



Appeal Decisions

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 28 December 2023

Appeal A Ref: APP/T5150/C/22/3307579

Appeal B Ref: APP/T5150/C/22/3307580

13 Chestnut Grove, Wembley HA0 2LX

- The appeals are made under Section 174 of the Town and Country Planning Act 1990 as amended.
- Appeal A is made by 247 Assured Care Services Limited and Appeal B is made by Tohouilly Seri against an enforcement notice issued by the Council of the London Borough of Brent.
- The enforcement notice was issued on 16 August 2022.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the outbuilding at the rear of the premises to an office (the unauthorised use)
- The requirement of the notice is to cease the unauthorised use of the outbuilding at the rear of the premises as an office.
- The period for compliance with the requirement is 1 month.
- The appeals are proceeding on the grounds set out in section 174(2)(b) and (e) of the Town and Country Planning Act 1990 as amended

Decisions

Appeal A

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal B

2. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The appeal is proceeding on grounds (b) and (e) only. In view of the limited grounds and nature of the appeal, the appeal can be determined on the information provided by the parties without a site visit. The appellants indicate that the notice has now been complied with. However, as the appeal has not been withdrawn, it still needs to be determined.

An appeal under ground (b)

4. An appeal under ground (b) is that the breach of planning control has not occurred as a matter of fact. The alleged breach is a material change of use of the outbuilding to the rear of the premises to an office. Whilst the appellants state that the breach of planning control ceased on the 15 September 2022, the relevant period to consider under this ground is prior to the issue of the notice on the 16 August 2022. The appellants are not disputing that the breach

of planning control occurred prior to that date. The appeal under ground (b) therefore fails.

An appeal under ground (e)

5. An appeal under ground (e) alleges that the enforcement notice was not served upon everyone with an interest in the land. Section 172(2) of the Act states that a copy of the enforcement notice shall be served on the owner and on the occupier of the land to which it relates and on any other person having an interest in the land, being an interest which, in the opinion of the authority is materially affected by the notice.
6. On the appeal form for ground (e), the appellants have set out the circumstances which gave rise to the use of the appeal property until 15 September 2022 when the appellants moved to new premises. However, those circumstances are not related to the issue of service of the notice or any of the grounds of appeal before me. The appellants have not provided any details of a person or company with an interest in the land who has not been served with the notice.
7. The Council has provided evidence of service of the notice upon all relevant parties. Appeals have been lodged by Cathyanna Seri on behalf of the company and by Tohouilly Seri as an individual. The appeals were made within the required timescales and the appellants have been able to pursue their grounds of appeal. There is also no suggestion that any lack of service caused any injustice to any party. In the absence of any details to show that the notice was not properly served on everyone with an interest in the land, the appeal under ground (e) fails.

Conclusion

8. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

E Griffin

INSPECTOR