



Appeal Decision

by Ken McEntee

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

Decision date: 17 June 2020

Appeal ref: APP/A5270/C/19/3243334

Land at 5 High Street, Acton, London, W3 6NG

- 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 Anas Kamar against an enforcement notice issued by the London Borough of Ealing.
- The notice was issued on 14 November 2019.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change in use of the rear of the ground floor, and the first and second floor of the property to eight self-contained flats".
- The requirements of the notice are: "1. Cease the use of the premises as eight self-contained flats; 2. Remove the kitchen and drainage connections from eight of the self-contained flats; 3. Remove the bathroom and drainage connections from eight of the self-contained flats; 4. Remove all internal partitions, locks and doors that facilitate the use of the eight self-contained flats; and 5. Remove all resultant debris".
- The time period for compliance with the notice is "**within 3 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 appellant contends that another month is required to comply with the notice in order to submit relevant documents, which appear to relate to a retrospective planning application. However, I note that some 6 months have elapsed since the appeal was submitted with enforcement action effectively suspended, which is 5 months more than the 1 month the appellant has requested. As the compliance period will begin again from the date of this decision, the appellant will have had some 9 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 3 months given in the notice to be adequate. The ground (g) appeal fails accordingly.
2. However, I am conscious, as the Council point out, that the current situation with regard to the COVID-19 pandemic, 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