



Appeal Decision

by Ken McEntee

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

Decision date: 26 November 2019

Appeal ref: APP/E5330/C/19/3234110

Land comprising rear yard of 89 Walmer Terrace and fronting Griffin Road, Plumstead, London, SE18 7QF

- 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 O J Ogunfeji (Majestic Tyres Ltd) against an enforcement notice issued by the Royal Borough of Greenwich.
- The notice was issued on 26 June 2019.
- The breach of planning control as alleged in the notice is "Without planning permission the making of a material change of use of the Property from domestic parking (sui generis) to a commercial use for tyre fitting with associated tyres storage (sui generis) together with a scaffolding structure and gates installed for the purposes of the commercial tyre fitting and tyre storage use ("the development)".
- The requirements of the notice are: (i) to permanently cease the commercial use of the Property for tyre fitting and the associated storage of tyres and revert it back to its lawful use as domestic parking; and (ii) to permanently remove from the Property the gates and scaffolding structure installed for the purposes of the unauthorised tyre fitting and tyre storage use; and (iii) to remove all fixtures and fittings associated with the commercial use of the Property for tyre fitting and associated tyres storage; and (iv) to permanently remove from the Property all materials, debris and waste associated from requirements (i) to (iii) above."
- The period for compliance with the requirements of the notice is: "Within a period of **three 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 contends that he would like more time to comply with the notice in order to find alternative accommodation for the business. He requests that the compliance period be extended to 6 months. However, I note that some 4 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 1 month more than that requested in which to seek out alternative premises for the tyre business. 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