
Appeal Decision

by B M Campbell BA(Hons) MRTPI

an Inspector appointed by the Secretary of State.

Decision date: 25th November 2019

Appeal Ref: APP/G5750/C/19/3227031

12 Earlham Grove, Forest Gate, London E7 9AW

- 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 Rubisan Hotels London Limited against an enforcement notice issued by the London Borough of Newham.
 - The enforcement notice was issued on 20 March 2019.
 - The breach of planning control as alleged in the notice is without planning permission the material change of use to four self-contained flats.
 - The requirements of the notice are to:
 1. Cease the use of the property as self-contained flats.
 2. Remove from the property three of the four kitchens, any internal dividing doorways and internal partitioning that solely facilitates the use as self-contained flats, plus all duplicate doorbells, duplicate signage and duplicate outside waste bins.
 3. Remove from the property all but one supply of electricity, gas and water.
 4. Remove from the site all debris arising from compliance with steps 1, 2 and 3.
 - The period for compliance with the requirements is five months.
 - The appeal is proceeding on the ground set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended.
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Decision

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

Reasons

2. The ground of appeal is that the time given for compliance with the requirements of the notice falls short of what should reasonably be allowed.
3. Five months is given and that, in itself, would be sufficient to carry out the steps specified. In this case, however, the cessation of the use would result in the tenants of the property being deprived of their homes. As such, their rights under Article 8 of the European Convention on Human Rights would be engaged.
4. It is unfortunate that lack of communication within the Council appears to have resulted in a licence being granted to operate a House in Multiple Occupation from the property without pointing out the need to obtain planning permission. Be that as it may, in this case where only ground (g) has been pleaded, the Appellant has been in no doubt since the date of its service that the notice will need to be complied with. Indeed, in the appeal statement submitted in April, it is clear that work was already underway to find alternative accommodation for the tenants.

5. The Appellant has asked for a compliance period of 18 months but 7 months have already elapsed since the notice was issued and furthermore the Appellant says alternative accommodation has been sought since as long ago as early 2018.
6. As is recognised by the Appellant, it is necessary to have a set period for compliance and maintaining the period specified would provide a further five months from the date of this decision giving a total of some 12 months since the notice was issued. In my view that amount of time strikes the appropriate balance between conflicting public and private interests and provides a reasonable opportunity for alternative accommodation to be sought. As such a disproportionate burden would not be placed on the Appellant or tenants such as to result in a violation of their human rights. The time given does not fall short of what should reasonably be allowed. The appeal on ground (g) fails.

B M Campbell

Inspector