
Appeal Decision

Site visit made on 1 May 2018

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 22 May 2018

Appeal Ref: APP/G5750/C/17/3179498

38 Shrewsbury Road, Forest Gate, London E7 8AL

- 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 S Zadran against an enforcement notice issued by the Council of the London Borough of Newham.
- The enforcement notice was issued on 9 June 2017.
- The breach of planning control as alleged in the notice is without planning permission the erection of an outbuilding.
- The requirements of the notice are:
 1. Demolish the outbuilding.
 2. Remove from the site all debris arising from compliance with the above step.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has 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.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a variation.

The appeal on ground (f)

1. The ground of appeal is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The appellant states that the outbuilding could be rendered to match the existing building. However, rendering the building would not overcome the harm that is caused by the design and bulk of the building and since the purpose of the notice is to remedy the breach, this can only reasonably be achieved by complying with the requirement to demolish the building.
2. The requirements of the notice would restore the land to its former state and any measures short of those set out in paragraph 5 of the notice would not achieve that overall purpose. In this respect, the appeal on ground (f) fails.

The appeal on ground (g)

3. The ground of appeal is that the time given to comply with the requirements of the notice is too short. The Council has given 3 months and this would be sufficient to undertake the actual physical works. I understand that the Council

has powers to extend the period of compliance if circumstances render it necessary and I also appreciate that the Council does not wish to prolong the harm caused by the development. However, while I acknowledge the reasonable approach taken by the Council, a period of six months would strike the appropriate balance between the conflicting interests in this particular case. Six months would give the appellant an opportunity to continue to explore with the Council whether planning permission might be forthcoming for an alternative development and for the submission of a planning application. To this extent, the appeal under ground (g) succeeds.

Formal decision

4. I direct that the enforcement notice be varied by the deletion from paragraph e 5 of the words "3 months" and the substitution therefor of the words "6 months" as the time given to comply with the notice. Subject to this variation I dismiss the appeal and uphold the enforcement notice.

Alastair Phillips

INSPECTOR