
Appeal Decisions

by Zoe Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 May 2020

Appeal A: APP/N5090/C/19/3242540

Appeal B: APP/N5090/C/19/3242541

78 Hertford Road, London, N2 9BU

- 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 A and B are made by Mr Marios Parsons and Mrs Panayiota Parsons respectively against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice, numbered ENF/01238/17, was issued on 31 October 2019.
 - The breach of planning control as alleged in the notice is without planning permission the use of the property as a (sui generis) House in Multiple Occupation.
 - The requirement of the notice is to cease the use of the property as House in Multiple Occupation.
 - The period for compliance with the requirements is 6 months after the notice takes effect.
 - The appeals are proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeals on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Reasons

2. To succeed on ground (f) the appellants must show that the steps required by the notice to be taken, or activities required by the notice to cease, exceed what is necessary to remedy the breach of planning control, or as the case may be, to remedy any injury to amenity which has been caused by any such breach. The notice requires that the appellants cease the use of the property as a house in multiple occupation which indicate that purpose of the notice was to remedy the breach of planning control. The appellants have not provided any details about what lesser requirement would be sufficient or why the requirement in the notice would exceed what is necessary to remedy the breach of planning control as set out in the allegation in the notice.
3. In the absence of a valid appeal on ground (a) I am unable to consider the planning merits of the development. I am satisfied that the requirement of the notice to cease the use of the property as a house in multiple occupation does remedy the breach of planning control and fulfils the purpose of the notice. I have not been asked to consider any lesser steps and I am satisfied that the

requirement is not excessive to achieve the purpose of the notice. For the reasons given above I consider that appeal on ground (f) should not succeed.

Zoë Franks

INSPECTOR