



Appeal Decision

by **Ken McEntee**

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

Decision date: 13 January 2026

Appeal ref: APP/D5120/C/25/3371631

Land at 250 Sherwood Park Avenue, Sidcup, Kent, DA15 9JN

- 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 P Panchachsaram against an enforcement notice issued by the London Borough of Bexley.
- The notice was issued on 11 July 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, the unauthorised material change of use of the property to a hot food takeaway, with facilitating operational development consisting of an extraction flue pipe".
- The requirements of the notice are: "1) Cease the use of the premises as a hot-food takeaway; And 2) Remove the extraction flue pipe from the Land; And 3) Remove all resultant demolition materials from the Land".
- The time period for compliance with the requirements of the notice is "Within Three (3) months from the date this Enforcement Notice becomes effective".
- 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. The main basis of the appellant's case is that more time is required to identify alternative premises and to raise the necessary finance. It is also argued that the cessation of the unauthorised use could lead to unemployment and hardship. The appellant suggests the compliance period should therefore be extended to 9 months. I note that an appeal (APP/D5120/W/25/3369364) against the refusal of a retrospective application to regularise the unauthorised use and development was submitted before the enforcement notice was served and was dismissed on 21 October 2025.
2. While I appreciate the reasons given for requesting more time to comply with the notice, I am mindful that more than 4 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 7 months in which to seek out alternative premises and to raise the necessary finance, although I appreciate that in some of that time the appellant will have been hoping for a successful decision on the planning appeal. Nevertheless, that decision was issued more than 2 months ago. I consider the time period for compliance with the requirements of the notice to be reasonable and provides a proportionate balance between the needs of the appellant, and the

need for the stated harm caused by the unauthorised use to be brought to an end as soon as possible. Therefore, I am not satisfied there is good reason before me to justify extending the compliance period further. The appeal fails accordingly.

Formal decision

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

K McEntee