



Appeal Decision

Site visit made on 27 September 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/Z5060/C/22/3298665

15 Eliot Road Dagenham RM9 5XT

- 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 Ms Chiaka Odu-obi against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
 - The enforcement notice was issued on 26 April 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised material change of use to a scrap yard business (Use Class Sui Generis).
 - The requirements of the notice are:
 - Cease the use of the land at the property as a scrap yard business.
 - Remove all alterations and fixtures related to unauthorised use for a scrap yard business.
 - Remove all subsequent waste material from the property.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (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.
-

Decision

1. It is directed that the enforcement notice be:
 - varied by deleting the words "1 month" within section 6 (Time for Compliance) and its replacement with "2 months".
2. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld.

The appeal on Ground (g)

3. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant asks that the time for compliance is extended from one month as he states he will start to move a few goods to storage on the 25 and 26 May.
4. The notice requires the use of the property as a scrap yard business to cease and the removal of all waste material from the appeal site. In my view 2 months would strike a more reasonable and proportionate balance in this instance. I shall therefore extend the period from 1 to 2 months for compliance with the notice.

5. The appeal succeeds on ground (g), and I shall vary the notice accordingly.

Conclusion

6. For the reasons given above I consider that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

R Satheesan

INSPECTOR