



Appeal Decision

Site visit made on 19 October 2021

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 11 January 2022

Appeal Ref: APP/T5150/C/20/3260819

Land at 30 Robson Avenue, London, NW10 3SG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Juan Diaz of 30 Robson Avenue Limited against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice, numbered E/20/0463, was issued on 9 September 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the garage to a separate dwelling.
 - The requirements of the notice are:
 - STEP 1 Cease the use of the garage as a separate dwelling and remove the kitchen, bathroom, WC, and partition walls from the premises.
 - STEP 2 Remove all items, materials and debris arising from compliance with Step 1 from the premises.
 - STEP 3 Remove the front entrance door and window and install a garage door to ensure that the premises remains in use as a garage.
 - The period for compliance with the requirement is 6 months after the date the notice takes effect.
 - 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.
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Summary Decision: The appeal is dismissed.

Ground (f)

1. The purpose of the notice in this case is to remedy the breach of planning control that has occurred. For the appeal to succeed on ground (f), I must be satisfied that the steps required to comply with the notice exceed what is necessary to remedy the breach.
2. In his appeal statement the appellant suggests that the removal of partition walls and the reinstatement of the garage door is unnecessary. I acknowledge that the internal walls might provide a separate storage area within the garage and that the garage may not be of a sufficient size to accommodate some motor vehicles. However, the evidence before me, including the plans I have of the garage¹, does not suggest that either the internal walls, or the door and window in the front elevation of the garage were part of any permitted scheme of development. Furthermore, I cannot be certain that these alterations to the garage would not constitute development in any event, as suggested by the appellant.
3. Instead, the evidence suggests that the works to construct the internal walls, to remove the garage door and to install a door and window were undertaken to facilitate the change of use of the garage to a separate dwelling; to provide the dwelling with a bathroom and an appropriate means of access. It is, therefore,

¹ The appellant's appendix A1.

more likely than not that they are part and parcel of the breach of planning control. Anything other than their removal would not, therefore, remedy the breach of planning control in this case. Notwithstanding this, I cannot see that the steps required by the notice would prevent the use of the garage as part of a dwellinghouse falling within Class C3², if indeed that is its lawful use.

4. The appellant acknowledges that the removal of the kitchen, bathroom, w.c. etc. from the garage is necessary, but asks that these items be stored on the site until they are used elsewhere or sold. However, these items are part and parcel of the breach of planning control in this case and their removal is necessary to remedy the breach. Notwithstanding this, I cannot be certain that the storage of these items on site for use elsewhere or for sale would be in accordance with the lawful use of the site. On the basis of the evidence before me, I am not able to consider this alternative further within the remit of this ground (f) appeal, particularly as an appeal on ground (a) has not been made.
5. That very little of the garage is visible from public vantage points does not alter my conclusions above. Again, such matters of planning merit cannot be considered in this case without a ground (a) appeal.
6. No other alternative or lesser steps have been suggested to achieve the purpose of remedying the breach of planning control in this case and, having regard to both the nature of the breach and requirements of the notice, no other steps that would achieve this purpose are obvious to me. On this basis I can only conclude that the steps required in the notice are reasonable and proportionate, and do not exceed what is necessary to remedy the breach of planning control. For these reasons, the appeal under ground (f) should fail.

Ground (g)

7. An appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed. The notice specifies a period of 6 months from the date the notice takes effect.
8. The appellant is concerned that a six month period starting with 19 October 2020 is not sufficient and gives reasons why a 6 month period from a later date is necessary. However, the date given in schedule 6 of the notice is the date the notice would have come into effect, had the appeal not been made. My decision on this appeal will mean that the notice is upheld and the period for compliance with it will commence on the date of this decision. This is, of course, beyond the date suggested by the appellant. That the Council has not determined other planning applications for the site does not provide justification for an extended period for compliance in this case, particularly as I have insufficient evidence to conclude that their determination is relevant to this appeal.
9. In view of the above, I see no reason to conclude that the period specified in the notice, which would start from the date of this decision, falls short of what should reasonably be allowed. For this reason, the ground (g) appeal should fail.

² Class C3 of Part C, Schedule 1 of The Town and Country Planning (Use Classes) Order 1987 as amended

Overall Conclusions

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

Formal Decision

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

J Moss

INSPECTOR