
Appeal Decision

Site visit made on 28 November 2016

by R J Perrins MA MCMI Arbor TechArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 December 2016

Appeal Ref: APP/E5330/C/16/3143456

124 Mottisfont Road, Abbey Wood, London SE2 9LW

- 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 made by Mr Julius Adeniji against an enforcement notice issued by Royal Borough of Greenwich Council.
 - The enforcement notice, numbered E/13/0721, was issued on 23 December 2015.
 - The breach of planning control as alleged in the notice is without planning permission the carrying out of operational development by the unauthorised material change of use of a Dwelling House (C3) to a Bed and Breakfast Guest House (C1) without the benefit of planning permission, when such permission is required.
 - The requirements of the notice are:
 - i) To cease the use of the dwelling house for bed and breakfast purposes
 - ii) To remove all fixtures and fittings relating to the use of the building for guest house purposes, for example, additional kitchen and shower facilities
 - iii) Removal of all debris and rubbish associated with such removal to an unauthorised site
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a)

2. I consider the main issues in this case are the effect of the change of use on the living conditions of occupiers of adjoining and nearby properties and the effect on highway safety.
3. Turning to the first issue, the appeal property is mid-terrace and located in a residential cul-de-sac which is a short walk from Abbey Wood Station. There are no details of the current use or that alleged before me; the level of customers or the scale of the operation has not been described and it was not apparent from my site visit. I was nevertheless able to see, during my site visit, the property in apparent use as a single dwelling house.
4. However, without any evidence to the contrary, I see no reason to disagree with the Council in that the change of use alleged would lead to an unacceptable increase in the comings and goings of non-residents resulting in unacceptable harm by way of noise and disturbance to residents of adjacent

properties. That would be contrary to Policy DH(b) of the Royal Greenwich Local Plan Core Strategy (CS) with Detailed Policies which seeks to protect the amenity for adjacent occupiers. It would also be at odds with the National Planning Policy Framework (the Framework) which seeks a good standard of amenity for all existing and future occupants of land and buildings.

5. With regards to the second issue I accept that it is likely that guests would use the train given the proximity to the station. However, again there is no evidence as to how many guests would use the property or how they would arrive at the premises. Furthermore, given the availability of on-street parking nearby it is also likely that guests may travel to the property by car and then travel by train whilst staying at the premises. Without any details from the appellant I once again see no reason to disagree with the Council that additional car parking would lead to nuisance to adjacent occupiers and harm to highway safety. That in turn would be at odds with Policy IM(c) of the CS which seeks a minimum level of car parking provision which includes safe drop off points for taxis.
6. For these reasons the appeal on ground (a) fails.

The appeal on ground (f)

7. Section 173 of the 1990 Act sets out what the contents and effect of an Enforcement Notice should be. Sub-section 4(a) explains what purposes the steps specified in an Enforcement Notice should achieve. In this case the steps specified seek to achieve the restoration of the land to its condition before the breach took place.
8. In my view the requirements are entirely appropriate to achieve the objective of restoring the land to its condition before the breach took place and there are no lesser steps that could be taken to achieve that objective. The appellant suggests that kitchen and shower facilities are essential for residential purposes and this is undisputed.
9. However the notice is clear at requirement 5(ii) in that it only requires removal of those **additional** (my emphasis) fixtures and fittings relating to the use of the building for guest house purposes. Moreover, from my site visit I could see that there was only one bathroom, one shower and one toilet commensurate with a use as a single dwelling house. It is therefore apparent that the notice, with regard to kitchen and shower facilities, may have been complied with.
10. Nevertheless, I conclude that no good reason is advanced by the appellant as to why the requirements of the notice exceed what is necessary to restore the land to its condition before the breach took place and, for the reasons explained above, this is the limited scope of a ground (f) appeal in a case such as this. Further, no alternative lesser steps have been suggested by the appellant.
11. This ground of appeal must therefore fail.

The appeal on ground (g)

12. It is claimed that 9 months are needed to comply with the notice and for the appellant to relocate the current use and business and to obtain all the necessary consents in respect of an alternative property.

13. However, there are simply no details of what that would entail or what consents, if any, would be required. I do not consider the works required to be complex in nature and I find that three months would be sufficient.
14. Thus the appeal on ground (g) also fails.

Richard Perrins

Inspector