



Appeal Decision

by Ken McEntee

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

Decision date: 11.05.2017

Appeal ref: APP/B5480/C/16/3164364

Land at 35 New Road, Rainham, Essex, RM13 8DR

- 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 Peter Aloysius against an enforcement notice issued by the London Borough of Havering.
- The notice was issued on 28 October 2016.
- The breach of planning control as alleged in the notice is "Without planning permission, the change of use of the premises to a place of worship".
- The requirements of the notice are "(i). Cease the use of the property as a place of worship"
- The period for compliance with the requirements of the notice is "1 month from the effective date of this notice".
- The appeal is proceeding on the ground 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 Inspectorate's letter of 1 March 2017 confirmed that because the fee was not paid within the specified period, the deemed application for planning permission had lapsed. The planning merits of the development cannot therefore be considered. I shall accordingly deal only with the appeal on ground (g).
2. The appellant requests that the period of compliance with the notice be extended to 6 months in order to allow more time to seek out alternative premises. Jon Cruddas MP submitted representations in support of the appellant's case as he was concerned that the closure of the premises would result in the closure of the foodbank which is run by the church. However, while I appreciate these concerns, I am mindful that some 5 months have elapsed since the appeal was submitted, with enforcement action suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had the 6 months he desires in which to find alternative premises and comply with the requirements of the notice.
3. In these circumstances, I see no good reason to justify extending the compliance period further and consider 1 month to be sufficient time to comply with the notice. The ground (g) appeal fails accordingly.

Formal decision

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

K McEntee