
Appeal Decision

Site visit made on 8 March 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/U5360/C/21/3281091

1 Larch Mews, Woodmill Road, Hackney E5 9GN

- 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 Miss Aleksandra Janulienė against an enforcement notice issued by the Council of the London Borough of Hackney.
 - The enforcement notice was issued on 29 July 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission the installation of a large outbuilding in the garden area of the property.
 - The requirements of the notice are:
 - (1) Remove the outbuilding (shown in Appendix 1) from the Property.
 - (2) Make good all damage to the Property resulting from the removal of the unauthorised outbuilding.
 - (3) Remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the Property and its premises.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) 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. The appeal is dismissed, and the enforcement notice is upheld.

The appeal on Ground (f)

2. 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".
3. The enforcement notice requires the removal of the unauthorised development, and as such, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
4. The appellant states that she is elderly and that removing the development is causing her a lot of stress and affecting her mental health. She also states that she did not know that planning permission was required, and that she is willing to pay the required fees to follow the correct procedure and avoid removing the development. However, as the fee was not paid for the ground (a) appeal

within the prescribed timeframe, this lapsed, and the planning merits arguments put forward in the appellant's case can play no part in my decision.

5. The notice has been issued to remedy the breach of planning control. That would not be achieved by the steps outlined by the appellant, as it would not remedy the breach of planning control and planning permission would still be required. I have considerable sympathy with the appellant's personal circumstances and can fully appreciate why she would wish to retain the development. However, there are no lesser steps drawn to my attention or any obvious alternative that would remedy the breach of planning control which is the purpose of the notice.
6. On this basis, the Ground (f) appeal fails.

Conclusion

7. For the reasons given above I consider that the appeal should not succeed. I shall uphold the enforcement notice.

R Satheesan

INSPECTOR