



Appeal Decision

by Ken McEntee

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

Decision date: 25 August 2017

Appeal ref: APP/T5720/C/17/3169515

Land at 58-60 Central Road, London, SM4 5RP

- 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 Vijay Patel against an enforcement notice issued by the London Borough of Merton.
- The notice was issued on 10 January 2017.
- The breach of planning control as alleged in the notice is "Without the grant of planning permission, the erection of an outbuilding on the Land the approximate position of which is shown hatched black on attached the attached plan ("the Outbuilding")[sic]".
- The requirements of the notice are "5.1 Demolish the Outbuilding; and 5.2 Remove all surplus materials and debris from the Land caused arising from the compliance with step 5.1 above."
- The period for compliance with the requirements of the notice is "Two calendar months after 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. Much of the appellant's arguments relate to the planning merits of the unauthorised development. For the avoidance of doubt, as the required fee was not paid, the appeal on ground (a) is not before me to consider and the stated harm caused by the development is taken as read. The basis of the appellant's case on ground (g) is that the period for compliance with the requirements of the notice is not sufficient to allow for the orderly cessation of the uses in the building, which employs six people, for alternative arrangements to be made and for demolition work to be carried out. He requests that the compliance period be extended to 6 months.
2. The appellant's reasons for requiring more time to comply with the notice are noted. However, it is also noted that some 6 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 appellant will have had some 8 months in which to comply with the notice, which is 2 months more than that requested.

3. In these circumstances 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

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

K McEntee