
Appeal Decision

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 May 2020

Appeal Ref: APP/N5090/C/20/3245204
50 Quadrant Close, London, NW4 3BU

- 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 made by Mr Miles Allen acting for Lou Investment Limited against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice, numbered ENF/1304/18, was issued on 19 December 2019.
 - The breach of planning control as alleged in the notice is without planning permission change of use of the property to a House in Multiple Occupation (Class C4).
 - The requirement of the notice is to cease the use of the property as a House in Multiple Occupation (HMO).
 - The period for compliance with the requirements is 5 months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Grounds (f) and (g)

2. An appeal under ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control, or as the case may be, to remedy any injury to amenity. In this case the notice requires that the appellants cease the use of the property as a house in multiple occupation.
3. The appellant does not dispute the allegation or challenge the requirement in the notice but is seeking additional time in which to comply with it in order to allow the current tenancy agreement to come to an end on 5 September 2020.
4. This is properly considered as a ground (g) appeal as the appellant is not seeking a change to the requirement regarding the cessation of use but is arguing that the period for compliance specified in the notice falls short of what should reasonably be allowed. The appellant is only seeking an extension of time in which to comply with the requirement, and not any change to it, and I will therefore deal with it under ground (g) only.
5. The notice gave a period of 5 months from the date that it came into effect in which to comply. The date that the notice will come into effect will be the date of the final determination of this appeal (pursuant to section 175(4) of the Town and Country Planning Act 1990 as amended) which will now fall after 5

September 2020. I believe that this period will be proportionate in the circumstances based on the information before me. On that basis I see no reason to vary the notice and the appeal does not succeed on ground (g).

Zoë Frank

INSPECTOR