



Appeal Decision

by **Ken McEntee**

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

Decision date: 13 August 2021

Appeal ref: APP/R5510/C/21/3273176

Land at KFC, 60 Station Road, Hayes, UB3 4DF

- 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 Harris Choudhary (TRC Realty Ltd) against an enforcement notice issued by the London Borough of Hillingdon.
- The notice was issued on 9 March 2021.
- The breach of planning control as alleged in the notice is "Without planning permission, the installation of an extractor duct to the roof of the rear extension ("the breach") at 60 Station Road, Hayes, UB3 4DF".
- The requirements of the notice are: "(i) Remove the rear extractor duct approximate position shown hatched blue on the attached plan. (ii) Block up all openings resulting from the removal of the rear extractor duct using materials to match that of the existing building. (iii) Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the works carried out in compliance with (i) and (ii) above".
- The time period for compliance with the notice is: "**Three (3) calendar** 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 requests that the time period for compliance with the requirements of the notice be extended to 6 months in order await the outcome of a planning application, submitted on 9 April 2021, to overcome the Council's objections. However, 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 appellant will effectively have had some 7 months, 1 month more than that requested, in which to receive a decision on the application and to carry out the required works of the enforcement notice, if necessary. I consider this period to be more than reasonable and am not satisfied there is good reason to justify extending the compliance period further. The ground (g) appeal fails accordingly.
2. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties, it will be 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