
Appeal Decision

Site visit made on 2 November 2021

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021

Appeal Ref: APP/G5750/C/19/3237309

Land at 18 Devenay Road, Stratford, London E15 4AY

- 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 Andrew Zachariades against an enforcement notice issued by the Council of the London Borough of Newham.
 - The enforcement notice, numbered 18/01035/ENFC, was issued on 23 August 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use to a sui generis house in multiple occupation.
 - The requirements of the notice are:
 1. Cease the use as a sui generis house in multiple occupation.
 2. Remove all fixtures and fittings that solely facilitate the use as a house in multiple occupation, including (but not limited to) all internal locks on bedroom doors and any additional mattresses and beds.
 3. Remove from the site all debris arising from compliance with steps 1 and 2.
 - The period for compliance with the requirements is three 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.
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Decision

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

Preliminary Matters

2. The area is subject to an Article 4 direction removing permitted development rights across the Borough for the change of use of class C3 dwellinghouses to class C4 small house in multiple occupation (HMO).
3. The appellant has confirmed that the property is no longer let as an HMO but is now in use as a single dwellinghouse. All surplus beds and mattresses have been removed.
4. The appellant is dissatisfied with the behaviour of the Council, which he states has been uncooperative. However, this does not have any bearing on my consideration of the appeal.

The ground (f) appeal

5. The ground of appeal is that the steps required by the notice to be taken, exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any injury to amenity that has been caused by the breach. As the notice requires the cessation of the use, its purpose is to

remedy the breach. Any lesser steps would not achieve the purpose of the notice.

6. The requirements are clearly stated and are not vague. It is not excessive to require the removal of works that facilitate the change of use, even if they do not constitute development when taken by themselves. The appellant is well placed to know which works solely facilitated the use as an HMO. Fire signs and bedroom locks are not normally required for use as a single dwellinghouse, and it is not excessive to require their removal. It is also not excessive to require the removal of additional beds and mattresses, if they are not necessary for the lawful use of the building. The appeal on ground (f) therefore fails.

The ground (g) appeal

7. The ground of appeal is that the period for compliance falls short of what should reasonably be allowed. The period for compliance is three months, and the appellant requests between six and nine months in order to relocate the tenants, and to allow for a planning application to be considered. However, as the use has now ceased, it seems to me that three months is a reasonable compliance period. It strikes an appropriate balance between the interests of the appellant and the need to resolve the breach of planning control in a timely manner. The appeal on ground (g) therefore fails.

Conclusion

8. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

N Thomas

INSPECTOR