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# Appeal Decision

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

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**Appeal Ref: APP/U5360/C/23/3315287**

**151 Hoxton Street, Hackney, London N1 6JP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Ali Budak (Doner Hub Ltd) against an enforcement notice issued by London Borough of Hackney.
  - The notice was issued on 17 January 2023.
  - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the ground floor unit to a hot food takeaway (Sui Generis Use) and associated operational development consisting of the installation of a new shopfront and the installation of an extraction flue.
  - The requirements of the notice are to:
    1. Cease the use of the ground floor unit as a hot food takeaway use (Sui Generis);
    2. Remove the unauthorised extractor and ancillary equipment hereto, located to the rear elevation of the property as shown in appendix 1;
    3. Remove the unauthorised shop front including associated lighting and illuminated lettering from the front of the property;
    4. Reinstate the traditional shopfront to that prior to the undertaking of the unauthorised works and as shown in appendix 2;
    5. Make good all damage to the Property resulting from the removal of the unauthorised works as listed above; and
    6. Upon completion of the above steps, 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: 4 (four) months.
  - 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 have lapsed.
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## Decision

1. The appeal is dismissed.

## Ground (g)

2. The appeal on ground (g) is that the time given to comply with the requirements of the notice is too short. It is therefore limited in scope to a consideration of the time necessary to carry out those requirements. In making an appeal on ground (g), the onus is on the appellant to suggest a different compliance period. The appellant has requested the period be extended to eight months but has not provided any reason why they consider four months to be insufficient. Given the reasons for issuing the notice and the time that has passed since the notice was issued and appealed, I consider that the stated compliance period is reasonable. The appeal on ground (g) therefore fails.

*S A Hanson*

INSPECTOR