



Appeal Decisions

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2022

Appeal A Ref: APP/Y5420/C/22/3297069

Appeal B Ref: APP/Y5420/C/22/3297070

79 Frobisher Road, London N8 0QU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Mr Paul Shinwell and Appeal B is made by Jennifer Raingold against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The notice was issued on 15 March 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of a single family dwelling house to a House in Multiple Occupation HMO (Use Class C4).
 - The requirement of the notice is to
 1. Cease the use of the property as a House in Multiple Occupation
 - The period for compliance with the requirement is 5 months.
 - The appeals are proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (the Act) as amended.
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Decisions

1. It is directed that the enforcement notice is corrected by the addition of the words "(Use Class C4)" to the end of the requirement in paragraph 5 of the notice so that the requirement in full is now

"1. Cease the use of the property as a House in Multiple Occupation (Use Class C4)."
2. Subject to the correction, Appeals A and B are dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The appellants have indicated that they have an ongoing planning appeal¹ with regard to the appeal property. However, that planning appeal is not before me and is being determined by a different Inspector. This enforcement appeal is limited to ground (g) only and does not include a ground (a) appeal which would have included an assessment of planning considerations.

The Notice

4. The allegation should match the requirement. The words "(Use Class C4)" which are at the end of the allegation are missing from the requirement. I shall add those words to the end of the requirement. No injustice is caused to any party by that addition as it is simply matching the allegation.

¹ APP/Y5420/W/22/3293187

The appeal under ground (g)

5. A ground (g) appeal alleges that the period for compliance with the notice is too short. The period for compliance with the notice is 5 months which the appellants consider falls short of what should reasonably be allowed. At the time of lodging the appeal, there were four tenants living in the property who had the benefit of tenancy agreements which expired on the 15 November 2022.
6. The concern of the appellants was that a compliance date of 5 months from the notice taking effect on 18 April 2022 would have required the tenants to vacate by 18 September 2022. Such a requirement would have put the appellants in breach of the agreements when the tenants could be in occupation until 15 November 2022.
7. However, the notice states "this notice takes effect on 18 April 2022 unless an appeal is made against it beforehand" as the lodging of an appeal effectively suspends the notice. If a notice is upheld on appeal, the date of the notice taking effect is the date of the issue of the Decision Letter. In any event, as the date for the termination of the tenancies has passed, the parties were asked to provide an update as to their position with regard to the appeal. The Council did not reply and the appellants indicated that the tenants had vacated the appeal property and the notice had been complied with.
8. In the absence of a withdrawal of the ground (g) appeal by the appellants, the appeals still need to be determined. However, as the appellants indicate that they have now complied with the notice following the termination of the tenancy agreements, there is no reason to extend the existing compliance period. The appeals under ground (g) therefore fail.

Conclusion

9. The appeals are dismissed and subject to the correction, the enforcement notice is upheld.

E Griffin

INSPECTOR