

PLANNING ENFORCEMENT APPEAL DECISIONS RECEIVED BETWEEN 01/09/2016 AND 30/09/2016

Council ref.	Address	Breach of planning control	Notice type	Decision date	Appeal decision
12/00447/3COU	The Cricketers 17 Kennington Oval London SE11 5SG	Without planning permission, the unauthorised change of use of the A4 (public house) to 6 residential flats (Class C3), 2 at ground floor level and 4 at first floor level (the unauthorised 6 residential flats).	EN (Material Change of Use)	28.09.2016	Appeal Dismissed

The appeal proceeded under grounds (d) and (g), both of which were dismissed by the inspector for the following reasons;

Ground (d) That the use as six flats was lawful;

For the appellant to succeed under this ground of appeal they had to demonstrate, on the balance of probability, that the use as six flats had been ongoing for four years prior to the date of the notice. The inspector noted that the appellant's evidence was imprecise and ambiguous and there were many contradictions between the evidence provided to the Inquiry and that produced whilst the council were investigating the breach of planning control. Only a handful of tenancy agreements were provided, many of which were incomplete. As a result this ground of appeal failed.

Ground (g) Period for compliance;

The appellant requested fifteen months to secure compliance with the enforcement notice. However no substantive reasoning or evidence was given as to why more than six months was required as given in the notice. The inspector dismissed this ground of appeal accordingly.

	Allowed	Dismissed	Mixed
Month total	0	1	0
Financial year to date	1	2	0