



Appeal Decision

by Ken McEntee

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

Decision date: 18/07/2017

Appeal ref: APP/G5750/C/16/3163080

Land at 48 Rutland Road, London, E7 8PH

- 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 Edward Edozie against an enforcement notice issued by London Borough of Newham.
- The notice was issued on 14 October 2016.
- The breach of planning control as alleged in the notice is "Without planning permission the material change of use to a Use Class C4 house in multiple occupation (HMO)".
- The requirements of the notice are "1. Cease the use as a Use Class C4 house to multiple occupation. 2. Remove all fixtures and fittings that solely facilitate the use as a house in multiple occupation, including (but not limited to) all internal locks on bedroom doors and any additional mattresses and beds. 3. Remove from the site all debris arising from compliance with steps 1 and 2".
- The period for compliance with the requirements of the notice is "three months from the date this notice takes effect".
- 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 appellant requests that the tenants, who have found themselves in this situation through no fault of their own, require more time to seek out alternative accommodation and to improve their financial situation. He points out that they signed a one year tenancy agreement in May 2016. It is noted that some 8 months have elapsed since the appeal was submitted with enforcement action effectively suspended. Therefore, as the compliance period will begin again from the date of this decision, the tenants will have had some 11 months in which to seek out alternative accommodation. I consider this to be both reasonable and proportionate. In these circumstances, I cannot justify extending the period further and allowing the stated harm to the surrounding area to continue.
2. Therefore, I am not satisfied there is good reason to extend the compliance period further and I consider the 2 months given is sufficient to meet the requirements of the notice. The ground (g) appeal fails accordingly.

Formal decision

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

K McEntee