



Appeal Decision

Site visit made on 17 August 2021

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/R5510/C/20/3265635

56 The Drive, Ickenham, Uxbridge UB10 8AG

- 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 made by Mr Parmajit Singh Makkar against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice was issued on 19 November 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the Material Change of Use of the land from a single family dwellinghouse to use as a live/work unit for social media content production (sui generis) ("the breach") at 56 The Drive, Ickenham UB10 8AG.
 - The requirements of the notice are:
Cease the use of the Land as a live/work unit for social media content production (sui generis).
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

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

The appeal on Ground (f)

2. The appeal on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e., the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
3. The enforcement notice requires the use of the land for live/work to cease, and therefore, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
4. As the notice does no more than seek remedy of the breach, it is not excessive. There are no lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the notice.
5. On this basis, the Ground (f) appeal fails.

The appeal on Ground (g)

6. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The appellant asks that the time for compliance is extended from 3 months given that the Covid 19 restrictions means that landlords must provide their tenants with 6 months' notice.
7. However, the 3 month compliance period specified in the notice will only come into effect once the appeal has been determined. The appellant states that he submitted a Notice Seeking Possession letter to the tenants on 23 September 2020 advising of the need to vacate the property by 28 March 2021. Since this date has now passed and the property is vacated, there is no longer any clear reason why the period for compliance should be extended.
8. On this basis, the appeal on ground (g) fails.

Conclusion

9. For the reasons given above I consider that the appeal should not succeed. I shall uphold the enforcement notice.

R Satheesan

INSPECTOR