



Appeal Decision

by Ken McEntee

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

Decision date: 14 January 2020

Appeal ref: APP/Y5420/C/19/3232323

Land and buildings known as 70 Duckett Road, London, N4 1BW

- 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 Francis Vaughan against an enforcement notice issued by the London Borough of Harringey.
- The notice was issued on 4 June 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use of the property from a single family dwelling house (C3) to a mixed use comprising a single family dwelling house and short-term visitor accommodation (sui generis)".
- The requirement of the notice is: "Permanently cease the use of the property for short-term let visitor accommodation provided for paying occupants".
- The period for compliance with the requirements of the notice is: "Three (3) 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. It appears clear that the main basis of the appellant's case is that he would like to continue the unauthorised use of the appeal premises until 2031, which is the end of his mortgage term. To grant such an extension would amount to granting a temporary planning permission, which is not within my powers to do as an appeal has not been made under ground (a). In an appeal on ground (g) I can only consider whether the period for compliance with the requirement of the notice is too short. In this case, the requirement of the notice is to simply permanently cease the use of the property for short-term let visitor accommodation. I note that some 6 months have elapsed since the appeal was submitted with enforcement action effectively suspended. Therefore, as the compliance period will begin again from the date of this decision, the appellant will effectively have had some 9 months in which to comply with the notice. In these circumstances, I see no good reason to extend the compliance period further and consider the 3 months given in the notice to be adequate. The ground (g) appeal fails accordingly.
2. The appellant queries whether the use as two bedrooms as short-term lets for more than 90 days per year could be classed as permitted development. This is not something for me to consider in an appeal on ground (g). I can only suggest that the appellant may wish to take this matter up with the Council.

Formal decision

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

K McEntee