



Appeal Decision

by Ken McEntee

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

Decision date: 9 June 2020

Appeal ref: APP/Y5420/C/19/3243934

Land at 167 The Avenue, London, N17 6JJ

- 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 Erkan Dervish against an enforcement notice issued by the London Borough of Haringey.
- The notice was issued on 25 November 2019.
- The breach of planning control as alleged in the notice is "Without planning permission the material change of use of the property six (6) self-contained flats".
- The requirements of the notice are: "1. Cease the use of the property as self-contained flats. 2. Remove from the property all but one doorbell and any internal dividing doorways and partitioning facilitating the use of the property as self-contained flats. 3. Remove from the site all debris arising from compliance with steps 1 and 2".
- The time period for 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 appellant's stated reason for requiring more time to comply with the requirements of the notice is "*As there are currently living in the house 6 unrated people with AST's, it will take a minimum of a year to evict them, so I'm asking that compliance period be extended to a year*". However, no evidence has been provided to support this statement, such as copies of tenancy agreements. I am also mindful that nearly 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 in which 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 4 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