



Appeal Decision

by **Ken McEntee**

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

Decision date: 18 April 2024

Appeal ref: APP/Z5060/C/23/3332067

Land at Nebula, 218 High Road, Romford, RM6 6LS

- 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 Nadir Tarofdar against an enforcement notice issued by the London Borough of Barking & Dagenham.
- The notice was issued on 27 October 2023.
- The breach of planning control as alleged in the notice is "Without planning permission, the change of use of the property from Use Class E to a mixed use of a Restaurant/Café (Use Class E(b) and the unauthorised Shisha Use (Use Class Sui Generis)".
- The requirements of the notice are: "Cease the Shisha Use (Use Class Sui Generis) Remove all alterations and fixtures related to the unauthorised Shisha Use (Use Class Sui Generis). Remove all consequent waste material from the premises".
- The time period for compliance with the notice is 1 Month after the 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 the notice is upheld without variation.

Reasons for the decision

1. Much of the case put forward by the appellant concerns his belief that planning permission should be granted for the unauthorised use. However, as no appeal has been made on ground (a), all that is before me to consider is the appeal on ground (g), which is whether or not the time period for compliance with the requirements of the notice is too short. There is also no evidence before me of an application for planning permission having been submitted to the Council, and whether one will be submitted in the future can only be considered as a matter of speculation at this stage. I note that the appellant has not offered an alternative period for compliance, and I am mindful that some 6 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, it follows that the appellant will have had some 7 months in which to comply with the requirements of the notice. On the evidence before me, I am not satisfied there is good reason to extend the compliance period further. The appeal fails accordingly.
2. However, while I am dismissing the appeal, I note that the Council have stated that they are willing to agree to any reasonable request to extend the compliance period, which they are entitled to do under section 173A(1)(b) of the 1990 Act, should they be satisfied there is justification for doing so.

Formal decision

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

K McEntee