



Appeal Decision

by Ken McEntee

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

Decision date: 20 November 2019

Appeal ref: APP/B0230/C/19/3227774
Land at 59 Chandos Road, Luton, LU4 8EX

- 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 Sajid Rizwan against an enforcement notice issued by Luton Borough Council.
- The notice was issued on 20 March 2019.
- The breach of planning control as alleged in the notice is "Without planning permission the erection of a detached outbuilding in the rear garden on the Land, in the approximate position shown cross-hatched Green on the attached plan ("the Outbuilding")".
- The requirements of the notice are: "(i) Demolish the Outbuilding including its foundations/hardstanding and remove it from the Land. (ii) Remove all associated building materials and rubble and waste materials arising from compliance with step (i) above from the Land".
- The period for compliance with the requirements of the notice is: Three calendar 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 appellant would like more time to comply with the notice in order to arrange the necessary finance and a builder. He requests that the compliance period be extended to 6 months for this to happen. However, I note that some 7 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 10 months in which to arrange for the necessary finance and for a builder to carry out the required work. In these circumstances, I see no good reason to extend the compliance period further and consider the three months given in the notice to be adequate. The ground (g) appeal fails accordingly.

Formal decision

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

K McEntee