
Appeal Decision

Site visit made on 22 November 2016

by Iwan Lloyd BA BTP MRTPI

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

Decision date: 21 December 2016

Appeal Ref: APP/G5750/C/16/3148923

127 Bristol Road, Forest Gate, London E7 8QG

- 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 Mohammed Shahib against an enforcement notice issued by the Council of the London Borough of Newham.
 - The enforcement notice, numbered 16/00544/ENFC, was issued on 23/03/2016.
 - The breach of planning control as alleged in the notice is without planning permission the material change of use to a mixed use of brothel/massage parlour and residential.
 - The requirements of the notice are to:
 1. Cease the use of the property as a brothel/massage parlour.
 2. Remove from the property all fixtures and fittings that solely facilitate the use as a brothel/massage parlour.
 3. Remove all resulting debris from the site.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The ground (b) appeal

2. The appeal on this ground can only succeed if the matters alleged in the notice simply have never happened at all as a matter of fact. On this ground of appeal the onus is on the appellant to make out its case.
 3. The appellant indicates that he purchased the property in 2015 and the property was occupied and let in February 2016 for family occupation and that he was unaware of the alleged activities. The tenants who occupied the property in February 2016 have since left the property. Upon receipt of the Enforcement Notice and Stop Notice the owner visited the property. He asserts that he could not find any furniture which led him to believe that the alleged use was taking place. The appellant asserts that the original supplied furniture was still in place when he inspected the property. He has provided a letter dated 3 April 2016 from the tenant confirming that the alleged activities did not take place. The tenants have since rescinded the tenancy agreement by mutual consent and have vacated the property.
 4. The Council has provided site visit photographs and officer's case summaries of visits undertaken on the 9/03/2016 and 23/03/2016. The visit on 9/03/2016
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was undertaken in conjunction with the police and the visit on 23/03/2016 was accompanied with the Home Office Immigration Team and the police. The case notes entry on 9/03/2016 provide an account of the persons present at the property that evening and an admission from a visiting member of the public that he had paid for sex at the premises and referenced a website where similar establishments could be found in the area. Further details contained in the case summary notes refer to sexual paraphernalia and large amounts of cash found in one of the wardrobes.

5. On 23/03/2016 the Council served a Temporary Stop Notice against the alleged use. The case summary visit on 23/03/2016 provides similar details of the alleged use and was corroborated with photographs.
6. I consider the Council's detailed set of events and descriptions are more probable as to indicate that the alleged use had occurred as a matter of fact and the appeal on ground (b) therefore fails.

Iwan Lloyd

INSPECTOR