



Appeal Decision

by Ken McEntee

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

Decision date: 20/07/2017

Appeal ref: APP/Q1445/C/17/3170116

Land at 19 Riley Road, Brighton, BN2 4AG

- 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 Michael Gayler against an enforcement notice issued by Brighton and Hove City Council.
- The notice was issued on 3 January 2017.
- The breach of planning control as alleged in the notice is "Without planning permission the material change of use from a single dwellinghouse (use class C3) to House in Multiple Occupation (use class C4)".
- The requirements of the notice are "Cease the use of the property as a House in Multiple Occupation (HMO)".
- The period for compliance with the requirements of the notice is "**3 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 basis of the appellant's case is that it is vital he and his fellow students can continue occupation of the property until their exams have ended on 30 June 2017. He also contends that it is essential he has accommodation close to the university due to a medical condition. The tenancy agreement expires on 31 July 2017 and the appellant states that he and his colleagues will be moving out.
2. It is noted that some 5 months have elapsed since the appeal was submitted with enforcement action effectively suspended and the students' exams will therefore now be finished. Therefore, as the compliance period will begin again from the date of this decision, the compliance period will extend well beyond the expiry of the tenancy agreement. That being the case, there would appear to be no longer a need to extend the period for compliance any further.
3. Therefore, I am not satisfied there is good reason to extend the compliance period further and I consider the 3 months given is sufficient to meet the requirements of 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