



Appeal Decision

by Ken McEntee

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

Decision date: 20 February 2020

Appeal ref: APP/T5150/C/19/3237951 & APP/T5150/C/19/3240288
Land at 103 Watford Road, Wembley, HA0 3EZ

- 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 Saravanamuthu and Mrs Pushpamala Sivapalan against an enforcement notice issued by the London Borough of Brent.
- The notice was issued on 22 August 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use of the premises to a House in Multiple Occupation".
- The requirements of the notice are: "STEP 1 Cease the use of the premises as a House in Multiple Occupation (HMO) of more than six people and its occupation by more than ONE household. STEP 2 Remove kitchens excepts ONE and remove all partition walls, fixtures, fittings and paraphernalia associated with the unauthorised use from the premises. STEP 3 Restore the premises back to its original layout prior to the unauthorised change of use took place, as indicated in drawings "RPA/103/WFR/102" and "RPA/103/WFR/105" attached to this notice, ensuring that the rooms are laid out as labelled on the plan".
- The period for compliance with the requirements of the notice is: "3 Months after 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 first reason given by appellants' for contending that the compliance period is too short is that there are current tenancy agreements in place and more time is needed to allow for them to expire. They also assert that more time will be required in order to submit a planning application for an alternative proposal if the notice is upheld. The appellants therefore request that the compliance period be extended to 12 months. With regards to the appellants' first reason given, although they have listed the names of the occupants and their tenancy periods, they have not provided any documentary evidence, such as copies of the tenancy agreements, to support their case. In any event, I note that at least two of the agreements listed have now expired and another will expire in March 2020. With regards to the other two agreements, which the appellants list as expiring in August 2020, it is open to the appellants to submit a request to the Council to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification and the necessary documentary evidence is before them. On the evidence before me, I cannot conclude the first reason given is justified to extend the compliance period.

2. Turning to the second reason given by the appellants, whether or not a planning application will be submitted can only be considered as a matter of speculation at this stage. Extending the compliance period in these circumstances cannot be justified.
3. In the circumstances described, I see no good reason to extend the compliance period further and consider the 3 months given to be adequate. The ground (g) appeals fail accordingly.

Formal decision

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

K McEntee