



Appeal Decision

by **Ken McEntee**

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

Decision date: 10 June 2020

Appeal ref: APP/B5480/C/20/3248235

Land at 30 The Broadway, Hornchurch, London, RM12 4RN

- 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 Somasundram Rajendra against an enforcement notice issued by the London Borough of Havering.
- The notice was issued on 25 February 2020.
- The breach of planning control as alleged in the notice is "Without planning permission, the change of use of the basement into two self-contained separate residential units".
- The requirements of the notice are: "1. Cease the use of the flats known as basement floor, 30b & 30c Broadway Parade, Hornchurch, RM12 4RN as residential accommodation; 2. Revert the basement residential units back to storage and remove all kitchen and cooking facilities and remove all bathing and toilet facilities and remove all gas and electricity meters and fuse boxes from both flats; 3. Remove all rubble, debris and detritus accumulated when taking steps (1), and (2) above".
- The time period for compliance with the notice is "3 months after 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.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appellant requests that the time period for compliance with the requirements of the notice be extended to 6 months in order to allow time for the current tenants to be re-housed. However, I am mindful that some 3 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 have had the 6 months requested in which to carry out the necessary works to comply with the requirements of the notice. I consider this period to be both reasonable and proportionate and provides an appropriate balance between the needs of the current tenants to seek alternative accommodation and the need to bring the stated harm caused by the unauthorised use to an end. Therefore, on the evidence before me, I cannot conclude there is good reason to extend the compliance period further and consider the 3 months given in the notice to be adequate. The ground (g) appeal fails accordingly.
2. However, while I am dismissing the appeal, I am also conscious of the current situation with regard to the COVID-19 pandemic, which could potentially impact on the appellant's ability to carry out the required works. Therefore, 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 173(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

K McEntee