



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 23 September 2024

Appeal ref: APP/T5150/C/24/3339502

Land at 52 Chamberlayne Avenue, Wembley, HA9 8SR

- 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 Bhupesh Halai (Celtic Trading Ltd) against an enforcement notice issued by the London Borough of Brent.
- The notice was issued on 21 February 2024.
- The breach of planning control as alleged in the notice is "Without planning permission, the material change of use of the premises to a mixed use as House in Multiple Occupation (HMO) and/or short-term lettings".
- The requirements of the notice are: "STEP 1 Cease the use of the premises as a House in Multiple Occupation (HMO). STEP 2 Cease the use of the premises for short-term lettings. STEP 3 Remove all kitchens and cooking facilities, except ONE, from the premises and remove all associated items, debris and materials, arising from this removal from the premises. STEP 4 Remove all bathrooms/shower rooms and bathroom/shower room facilities, except TWO, from the premises and remove all associated items, debris and materials, arising from the removal from the premises. STEP 5 Remove all partition walls, fittings and fixtures, facilitating the unauthorised change of use from the premises, and remove all associated items, debris and materials, arising from this removal from the premises, so that the internal layout of the premises is returned back to a single family dwelling house as existed prior to the unauthorised use commencing".
- The time period for compliance with the requirements of the notice is "**3 months** after this 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 and the notice is upheld without variation.

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 22 August 2024.

Reasons for the decision

1. The basis of the appellant's appeal appears to be that the matter is now with the courts and is therefore out of his hands, so he has no control to ensure compliance with the enforcement notice. It appears clear from the evidence that the appellant is going through the legal process in order to regain possession of the appeal premises and is waiting for High Court bailiffs to implement the necessary eviction of the current tenants so that he can then carry out the necessary works to comply with the notice. While I appreciate the difficulties faced by the appellant, 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 12 months in which to comply with the requirements of the notice. I consider this period to be more than reasonable, and I am not satisfied there is good reason to extend the compliance period further. The appeal fails accordingly.

2. However, as the Council point out, should the appellants continue to experience any genuine difficulties, it will be open to them to submit a request to the Council to use their powers under section 173(1)(b) of the 1990 Act to extend the compliance period themselves, 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