The Planning Inspectorate

Appeal Decision

Site visit made on 16 November 2021

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

Appeal Ref: APP/G5750/C/21/3279148
Land at 221 Kempton Road, East Ham, London E6 2PD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Thampiayah Jemini against an enforcement notice issued by London Borough of Newham.
- The notice was issued on 13 July 2021.
- The breach of planning control as alleged in the notice is:
  Without planning permission, the material change of use to a Use Class C4 house in multiple occupation (HMO).
- The requirements of the notice are to:
  1. *Cease the use of the premises as a Use Class C4 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, partition walls, kitchenettes, bathrooms, 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 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f), (g) of the Town and Country Planning Act 1990 as amended.

Decision

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

Reasons

Appeal on ground (f) – that the requirements of the notice are excessive

2. The appellant has not explained why he considers the requirements to be excessive. The steps appear to be to be no more than is necessary to return the property to its condition before the unauthorised use took place, thereby remedying the breach of planning control. No lesser steps have been suggested by the appellant and I consider that none would achieve the objective of remedying the breach. Accordingly, the appeal on ground (f) fails.

Appeal on ground (g) – that the period of compliance is too short

3. The notice provides a compliance period of 6 months. Normally, an appellant is entitled to assume success on other grounds of appeal, but in this case, the only other ground of appeal made is on ground (f), which does not offer a prospect of the notice being quashed, and in any event, the grounds of appeal on that ground did not offer any basis for me to consider imposing any lesser requirement. Accordingly, it is reasonable for the appellant to expect that the notice would be upheld, and that compliance with the notice would be inevitable. In such circumstances, the period between the notice being issued and the date of the outcome of the appeal offers the appellant time in which steps towards compliance could be taken.

4. In this case, the appeal was made on 16 July 2021, allowing around 5 months before the decision. When the 6 months compliance period is added to this, the appellant will have had almost a year to make arrangements to seek alternative accommodation for his tenants/family members. I consider that 6 months is more than ample time to carry out the works required in the notice. Accordingly, the appeal on ground (g) fails.

Other Matters

5. A neighbour has written to say that he has no objection to the use being carried on and that he has experienced no problems with it. However, these matters relate to the planning merits of the use, which are only relevant where an appeal has been made on ground (a). As no appeal has been made on this ground, these submissions can carry little weight in my decision.

Conclusion

6. For the reasons given above, I conclude that the appeal should be dismissed and that the notice should be upheld.

JP Roberts

INSPECTOR