
Appeal Decision

Inquiry opened on 8 March 2016

Site visit made on 9 March 2016

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 May 2016

Appeal Ref: APP/T5150/C/15/3032594
4 Churchmead Road, London, NW10 2JX

- 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 Act).
 - The appeal is made by Mr M Y Idlbi against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 31 March 2015.
 - The breach of planning control as alleged in the notice is the material change of use of the premises from six to ten residential flats.
 - The requirements of the notice are:
 - Step 1: Cease the use of the premises as more than six residential flats and alter the internal layout of the premises so that it is laid out as six residential flats.
 - Step 2: Remove all facilities and fixtures installed to facilitate the unauthorised breach, including, but not limited to: additional stud walls, additional kitchens and bathroom, and doorbells.
 - Step 3: Restore the premises back to its condition prior to the unauthorised change of use took place.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (d) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The enforcement notice is corrected by inserting the word "when" after the words "prior to" in Step 3 of Schedule 4.
2. The notice is varied by deleting the number "3" [months] in Schedule 5 and its substitution with the number "8" [months].
3. Subject to the correction and the variation the appeal is dismissed and the enforcement notice is upheld.

Application for Costs

4. At the Inquiry an application for costs was made by the Council of the London Borough of Brent against Mr M Y Idlbi. This application is the subject of a separate Decision.

Preliminary matters and background information

5. Step 3 of the notice has been corrected in order to improve the grammatical construction and reading of the sentence.
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6. The appeal property, 4 Churchmead Road, is a three storey building originally sub-divided into six flats comprising Flats 4A and 4B on the ground floor, Flats 4C and 4D on the first floor, and Flats 4E and 4F on the second floor.
7. Shortly before the date of the Inquiry a plan of the internal layout of No. 4 was submitted on behalf of the Appellant. The parties agreed that it accurately sets out the current layout and numbering of flats on each floor, and reflects what I saw during my site visit to the property. Hence there is no dispute that Flats 4B and 4D remain unaltered while Flats 4A, 4C, 4E, and 4F have each been subdivided into two separate self-contained units. Thus Flat 4A has become flats 4A1 and 4A2; Flat 4C has become flats 4C1 and 4C2; Flat E has become flats 4E1 and 4E2; and Flat F has become flats 4F1 and 4F2.
8. Prior to the Inquiry the appellant conceded that Flat C was subdivided less than four years prior to the issue date of the notice. The ground (d) appeal therefore relates to former flats 4A, 4E and 4F only.
9. The appellant submitted a statutory declaration (SD) prior to the Inquiry. In addition, the appellant's planning agent submitted a Supporting Evidence Statement (SES) with Appendices A to S, though these did not form part of the appellant's SD.
10. On opening the Inquiry the Council submitted a copy of a signed letter¹ dated 10 May 2011 from Genevieve Conway, a former tenant at the property. It related to her period of occupancy. The Appellant's Counsel made no objection to its admission and I consider that no injustice would result in taking it into account in reaching my decision. I will therefore do so.
11. Other than the Appellant, it was agreed that the three other witnesses² giving oral evidence in support of the appeal should each be excluded from the Inquiry room prior to giving their evidence. It was also agreed that one of those, Klaudija Muceniece, could give her evidence in Latvian through her daughter acting as an interpreter. All oral evidence to the Inquiry was given on oath.

Reasons

The appeal on ground (d)

12. In pursuing an appeal on ground (d), the onus is on the appellant to establish on the balance of probabilities that at the time the enforcement notice was issued, it was too late to take enforcement action against the matters alleged in the notice. There is no dispute between the parties that the relevant date in this case is 31 March 2011 (referred to hereafter as "the material date"). Hence, in accordance with well-established case law³, the appellant must affirmatively establish that from the material date the subdivided flats have each been continuously used as two units of self-contained residential accommodation throughout the four year period.
13. The judgment in *Gabbitas v SSE and Newham LBC [1985] JPL 630* makes it clear that if the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than

¹ Document 1

² Hammid Abdul Eali, Malgorzata Waszkau, Klaudija Muceniece

³ *Swale Borough Council v First secretary of State and Lee [2005] EWCA Civ 1568*

probable, there is no good reason to dismiss an appeal on ground (d), provided the appellant's evidence alone is sufficiently precise and unambiguous.

14. Relying on the judgments in *Welwyn Hatfield Council v SSCLG & Beesley [2011] UKSC 15*, and *Jackson v Secretary of state for Communities and Local Government [2015] EWCA Civ 1246*, the Council contend that in the event that I found that there had been continuous occupation of the any of the flats from the material date, I should set aside the normal time limits for immunity in Section 171B(2) of the Act due to acts of positive deception by the Appellant. I return to this matter later.

