



Appeal Decision

Site visit made on 25 June 2025

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 30th June 2025

Appeal Ref: APP/E5900/C/23/3325132

130 Cadogan Terrace, London E9 5HP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Gianmarco Del Bianco against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
 - The notice was issued on 16 May 2023.
 - The breach of planning control as alleged in the notice is 'The erection of a timber structure to the south elevation of the premises shown in the approximate location outlined in blue on the attached site plan in Appendix 1'.
 - The requirement of the notice is
 - 1) Remove the timber structure shown outlined in blue on the attached plan and shown in photographs 2A, 2B, 2C and 2D of Appendix 2 from the south elevation of the building.
 - The period for compliance with the requirement is 3 months
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is varied by:
 - (i) the deletion of '*3 months*' and its substitution with '*4 months*' as the period for compliance.
2. Subject to the variation, the appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

3. Appeals are lodged either by individuals or companies. The appeal form refers to both Gianmarco Del Bianco and the Italian Job as the appellant. The appellant subsequently clarified that the Italian Job is a trading name of Italian Beer Connection Limited. However, as that company is not a named appellant on the appeal form, the appeal is proceeding in the name of Gianmarco Del Bianco.
4. I was informed by the appellant on 11 June 2025 that a new business is now occupying the appeal site. Recent changes have also been made to the timber structure including a corrugated plastic roof and a timber infill front element by the new occupier.
5. However, the appeal is still proceeding on the limited grounds of (f) and (g). There is no ground (a) appeal which is that planning permission should be granted for the matters stated in the notice. I am therefore unable to consider the planning merits of the original development, the development as amended or any alternative scheme.

The appeal under ground (f)

6. Section 174(2)(f) of the Act states that an appeal may be made on the ground that the steps required by the notice to be taken, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The allegation relates to the erection of a timber structure. As the requirement of the notice is to remove the structure, the purpose of the notice is therefore to remedy the breach.
7. Under this ground, the appellant had proposed removing additions to the timber structure including lighting, plastic sheeting and decorations made with sacking but retaining the timber structure itself. This proposal has been overtaken by the changes to the development as the sheeting and decorations have been removed. However, removing elements whilst retaining the timber structure would not have remedied the breach. Whilst a 'demolition plan' had also been proposed as an alternative, that plan shows a different structure which would require a planning application.
8. An appeal under ground (f) is limited to consideration of whether the requirements of the notice exceed what is necessary having regard to the purpose of the notice which in this case is to remedy the breach of planning control. As the purpose of the notice is to remedy the breach, the requirement to remove the development is not excessive. The appeal under ground (f) fails.

The appeal under ground (g)

9. An appeal under this ground relates to the period for compliance with the requirement. The appellant had asked for a period of 6 months to comply rather than the 3 months stated in the notice. Whether or not the appeal premises has to close for a week to carry out works is an operational decision for the occupier. The existing compliance period does, however, avoid the busiest summer months in terms of disruption for customers.
10. At the time that the appeal was lodged in 2023, the appellant intended to apply for planning permission for an alternative scheme, but no application was made. Whether or not the existing occupier does intend to seek the views of the Council about the amended development or submit a planning application is simply not known at this stage. It is therefore not appropriate to extend the compliance period to allow time for an application that may never be submitted.
11. Nevertheless, a slightly longer period than 3 months is reasonable in view of the recent change of occupier. I will extend the compliance period to 4 months which would allow time to find and instruct contractors as well as carry out the works which are estimated to take a week. I will amend the notice accordingly. The ground (g) appeal succeeds to that limited extent.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

E Griffin

INSPECTOR