
Appeal Decision

Site visit made on 3 September 2019

by Sandra Prail MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref : APP/G5180/C/18/3208094

182 Petts Wood Road, Petts Wood, Orpington, BR5 1LG

- 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 Altan Ramadan against an enforcement notice issued by the Council of the London Borough of Bromley.
- The notice was issued on 21 June 2018.
- The breach of planning control as alleged in the notice is without planning permission the construction of an unauthorised shop front and enclosed outdoor seating area on the land.
- The requirements of the notice are (1) remove the unauthorised shop front, (2) remove the enclosed outdoor seating area, (3) remove all materials associated with (1) and (2) above from the land, (4) leave the land in a clean and tidy condition.
- 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.

Summary of Decision: the appeal is dismissed and the enforcement notice is upheld

Preliminary Matter

1. I saw at my site visit that the enclosed outdoor seating area had been removed. But I must consider the breach of planning control as it existed at the time of issue of the notice and this included the seating area.

Ground (f) appeal

2. This ground of appeal is that the steps required by the notice are excessive. There are two purposes which an enforcement notice can seek to achieve – to remedy the breach of planning control or to remedy the injury to amenity caused by the breach of planning control.
3. In this case the notice requires the removal of the unauthorised development and therefore its purpose is to remedy the breach of planning control by returning the land to its condition before the breach took place. No lesser steps would achieve that purpose. I therefore do not find the steps to be excessive.
4. The Appellant argues that compliance with the requirements of the notice would leave the site exposed and that alternative seating should be permitted re-utilising as much as possible of the existing shopfront and fascia. But no detail is provided. Whilst there is no dispute that the principle of a seating area is acceptable without specific details even if the purpose of the notice was to

remedy the injury to amenity caused by the breach I cannot agree that alternative works will be appropriate. The proposed variation of the requirements to refer to a future planning application as proposed in the Appellant's grounds of appeal does not satisfy the purpose of the notice.

5. For the reasons given, the ground (f) appeal does not succeed.

Ground (g) appeal

6. This ground of appeal is that the period for compliance with the notice is unreasonably short. The notice provides for a compliance period of three months.
7. The Appellant argues that ten months would be a reasonable period to enable him to prepare an application and gain approval for alternative arrangements. I must balance competing interests. The private interest of the Appellant in running a business and the public interest of bringing to an end the identified harm without unnecessary delay. The unauthorised development has been in place for some considerable time and I am not aware of any pending application for permission. It is not for me to speculate on the timeline for any future application and the required works are not complex. I conclude that three months strikes an appropriate balance.
8. For the reasons given, the ground (g) appeal does not succeed.

Formal Decision

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

S. Prail

Inspector