Flat 4A

15. Both in his oral evidence and statutory declaration (SD) the appellant claims that Flat 4A was subdivided in December 2008, and that the resulting flats, 4A1/4A2, have been continuously occupied as separate self-contained flats since those dates.
16. The Appellant's Appendices A to J attached to the SES relate to former Flat 4A.
17. Appendices A and G include copies of the Valuation Office Agency's (VOA) notices (dated 13 April 2009) of retrospective alterations to the valuation list for the change of Flat 4A into two separate flats. The change was effective from 11 December 2008. The Appendices also include Council tax bills for the occupiers of the two flats (Mr Luciana in flat 4A1, Mr Tass in flat 4A2).
18. However, it is not clear for how long they were in occupation. Mr Tass only appears in the Council's electoral register records⁴ occupying former Flat 4A in December 2008; Mr Luciana does not appear at all. The Council tax bill for Mr Tass in flat 4A2 for the period 1 April 2010 to 31 March 2011 overlaps with the electoral record entry for a Mr and Ms Marcovits in flat 4A2 from December 2010. Moreover, given that the Appellant was unable to confirm when tenants left the flats they could have left at any time. The VOA notices and Council tax bills do not therefore provide reliable evidence of any continuous residential occupation of flats 4A1 or 4A2 for the relevant four year period.
19. Appendix C contains copies of an assured short-hold tenancy agreement (AST) and a lettings invoice from Diamond Estate Agency (DEA). They refer to "Flat 1, 4A" in respect of tenants Genevieve Conway and Samuel Lincoln for a six month term from 12 November 2010 (hence to 12 May 2011). The submitted SES states that these documents are supporting evidence in respect of flat 4A1. However, contrary to that statement, the Appellant at the Inquiry stated that although "Flat 1,4A" on the AST and invoice likely referred to flat 4A1, they were in any event incorrect because Ms Conway and Mr Lincoln occupied the front ground floor flat, which is flat 4A2. Notwithstanding that he is a signatory on the AST, the Appellant explained that all the flat tenancies and AST documentation are managed by the DEA on his behalf, and that there must have been confusion on their part in the flat numbering when drawing up the AST and the invoice.
20. The end of the six month term (12 May 2011) on the AST would be approximately consistent with the date of tenancy surrender (10 May 2011) as stated in the letter submitted by the Council (Document 1) signed and dated by Ms Conway. However, that letter refers to flat "4A", which is the numbering of

⁴ Appendix 2 to proof of Mr Scott Davies

the larger flat prior to its subdivision. Thus if, when signed on 10 May 2011, the letter is taken to refer correctly to former flat 4A, it would indicate that the subdivision took place after the material date. The Appellant suggested that the numbering "4A" on the letter is an error. Whether it was or not, given these discrepancies and the inconsistency with the Council's evidence (Document 1), I find that the AST and lettings invoice do not provide reliable evidence of continuous residential occupation of either flat 4A1 or 4A2.

21. Appendix D contains an AST together with a letter from the Council regarding housing benefit, both in respect of a tenant by the name of Ms Kaminska. The submitted SES states that these documents are also supporting evidence in respect of flat 4A1; the rear ground floor flat. However, further inconsistencies are apparent. While the terms on page 2 of the AST refer to "Flat 1, No. 4A", the flat numbering in the page footers on pages 1, 3 and 4 all refer to "Flat 02". The Appellant stated that these ambiguities are also further drafting errors by the DEA. If the AST is taken to relate to flat 4A1, then the twelve month tenancy period for Ms Kaminska (to 21 March 2012) conflicts with the Council's electoral roll record which indicates occupier Lucky in "Flat 1, 4A" from December 2011. However, the Appellant was unable to recall a resident by that name.
22. The housing benefit letter from the Council to Ms Kaminska is addressed to "GRD FLR FLAT 1, 4A CHURCHMEAD ROAD". While it would indicate that she was a tenant of flat 4A1 at the date of the letter (dated 22 October 2012), it does not provide evidence of continuous occupation from 31 March 2011. The Appellant's SES states that she left on 8 September 2013, although there is no documentary evidence to corroborate that, and at the Inquiry the Appellant conceded that he did not know when tenants vacated the flats. Given these factors, I find that these documents do not provide reliable evidence of continuous occupation of either flat 4A1 or 4A2.
23. Appendix E contains copies of an AST for "4a (Flat1)" and a DEA lettings invoice, both in respect of a tenant by the name of Ms Santos. The AST period runs from 11 September 2013 to 10 March 2014. The Appellant was unable to confirm when she left.
24. Appendix F contains copies of two ASTs, the first in the name of Ms Soriano for "Flat 1, 4A"; the second in the name of Mr Guiomla for "Flat 2, 4A".
25. The AST for Ms Soriano on page 1 states that the tenancy period is for six months, but immediately below that it states a twelve month period running from 5 May 2014 to 4 May 2015. On page 2 it states that the period runs for six months and terminates on 5 May 2014; that is the same date as commencement stated on page 1. Consequently, some or all of these terms must be incorrect and therefore the document does not provide any reliable evidence of commencement or termination dates, and hence nor of any specific period of continuous residential occupation. While the SES states that Ms Soriano moved out on 7 May 2015; that is not corroborated by the AST and the Appellant was unable to confirm when tenants left.
26. The AST for Guiomla is for a six month period running from 1 June 2015 to 30 November 2015; hence after the date of issue of the enforcement notice. It does not therefore provide evidence that the breach is immune from enforcement action.

