



Appeal Decision

Site visit made on 7 February 2022

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/Y5420/C/20/3258771

The land and buildings known as 121 Lansdowne Road, London N17 0NN

- 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 Israel Stobiecki against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 27 July 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use to three self-contained flats.
 - The requirements of the notice are: 1. Cease the use of the property as self-contained flats. 2. Remove from the property all but one of the kitchens (a kitchen includes cooking appliances, sinks, kitchen worktops and cupboards). 3. Remove from the property all but one supply of electricity, gas and water. 4. Remove from the property all but one of the doorbells. 5. Remove from the property any internal dividing doorways and partitions facilitating the use of the property as self-contained flats. 6. Remove from the land all debris arising from compliance with the above steps.
 - The period for compliance with the requirements is five 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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Summary of Decision

1. The appeal is dismissed and the enforcement notice upheld with a variation.

Preliminary Matter

2. As there is no ground (a) appeal before me, I am unable to consider whether planning permission should be granted to retain the development the subject of the enforcement notice, namely the three flats.

The ground (f) appeal

3. The purpose of the enforcement notice is clearly to remedy the breach of planning control and it does not seek to under-enforce. Therefore, for an appeal on ground (f) to succeed it would be necessary for the appellant to explain why the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control and propose lesser alternatives steps.
4. The appellant contends the requirements are excessive as he has submitted a planning application to the Council. Based on the limited evidence before me,

the application appears to relate to two flats. I am then unaware as to whether the application has been determined, and if so, whether planning permission was granted.

5. That planning application is however not a reason that demonstrates on the balance of probabilities why the requirements of the notice are excessive. It also relates to a different development to that enforced against. Should the appellant secure a planning permission, he would then have permission for any works required in connection with that development. However, he should also be remedying the breach enforced against within the requisite period.
6. As the appellant provides very little evidence to explain why the requirements of the notice are excessive, and has provided no lesser alternative steps for consideration, the appeal on ground (f) therefore fails.

The ground (g) appeal

7. The appellant contends the time given to comply with the requirements of the enforcement notice are too short as there are 3 tenants living at the site and with 'new laws' it would take almost 1 year to comply with the notice.
8. There is then very little evidence to support the appellant's contention aside from old tenancy agreements, but I do have some sympathy for the general position the tenants will find themselves in. The appellant is then also required to undertake reasonably extensive works to comply with the notice. I therefore consider that 8 months strikes an appropriate balance for the tenants to find alternative accommodation and the appellant to remedy the breach of planning control. Any longer would unnecessarily perpetuate the breach of planning control, which would undermine the integrity of the planning system.
9. The appeal on ground (g) therefore succeeds to this extent.

Overall Conclusion

10. For the reasons given above I conclude that the appeal should not succeed other than in relation to an extended period in which to comply with the notice. I shall therefore uphold the enforcement notice with a variation.

Formal Decision

11. It is directed that the enforcement notice be varied by:
 - substituting '8 months' as the time for compliance.
12. Subject to this variation the appeal is dismissed and the enforcement notice is upheld.

Paul T Hocking

INSPECTOR