



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 19 April 2022

Appeal ref: APP/U5360/C/21/3288747

Land at London Tavern, 92 Rendlesham Road, London E5 8PA

- 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 brought by Mr T Kearns against an enforcement notice issued by the London Borough of Hackney on 1 November 2021.
- The breach of planning control as alleged in the notice is: "Without planning permission, the erection of 11 wooden booths at the frontages facing Kenninghall Road and Rendlesham Road".
- The requirements of the notice are: "1. Removal all associated lights, heaters and wiring from the booths; 2. Remove the wooden booths, as shown in appendix1, from the property; 3. Remove all materials, debris waste and equipment resulting from compliance with other requirements from the property and its premises; and 4. Make good all damage to the Property resulting from the removal of the unauthorised works and restore the relevant parts of the Property to the condition they were before the unauthorised development occurred".
- The time period for compliance with the notice is: "Two (2) Months after this notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The basis of the appellant's appeal is that he would like more time to comply with the notice in order to take the matter to the press in view of local support. He therefore requests that the compliance period be extended to 6 months. Presumably, the appellant's reasons for taking the matter to the press is to ultimately obtain planning permission. However, I note that an appeal on ground (a) has not been lodged. Therefore, the planning merits of the unauthorised development are not before me to consider. All that is before me to determine in an appeal on ground (g) is whether or not the time period for compliance is too short. With that in mind, I am mindful that some 5 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 7 months in which to comply with the requirements of the notice, which is one month more than that requested.
2. In these circumstances, there does not appear to be any good reason to justify extending the compliance period further and the stated harm caused by the unauthorised development should be brought to an end as soon as possible. The ground (g) appeal fails accordingly.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee