



Appeal Decision

by **Ken McEntee**

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

Decision date: 29 May 2020

Appeal ref: APP/G5750/C/19/3241118
Land at 100 Abbey Road, London, E15 3LZ

- 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 Sulaiman Khan against an enforcement notice issued by the London Borough of Newham.
- The notice was issued on 16 October 2019.
- The breach of planning control as alleged in the notice is "Without planning permission the material change of use to a Use Class C4 house in multiple occupation (HMO)".
- The requirements of the notice are: "1. Cease the use as a Use Class C4 house of multiple occupation. 2. Remove all fixtures and fittings that solely facilitate the use as a house in multiple occupation, including (but not limited to) all internal locks on bedroom doors and any additional mattresses and beds. 3. Remove from the site all debris arising from compliance with steps 1 and 2".
- The time period for compliance with the notice is "**three months** from the date 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 requires more time to comply with the notice as one remaining tenant is refusing to leave the premises and the appellant is having to pursue the matter through the courts. He does not suggest an alternative compliance period but states that a court date has been arranged for 20 February 2020. While I appreciate the difficulties the appellant is having, I am mindful that some 6 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will have had some 10 months to legally secure vacant possession of the property and to carry out the necessary works to comply with the requirements of the notice. Therefore, on the evidence before me, I cannot conclude there is 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. However, while I am dismissing the appeal, I am also conscious of the current situation with regard to the COVID-19 pandemic, which could potentially impact on the appellant's ability to carry out the required works. Therefore, should the appellant experience any genuine difficulties, 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