



Appeal Decision

Site visit made on 5 November 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/N5090/C/19/3225707

24 Layfield Crescent, London NW4 3UL

- 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 Cyndi Oliver against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice was issued on 13 March 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission, the use of an outbuilding as a dwellinghouse.
 - The requirements of the notice are:
 1. The cessation of the use of the outbuilding as a self-contained residence.
 2. Permanently remove all kitchen units, sinks, cookers and food preparation areas from the outbuilding.
 3. Permanently remove all constituent materials resulting from the works in 2. from the property.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (b), (c) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have 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.
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Decision

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

Reasons

The ground (b) appeal

2. At my site visit I saw an outbuilding to the rear of the main dwelling. It could be accessed via a lockable door to the side of the main dwelling and so it was not necessary to enter the main dwelling to access the outbuilding.
3. The outbuilding was heated, had an electricity supply and contained a double bed and an en-suite shower room with toilet and sink. I was shown an area between the bed and shower room where the appellant said a kitchenette had previously been installed. The remnants of a kitchen sink soil pipe and electric cooker power supply were evident.
4. In addition to the above facilities seen on the site visit, the evidence indicates the outbuilding previously contained a hotplate, fridge, microwave and that it is lockable. In my judgement, it therefore had all of the facilities necessary to fulfil the purpose of a self-contained dwelling. I am satisfied therefore that on

the date of issue of the notice the breach of planning control alleged had occurred and so the appeal on ground (b) fails.

The ground (c) appeal

5. The appellant has stated that they have obtained planning permission for the outbuilding and that it is permitted development. But there is no evidence to indicate that planning permission exists for the use of the outbuilding as a dwellinghouse whether granted by the Council or permitted by a development order. As such, the appeal on ground (c) fails.

The ground (g) appeal

6. The appellant refers to a holiday as a reason for seeking more time to comply with the notice. The particular event referred to is now in the past and I am satisfied that 2 months is a reasonable period of time to carry out the relatively limited requirements of the notice. As such the appeal on ground (g) fails.

Other Matters

7. Representations have been received in support of the appellant but these do not relate to the grounds of appeal which are relevant in this case and so they do not change my overall conclusion.
8. The appellant alleges an officer of the Council has previously indicated that only a hotplate needed to be removed from the outbuilding i.e. other requirements were not necessary to satisfy the Council. However, in my judgement, removal of only a hotplate would not preclude the outbuilding from being used a separate dwelling.

Conclusion

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

L Perkins

INSPECTOR