Appendix I contains a copy of an AST in the name of Mr Alonzo for a tenancy for flat 4A2, running from 28 March 2011 to 27 March 2012, and a copy of a council tax bill for him for the year April 2011 to March 2012. While the SES states that Mr Alonzo left in September 2014, the AST termination date was in 2012. The AST and council tax bill do not affirmatively establish the length of any continuous period of residential occupation, and the Appellant was unable to confirm when he left.

27. Appendix J contains a copy of an AST in the name of Ms Mangal for a tenancy for flat 4A2. Page 1 of the AST states the tenancy period is for twelve months commencing on 1 October 2014. However on page 2, it also states it is for six months terminating on 30 September 2015. These inaccuracies mean the commencement and period of occupancy cannot be reasonably assumed from the document. Taken together with the unknown date on which the previous tenant Mr Alonzo left, there may have been a considerable gap in between occupancies. Hence, the evidence taken as a whole, including the Appellant's oral evidence, does not establish continuous residential occupation of flat 4A2 from the material date.
28. Appendices B and H consist of Foxton's estate agency marketing material for flats 4A1 and 4A2. Notwithstanding that the material is undated; it only provides evidence of marketing of the two flats, it does not provide evidence of physical occupation of the two flats.

Flat 4E

29. In both his oral evidence and in his SD, the appellant claims that Flat 4E was subdivided in December 2010, and that the resulting flats 4E1/4E2 have been occupied as separate self-contained flats since that time.
30. I have no reason to doubt the accuracy of the evidence given on oath by Klaudija Muceniece who confirmed the information in her statement that she moved into flat 4E1 on 27 October 2015 and has lived there ever since. Her occupancy however does not help to establish continuous occupancy of flat 4E1 during the relevant four year period from the material date.
31. Appendix M consists of copies of five ASTs in respect of flat 4E1. However, there are a number of discrepancies and inconsistencies within the documents.
32. The first AST (Ms Caldwell) states on page 1 that the tenancy is for a six month period, but then states a twelve month term running from 7 January 2011 to 6 January 2012. On page 2 it gives the same calendar dates but states it is for eleven months. The second AST (Miss Hamed) purports to commence on 6 January 2012 but has similar discrepancies to the first AST in its terms and duration. Consequently, these documents do not provide reliable evidence of continuous residential occupation from 7 January 2011 onwards.
33. The third AST (Mr Westmeads and Miss Girboan) is even more confusing. In the Appellant's SES it states that the AST covers a (10 month) period from 7 January 2013 to 4 November 2013. However, the AST states it commences on 8 February 2013 for a term of six months to 7 August 2014, which is in fact a period of 18 months. Notwithstanding that the commencement and determination dates cannot be established from the AST, there is no evidence of when Mr Westmeads and Miss Girboan actually vacated. Given these factors, I find that the AST does not provide credible evidence of continuous

