



Appeal Decision

by Ken McEntee

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

Decision date: 3 January 2020

Appeal refs: APP/G5750/C/19/3228776 & 3232760

Land at 145 High Street South, London, E6 3PA

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mr A Honore and Ms Christa Linke against an enforcement notice issued by the London Borough of Newham.
- The notice was issued on 26 April 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use to a *sui generis* house in multiple occupation (HMO)".
- The requirements of the notice are: "1. Cease the use as a *sui generis* house in multiple occupation. 2. Remove all fixtures and fittings that solely facilitate the use as a house in multiple occupation, including (but not limited to) all internal locks on bedroom doors and any additional mattresses and beds. 3. Remove from the site all debris arising from compliance with steps 1 and 2."
- The period for compliance with the requirements of the notice is: "**three months** from the date this notice takes effect".
- The appeals are 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 appeals are dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The basis of the appellants case is that they would like more time to comply with the notice in order to find alternative accommodation. They request that the compliance period be extended to 1 year to allow for this to happen. However, I note that some 7 months have elapsed since the appeals were submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellants will effectively have had some 10 months in which to comply with the requirements of the notice. I consider this period to be both reasonable and proportionate and provides an appropriate balance between the needs of the appellants to seek out alternative accommodation and the need to bring the stated harm caused by the unauthorised use to an end. In these circumstances, I am not satisfied there is good reason to extend the compliance period further and consider the three months given in the notice to be adequate. The ground (g) appeals fail accordingly.
2. However, while I am dismissing the appeals, should the appellants experience any genuine difficulties, the Council have the power under section 173A(1)(b) of the amended 1990 Act to extend the compliance period themselves, should they see

fit. Whilst it is entirely a matter for the Council's discretion, it would be open to the appellants to request a further short extension of time, should that prove necessary.

Formal decision

3. For the reasons given above, the appeals are dismissed and the enforcement notice is upheld.

K McEntee