

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/N5090/C/18/3215852
Land at 99 Booth Road, London, NW9 5JU

- 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 Ravi Pattni (Group 365 Limited) against an enforcement notice issued by the London Borough of Barnet.
- The notice was issued on 10 October 2018.
- The breach of planning control as alleged in the notice is "Without planning permission the use of the property as House in Multiple Occupation (HMO Use Class C4)".
- The requirement of the notice is "Cease the use of the property as a house in multiple occupation".
- The period for compliance with the requirements of the notice is 6 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. The basis of the appellant's case is that more time is required to comply with the requirements of the notice in order for the current tenancy agreements to be satisfied and for his section 78 appeal¹ to be decided. He requests that the compliance period be extended to 9 months.
2. However, I note that some 8 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 appellant will effectively have had some 14 months in which to comply with the notice – 5 months more than that requested. Therefore, it is reasonable to assume that any tenancy agreements have now been satisfied. It is also noted that the section 78 appeal was dismissed on 11 February 2019.
3. In these circumstances, there would appear to be no good reason to extend the compliance period further. The ground (g) appeal fails accordingly.

¹ APP/N5090/C/18/3201486

Formal decision

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

K McEntee