



Appeal Decision

by Ken McEntee

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

Decision date: 12 March 2020

Appeal ref: APP/Y5420/C/19/3241379

Land and buildings known as 77 The Avenue, London, N17 6TB

- 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 Kwasi Edumadze-Acquah against an enforcement notice issued by the London Borough of Haringey.
- The notice was issued on 14 October 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the conversion of the property to two (2) self-contained flats".
- The requirements of the notice are: "1. Cease the use of the property as two (2) self-contained flats. 2. Remove from the property all but one of the kitchens, doorbells and any internal dividing doorways and partitioning facilitating the use of the property as two (2) self-contained flats. 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 time period compliance with the notice is "Four (4) 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 main basis of the appellant's case is that he needs more time to comply with the notice as there are currently tenancy agreements in place, which expire in January and March 2021 respectively. However, to grant such an extension would be tantamount 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 under ground (g), I can only consider whether the period for compliance with the requirement of the notice is too short. In any event, as the Council point out, the appellant has not provided any documentary evidence, such as copies of the tenancy agreements, in support of his case. Therefore, on the evidence before me, I cannot conclude there is good reason to extend the compliance period further and consider the 4 months given in the notice to be adequate. The ground (g) appeal fails accordingly.
2. While I am dismissing the appeal, should the appellant experience any genuine difficulties and can provide the necessary documentary evidence, it is open to him to submit a request to the Council to use their powers under section 173(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

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

K McEntee