



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/W5780/C/24/3342501

27 Alloa Road, Goodmayes, Ilford IG3 9SW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Jaswinder Sangha against an enforcement notice issued by the Council of the London Borough of Redbridge.
 - The notice was issued on 15 March 2024.
 - The breach of planning control as alleged in the notice is the change of use of the single family dwelling house into four flats.
 - The requirements of the notice are to: i. Cease the use of the property as four self-contained residential units; ii. Remove additional kitchen and any partition that facilitates the unauthorised use as four self-contained flats; and iii. Remove from the land all building materials and rubble arising from compliance with steps i-ii above.
 - The period for compliance with the requirements 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) 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 Matters

2. The appeal has been made under ground (b). Under this ground the Appellant claims that the breach of planning control alleged in the notice has not occurred as a matter of fact. To determine whether the breach has occurred requires an assessment of written and other evidence of the situation that prevailed on the date of issue of the enforcement notice, and nothing would be achieved by visiting the site. The appeals have therefore been determined without undertaking a site visit.

Reasons

3. The Appellant unsuccessfully applied for a Lawful Development Certificate for the conversion of the appeal property into four flats on the basis that the works were immune from enforcement action through the passage of time. The statement submitted with this appeal is written as if it is for an appeal against that refusal, not for an appeal under ground (b) against issue of the enforcement notice. The works to convert 27 Alloa Road to four flats has, on the Appellants own evidence, occurred, as a matter of fact, and the ground (b) appeal therefore fails.

John Braithwaite

Inspector