



Appeal Decision

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2020

Appeal Refs: APP/D1590/C/20/3250185, 3250186

29 The Drive, Westcliff-on-Sea, Essex, SS0 8PL

- 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 Act").
 - The appeals are made by Mrs Manja Ahlers-Diver (3250185) and Mr Keith Diver (3250186) against an enforcement notice issued by Southend-on-Sea Borough Council.
 - The enforcement notice was issued on 23 March 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a roof enlargement.
 - The requirements of the notice are:
 - a) Remove the unauthorised roof enlargement; and
 - b) Remove from the site all rubble, materials and equipment associated with complying with this notice.
 - The period for compliance with the requirements is 4 months.
 - The appeals are proceeding on the grounds set out in section 174(2) (g) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (g)

2. The ground of appeal is that the period of time for compliance with the enforcement notice requirements falls short of what should reasonably be allowed. The notice requires compliance within 4 months.
3. The appellants are concerned that the unpredictable nature of the current coronavirus pandemic and its associated restrictions on daily life make compliance difficult to achieve within a set time frame. While I accept that is a concern, I note that remedial works have already commenced on site and, barring any unforeseen interruptions, will likely be completed well within the next 4 months. Given the scale of works required to comply with the notice I see no reason why that should not be achievable. Furthermore, the Council has powers of its own to vary the compliance period if they consider that such is necessary and justified.
4. I conclude therefore that the period of time for complying with the enforcement notice requirements does not fall short of what should reasonably be allowed.
5. The appeals on ground (g) therefore fails.

Thomas Shields

INSPECTOR