



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/G5180/C/19/3230205

Land at rear of 37 East Street, Compass Lane, Bromley, Kent, BR1 1ST

- 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 Miss Gemma Bailey (Aphobos Crossfit) against an enforcement notice issued by the London Borough of Bromley.
- The notice was issued on 7 May 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use of the land from a use as an office (Use Class A2) to use as a gymnasium (Use Class D2)".
- The requirement of the notice is: "Cease the unauthorised use of the Land as a gymnasium (use class D2)".
- The period for compliance with the requirements of the notice is: "Within one month 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 contends that she would like more time to comply with the notice in order to relocate the gymnasium to new premises and to ensure membership numbers do not suffer. She requests that the compliance period be extended to 6 months. However, 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 appellant will effectively have had the 6 months she desires in which to arrange the relocation of the gym to new premises. In these circumstances, I see no good reason to extend the compliance period further and consider the one month 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