
Appeal Decision

Site visit made on 16 November 2021

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2021

Appeal Ref: APP/F5730/C/21/3273647

Unit 30A/B, 28-30 Park Royal Road, London NW10 7JW

- 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 Park Royal Property Ltd against an enforcement notice issued by Old Oak and Park Royal Development Corporation.
 - The enforcement notice was issued on 26 February 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Property to use as multiple flats (Use Class C3) ("the Unauthorised Development").
 - The requirements of the notice are:
 1. Cease the use of the Property as flats;
 2. Remove all kitchen facilities and associated drainage connections which facilitate the use of the Property as flats;
 3. Remove all bathroom facilities and associated drainage connections which facilitate the use of the Property as flats;
 4. Remove all fixtures, fittings, doors, and internal dividing walls installed to facilitate the use of the Property as flats; and
 5. Remove from the property all debris resulting from compliance with the above steps.
 - The period for compliance with the requirements is 6 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. It is directed that the enforcement notice be:
 - varied by deleting the words "6 months" within section 6 (Time for Compliance) and its replacement with "12 months".
2. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld.

Procedural Matters

3. I have not undertaken an internal inspection of the appeal site, given that neither the appellant nor their representative was not present when I arrived at the appeal site during the pre-arranged time and date. However, having reviewed the evidence I do not consider an internal inspection is necessary to determine the current appeal, which relates solely to grounds (f) and (g). This is considered appropriate given that there is no ground (a) appeal, and I am

not considering the planning merits of the development. As both parties have been provided the opportunity to comment, I am satisfied that neither party would be prejudiced by this.

The appeal on Ground (f)

4. 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".
5. In this case, the purpose of the enforcement notice is to remedy the breach of planning control. This is explicitly stated in section 4 (4) of the notice, and the requirements of the notice include the cessation of the use and, in effect, the restoration of the property to its former condition by the other requirements of the notice.
6. The appellant states the requirements of the notice are excessive since internal alterations to a property do not constitute development, and that the requirements requiring the removal of all partition walls, kitchens and bathrooms are unnecessary and excessive. It is also stated that if the use of the residential units ceased, and the use reverted back to an office, this would fall under Class E of the Use Classes Order, and therefore, a variety of lawful uses could occur which could utilise the existing walls, bathrooms, and kitchens.
7. However, these features and facilities are part and parcel of the unauthorised use and should not be viewed in isolation as has been suggested by the appellant. Notwithstanding that these internal works may not require planning permission in their own right, a notice directed at a material change of use, as is the case here, may require their removal. I am therefore satisfied the requirements of the notice do not exceed what is necessary to remedy the breach of planning control.
8. On this basis, the Ground (f) appeal fails.

The appeal on Ground (g)

9. 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 6 months to 12 months in order to provide sufficient time to allow current occupiers to find alternative accommodation and to carry out the works required.
10. Current occupiers might find it difficult under current housing market conditions to find suitable accommodation, particularly in light of the Covid-19 pandemic. I also acknowledge that all occupiers need to vacate the premises in order to carry out the other requirements of the notice. I therefore consider that in the particular circumstances of this case, a 12 month compliance period is proportionate and reasonable. I shall therefore vary the period for compliance prior to upholding the notice to 12 months.
11. To this extent, the ground (g) appeal succeeds, and I will vary the notice accordingly.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice, with a variation.

R Satheesan

INSPECTOR