
Appeal Decision

Site visit made on 21 August 2017

by K R Saward Solicitor

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

Decision date: 24 August 2017

Appeal Ref: APP/P0240/C/17/3169084

2 Hockliffe Road, Leighton Buzzard LU7 3FN

- 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 Jahid Choudhury (Globe Taxis Ltd.) against an enforcement notice issued by Central Bedfordshire Council.
 - The enforcement notice was issued on 12 January 2017.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use from A1 to Sui Generis (Rest room, prayer room and for the making of refreshments).
 - The requirements of the notice are cease the use of the Land as a rest room, prayer room and for making of refreshments.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

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

Reasons

2. The appeal proceeds on ground (g) only. The ground of appeal is that the time given to comply with the requirements of the notice falls short of what should reasonably be allowed. The notice provides a one month compliance period.
3. When the appeal was lodged another appeal relating to the ground floor unit at No 2 Hockliffe Road was outstanding. That other appeal was brought under section 78 of the 1990 Act against the Council's refusal of planning permission for a change of use from an (A1) shop to taxi company call control centre. The enforcement notice attacks a different use of another part of the premises as a rest room, prayer room and for making of refreshments. However, that use is expressed to be related to the taxi company control centre.
4. In this appeal, the appellant suggested that a more reasonable date for compliance with the notice would be 12 May 2017 or one week later than the section 78 appeal decision date, should the appeal be dismissed. The appeal was dismissed by a decision dated 26 May 2017¹. Therefore, both dates

¹ Appeal Ref: APP/P0240/W/16/3165797

suggested by the appellant have already lapsed. By the time of my site visit, the shop unit which had been occupied as a taxi control centre was vacant.

5. The effect of this appeal is to stop the clock. The notice only takes effect on the date of this appeal decision from when the compliance period will run.
6. One month is reasonable in the circumstances. Any longer is not justifiable particularly as neighbouring residential occupiers report disturbance to their living conditions arising from the use of the premises.
7. The appeal on ground (g) fails.

KR Seward

INSPECTOR