



Appeal Decision

by Ken McEntee

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

Decision date: 7 October 2025

Appeal ref: APP/N5660/C/25/3364511

Land at 64 and 66 Clapham High Street, London, SW4 7UL

- 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 Kujtim Hasani (Condes restaurant and wine bar Ltd) against an enforcement notice issued by the London Borough of Lambeth.
- The notice was issued on 13 March 2025.
- The breaches of planning control as alleged and the requirements of the notice are as described in the annex to this decision.
- The time period for compliance with the requirements of the notice is "Six 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 enforcement notice is upheld without variation.

Reasons for the decision

1. I have considered all the reasons put forward for requiring more time to comply with the requirements of the notice and I note that the appellant has confirmed that he would like the compliance period to be extended to 12 months. However, I am mindful that more than 5 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, the appellant will effectively have had more than 11 months in which to take the necessary steps to ensure the requirements of the notice are complied with, which is just short of the 12 months requested. I consider this period to be reasonable and provides a proportionate balance between the needs/concerns of the appellant and the potential impact on his business and staff, and the need for the stated harm caused by the unauthorised development to the residents of neighbouring properties to be brought to an end as soon as possible.
2. The appellant states that he intends to submit a planning application and that more time will be required to appeal if the application is refused. However, whether this will happen can only be considered as a matter of speculation at this stage and I cannot justify extending the compliance period further in such circumstances.
3. On the evidence before me, I am not satisfied there is good reason to extend the compliance period further. The appeal fails accordingly.

4. However, as the Council point out, should the appellant experience any genuine difficulties, it is open to him to submit a request to the Council to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

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

K McEntee

Annex to the decision

"THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

6. Without planning permission:
 - To the flat roof of the single storey frontage the; paving of the roof; installation of wooden box planters around the perimeter; erection of a black metal-framed retractable canopy; erection of fixed wooden seating, screening, tables and planters; and staircase and pergola, all facilitating the material change of use of the roof to a terrace used in association with the ground floor drinking establishment at 64 Clapham High Street; and
 - To the rear of the premises the; paving of the flat roof of the single storey extension; installation of wooden box planters and black metal railings around the perimeter of the flat roof; erection of a black metal-framed canopy on the flat roof; and insertion of grey French doors at first floor level (of 64 Clapham High Street), all facilitating the material change of use of the roof to a terrace used in association with the ground floor drinking establishment at 64 Clapham High Street; and
 - The material change of use of the first floor of 64 Clapham High Street from C3 residential use to a drinking establishment used in association with the ground floor drinking establishment at 64 Clapham High Street; and
 - The material change of use of the first and second floors of 66 Clapham High Street (aka 66 Edgeley Lane) from two C3 residential flats to office use.

WHAT YOU ARE REQUIRED TO DO

7. a) From (the front of) the premises remove the; roof paving; wooden box planters; black metal canopy; fixed wooden seating, screening, tables and planters; and staircase and pergola; and reinstate the roof as existed prior to the breach of planning control; and cease the use of the roof in association with the ground floor drinking establishment at 64 Clapham High Street; and b) From (the rear of) the premises remove the; roof paving; wooden box planters and black metal railings; black metal canopy; French doors from the premises (and reinstate windows as existed prior to the breach of planning control); and reinstate the roof as existed prior to the breach of planning control; and cease

the use of the roof in association with the ground floor drinking establishment at 64 Clapham High Street; and c) Cease the use of the first floor of 64 Clapham High Street as a drinking establishment used in association with the ground floor drinking establishment at 64 Clapham High Street; and d) Cease the use of the first and second floor of 66 Clapham High Street (aka 66 Edgeley Lane) as offices; and e) Remove all associated waste and debris arising from compliance with the above steps, from the premises”.