that the time for compliance is extended from 2 to 6 months, in order to provide the appellant with additional time to find suitable alternative premises, to make arrangements to transfer its operations, and find a suitable place for stock to be stored.
34. The time for completing the requirements should be what is reasonably considered necessary to complete the requirements. To help ensure that the existing business is not threatened it seems reasonable to allow some further time for the business to be relocated and for the stock to be sold or relocated somewhere else. In light of the above, a 5-month period for compliance would strike a more reasonable and proportionate balance to comply with the Notice. I shall therefore extend the period from 2 to 5 months for compliance with the Notice.
35. The appeal succeeds on ground (g), and I shall vary the Notice accordingly.

Conclusions

36. **Appeal A:** For the reasons given above I consider that the appeal should not succeed. I shall uphold the enforcement notice with corrections and a variation.
37. **Appeal B:** For the reasons given above, and having regard to all other matters raised, I conclude that Appeal B should be dismissed.

R Satheesan

INSPECTOR