



Appeal Decision

by Ken McEntee

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

Decision date: 23 July 2019

Appeal ref: APP/M5450/C/19/3222520

Land 157 High Street, Wealdstone, Harrow, HA3 5DX

- 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 Regency UK Properties Limited against an enforcement notice issued by the London Borough of Harrow.
- The notice was issued on 9 January 2019.
- The breach of planning control as alleged in the notice is "Without planning permission: the material change of use of the land from single family dwellinghouse to a mix use as flats (C3) and hotel (C1) **"Unauthorised Use"**".
- The requirements of the notice are set out in the annex to this decision.
- The period for compliance with the requirements of the notice is "Six (6) calendar months after the 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 appellants case is that more time is required to comply with the notice in order for existing tenants and employees to find alternative accommodation and employment, whilst also honouring existing business commitments. They request the period be extended to 12 months.
2. I note that some 5 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the tenants and employees will effectively have had some 11 months in which to seek out alternative accommodation and employment – just 1 month short of that requested. I consider this period to be both proportionate and reasonable and provides an appropriate balance between the needs of the residents/employees and the need to bring to an end the stated harm caused by the unauthorised use to neighbouring occupiers and the surrounding area. The appellants also refer to business commitments but do not give any details of what those commitments are.
3. In these circumstances, I see no good reason to extend the compliance period further and consider the 6 months given in the notice to be adequate. 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

Annex to the decision

1. Cease the Unauthorised Use;
2. Remove all kitchens except (1) one from the dwellinghouse;
3. Remove all bathrooms except (2) two from the dwellinghouse;
4. Remove all internal partitions that enable the Unauthorised Use;
5. Remove the toilet and shower and all white goods from the outbuilding;
6. Remove from the outbuilding: all internal partitions and all paraphernalia associated with the Unauthorised Use;
7. Remove from the Land all material and debris arising from compliance with the requirements of the notice.