



Appeal Decision

by Ken McEntee

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

Decision date: 17 July 2020

Appeal ref: APP/U5360/C/20/3249520

Land at 2-4 Cremer Street, London, E2 8FH

- 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 Mobile Broadband Network Ltd against an enforcement notice issued by the London Borough of Hackney.
- The notice was issued on 18 February 2020.
- The breach of planning control as alleged in the notice is "Without planning permission the installation of 3 x antennas mounted on support mast and 4 x equipment cabinets, 1 no. meter cabinet and associated equipment".
- The requirements of the notice are: "(1) Permanently and completely remove the 3 x antennas mounted on support mast, 4 x equipment cabinets, 1 No. meter cabinet and associated equipment from the roof of the property (as shown in the photographs as Appendix (1). (2) Make good all damage resulting from the compliance with the above requirement of this notice and restore relevant parts of the property to their condition before the unauthorised development was carried out at the property. (3) Remove all the waste, materials, equipment and debris from the property resulting from compliance with the requirements in paragraphs (1) & (2) of this notice".
- The time period for compliance with the notice is "Twelve (12) 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 main basis of the appellants' case is that they require more time to finalise the details of agreement with the Council to relocate the telecoms equipment to an alternative site, while minimising the loss of coverage in the area. They request the period of compliance be extended to 18 months to allow for this to happen. However, while I note the appellants' reasons for requesting more time to comply with the notice, I cannot justify extending the period for compliance to 18 months. Such a time period is tantamount to a temporary planning permission, which is not before me to consider as no appeal on ground (a) has been made. I can only determine the appeal on ground (g). With that in mind, I am mindful that some 4 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 appellants will have had some 16 months in which to finalise agreement with the Council and to relocate to the new site, which is only 2 months short of the extension requested. I consider this period to be more than reasonable and am not satisfied there is good reason to extend the compliance period further.

2. 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 appellants' ability to carry out the required works. Therefore, as the Council point out, should the appellants experience any genuine difficulties, it is open to them 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