



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 7 October 2016

Appeal ref: APP/T5150/C/16/3149852

Land at 3 Rugby Avenue, Wembley, HA0 3DF

- 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 appeal is brought by Mr Augustus John against an enforcement notice issued by the London Borough of Brent.
- The notice was issued on 29 March 2016.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of an outbuilding at the rear of the premises".
- The requirements of the notice are: "STEP 1 Demolish the outbuilding at the rear of the premises. STEP 2 Remove all items and debris arising from that demolition and remove all materials associated with unauthorised development from the premises".
- The period for compliance with the requirements of the notice is "**3 months** after this notice takes effect".
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The basis of the case made on behalf of the appellant is that he requires more time to comply with the notice as he is elderly and he currently does not have the financial means to carry out the required works. He requests that the compliance period be extended to 6 months.
2. It is noted that the Council have stated that in view of the reasons given by the appellant they are content to agree to such an extension. However, I also need to consider the stated harm caused by the unauthorised development on the surrounding and the occupiers of nearby properties, such as 4 Eton Avenue who has submitted an objection. I am also mindful that some 5 months have elapsed since the appeal was submitted with enforcement action effectively suspended. Therefore, as the time to comply with the notice will begin again from the date of this decision, the appellant will effectively have had some 8 months in which to obtain the necessary finance in order to carry out the works required by the notice, some 2 months more than the 6 months requested. In these circumstances, I see no reason to justify extending the compliance period further. The ground (g) appeal fails accordingly.

3. Nevertheless, while I am dismissing the appeal, should the appellant experience any genuine difficulties, the Council have the power, under section 173A (1) (b) of the amended 1990 Act, to extend the compliance period themselves, if they see fit. Whilst this is entirely a matter for the Council's discretion, it would be open to the appellants to ask for a further short extension of time, should that prove necessary.

Formal decision

4. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

K McEntee