

Appeal Decision

Site visit made on 11 November 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2024

Appeal Ref: APP/E5900/C/23/3332530

The land at 133 Whitechapel Road, London E1 1DT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mithai Ghar Limited against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
 - The notice was issued on 2 October 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use from a public house to a retail/café use.
 - The requirement of the notice is to: a) cease the use of the premises as a café/retail.
 - The period for compliance with the requirement is three (3) months from the date 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).
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Decision

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

Preliminary Matter

2. While the Council has provided a copy of another enforcement notice (EN) relating to a shopfront, fascia sign, and projecting sign at the appeal site, that EN is separate from the EN that is the subject of this appeal and is not a matter before me. Furthermore, nor are the planning merits of the proposal or any other works said to have taken place at the appeal property.

Reasons

3. An appeal on ground (g) is that the period specified in the EN falls short of what should reasonably be allowed. The EN requires the use of the premises to cease to remedy the breach of planning control.
4. The appellant has not suggested an alternate compliance period. They indicate that they are willing to submit a planning application in respect of the change of use, but I am not aware that this has happened, nor is there any indication of a potential timeframe for an application to be submitted to the Council. Notwithstanding the period of time that elapsed prior to the EN being issued, the appellant has a right of appeal and to await the outcome of that process before they carry out any requirement of the EN. However, the requirement in this case is straightforward, and the compliance period stipulated on the EN is reasonable, bearing in mind that the use is a business and people are likely to be employed by it or dependent upon it. On that basis, I conclude that the appeal on ground (g) fails.

Conclusion

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

Andrew McGlone

INSPECTOR