



Appeal Decision

Site visit made on 10 August 2021

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 01 September 2021

Appeal Ref: APP/U5360/C/21/3271809

8A Newton Close, Hackney, London N4 2RQ

- 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 Avrohom Murcus against an enforcement notice issued by the Council of the London Borough of Hackney.
- The enforcement notice was issued on 28 January 2021.
- The breach of planning control as alleged in the notice is the erection of two metal shipping containers on the land fronting the property and adjacent to the public highway.
- The requirements of the notice are:
 1. Remove the two metal shipping containers (as indicated in appendix 1) to a location where they can be lawfully stored or used elsewhere; and
 2. Make good any damage, including to landscaping or surfaces, caused by the two metal shipping containers (as indicated in appendix 1); and
 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 period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2) (c) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

The appeal on ground (c)

1. The ground of appeal is that the matter alleged does not constitute a breach of planning control. The appellant contends that the development is permitted under the provisions of the Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 (No. 242.). However, this reference appears to be incorrect and it seems that he is referring to The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 which is Statutory Instrument SI 2020/412 (the GPDO Amendment).
2. The GPDO Amendment makes amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 and adds Part 12A "Development by Local Authorities and Health Service Bodies". Class A relates to emergency development by a local authority or health service body and includes development for the purposes of "(a) preventing an emergency; (b) reducing, controlling or mitigating the effects of an emergency; or (c) taking other action in connection with an emergency."
3. The appellant states that the development is required as a storage and distribution facility for Covid 19 cleansing material. However, there is

insufficient evidence before me that the development has been carried out by a local authority or a health service body within the definition provided in section A.3 (1) (a) to (n) of the GPDO Amendment. Consequently, it cannot be permitted development and it requires permission which has not been granted. The appeal on ground (c) therefore fails.

The appeal on ground (g)

4. The ground of appeal is that the time given to comply with the requirements is too short. The two calendar months would be sufficient to remove the two metal shipping containers, make good any damage and remove all materials, debris, waste and equipment. The appellant argues that the one month period for compliance is unreasonable and that a period of two months would be more reasonable. Since the period for compliance specified in the enforcement notice is two months, the appeal on ground (g) must fail.

Formal Decision

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

A A Phillips

INSPECTOR