



Appeal Decision

by Ken McEntee

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

Decision date: 23 July 2020

Appeal refs: APP/U5360/C/20/3248919, APP/U5360/C/20/3248920, & APP/U5360/C/20/3248921

Land at 596-598 Kingsland Road, London, E8 4AH

- 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 are brought by Pastor Adelani Awe, Pastor/Dr Thomas Olushola and Pastor Olugsegun Oladipupo against an enforcement notice issued by the London Borough of Hackney.
- The notice was issued on 11 February 2020.
- The breach of planning control as alleged in the notice is "Without planning permission the material change of use of the rear basement, ground, and first floor unit into three places of worship".
- The requirements of the notice are: "(1) Cease the use of the basement area, ground and first floor rear unit as places of worship as outlined in red on the site plan in appendix 1. (2) Remove all the church fixtures, fittings that facilitate the unauthorised use, including the amplification equipment and musical instruments. (3) Remove all materials, debris waste and equipment resulting from compliance with the other requirements of the notice from the property and its premises".
- The time period for compliance with the notice is "Three (3) months after this notice takes effect".
- The appeals are 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 appeals are 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 find alternative premises for a place of worship. They refer to the situation concerning the COVID-19 pandemic making it difficult for them to view potential alternatives and therefore request that the compliance period be extended to 6 months. While I fully appreciate the appellants' concerns, since the appeals were submitted the COVID-19 lockdown restrictions have gradually eased, thus giving more scope for the appellants to seek out alternative premises. I am also mindful that some 4 months have elapsed since the appeals were 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 9 months in which to seek out new premises and carry out the necessary requirements of the notice. In these circumstances, I am not satisfied there is good reason to extend the compliance period further.
2. However, while I am dismissing the appeals, should the appellants' experience any genuine difficulties posed by the situation with regard to the COVID-19 pandemic, it will be 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 appeals are dismissed and the enforcement notice is upheld.

K McEntee