- occupation for the whole period from 7 January 2013 to the commencement date of the following AST for a tenant by the name of Mr Hudak. His occupancy is covered by the fourth and fifth ASTs from 5 November 2013.
34. Appendix N contains three ASTs in respect of flat 4E2.
35. The first of the three ASTs is for a tenant by the name of Ms Khodabakhshi. The Appellant's SES states that this AST covers a period of tenancy from 8 January 2011 to 7 January 2012. However, while on page 1 it states that it is for a twelve month period to 7 January 2012, that conflicts with the details on page 2 which state that it is only for a six month term, and terminates on the 8 January 2011; the same date of commencement as stated on page 1. The second AST is for a tenant in the name of Ms Mansouri. It states on page 1 that the tenancy is for a twelve month period running from 7 January 2012 to 6 January 2013, but states on page 2 that it is for six months terminating on 6 January 2013. The third AST is for joint tenants Mr Abiva and Ms Gaco, which states on page 1 that the tenancy is for a twelve month period running from 1 July 2013 to 30 June 2014, but states on page 2 that it is for a six month term terminating on 1 July 2013; the same date as commencement on page 1. Given all of these factors, I find that the three ASTs on their face do not provide reliable evidence of continuous residential occupation of flat 4E2.
36. I have further concerns regarding the above AST for Ms Khodabakhshi which have wider implications in respect of the integrity and credibility of the Appellant's SD and oral evidence as a whole. I turn to this matter next.
37. The Council referred to documents⁵ taken from its housing benefit records. They include copies of two consecutive ASTs for Ms Khodabakhshi for a combined period from 8 January 2011 to 14 February 2012. That covers the same period of tenancy as the Appellant's single version AST for Ms Khodabakhshi in Appendix N (assuming a commencement date of 8 January 2011). Each page of the Council's two ASTs and other documents are stamped with a certificate which states: "*OSS Willesden. I confirm that this is a true copy. Original seen and returned*". Below that are the receiving officers' signature and then a date stamp with the relevant date. I have no reason to question their authenticity as certified office copies of the documents that were presented to the Council, and I attach full weight to them in reaching my decision.
38. The Council's first AST and the Appellant's corresponding one (both commencing on 8 January 2011) should match. However, they differ markedly in type font, formatting, paragraph numbering, and layout. Both of the Council's ASTs refer to the un-subdivided flat numbering, "No. 04E", while the Appellant's single version refers to "Flat2 4E". It is clear that the ASTs that were submitted to the Council are completely different versions of the single AST submitted to the Inquiry by the Appellant for the same period. They cannot all be genuine representations of the use of the property at that time.
39. The Council's records (Appendix 3) also contain a letter dated 16 August 2011 and signed by the Appellant. It states that Ms Khodabakhshi had been residing at "4E Churchmead Road" from "08/01/2011 until 12/07/2011". The numbering is clearly that of former un-subdivided Flat 4E. The letter further states: "*During this time there have been no other person living in the property*

⁵ Council's Appendix 3

nor have I signed any other contract accept with the tenant mentioned above. Ms Khodabakhshi has been supplied with new contract to start from 15 August 2011”.

40. Given that the Appellant now claims that Flat 4E was occupied as two separate flats from January 2011 to 2012, and also at the date of the above letter, I draw the following conclusion on the balance of probabilities: that either; the two ASTs for Ms Khodabakhshi submitted to the Council in 2011 were disingenuous, as was the statement in the letter that no other person was living in the property, and that the letter was deliberately misleading in order to hide subdivision of Flat 4E, or; the Appellant’s evidence to the Inquiry is untruthful.
41. Furthermore, Ms Khodabakhshi’s signature appears five times in the Council’s documents in its Appendix 3. The linear drawn out style and appearance of the five signatures are entirely consistent with each other; the first four letters “Khod” are legible while the remainder of the name is represented by an extended flat line. However, the much shorter ‘S’ shaped signature on the Appellant’s single version AST bears no resemblance whatsoever to those five other signatures.
42. Having regard to all of the above factors, I find that they diminish the credibility of the Appellant’s SD and oral evidence.

Flat 4F

43. In both his oral evidence and in his SD, the appellant claims that Flat 4F was subdivided in April 2003, and that the resulting flats 4F1/4F2 have been occupied as separate self-contained flats since that time.
44. No supporting documentary evidence has been provided to demonstrate occupation as two separate flats from April 2003 to 2006.
45. The Appellant’s SES states that joint occupiers by the name of Mr and Ms Ferrer occupied flat 4F1 from 1 December 2006 to July 2011. There is no supporting documentary evidence in support of that claim, and the Appellant was unable to confirm when tenants vacated flats. Against this, those occupancy dates conflict with the Councils electoral records which indicate that Flat 4F remained as an un-subdivided flat occupied by a tenant (Saab) from 2007, and by Mr and Ms Ferrer from 2009 and 2010. The subdivision of Flat 4F is not indicated in the electoral records until December 2014.
46. Appendices O and Q are printed screenshots taken from the VOA website for council tax valuation for “Flat 1 at 4F, Churchmead Road” and “Flat F2 at 4F Churchmead Road” respectively. They state that the change in valuation is with effect from 15 March 2011, and that the records were last updated on 11 May 2015. However, effective dates can be entered retrospectively and there is no indication of when the effective date in this particular case (15 March 2011) was entered into the record. In any event, the effective date of change in the valuation record does not demonstrate that the flat was in continuous residential occupation before or after that date.
47. Two ASTs (Appendix P) were provided for flat 4F1 in respect of the tenant Mr Hammid Eali, who was also a witness to the Inquiry. The ASTs cover two separate periods from 1 July 2011 to 30 June 2012, and then from 1 July 2013 to 31 December 2013. The ASTs have similar discrepancies in their terms and

- duration as other ASTs I have previously described, such that they are not reliable documents in terms of providing convincing evidence. Nonetheless, I have no reason to doubt the sworn testimony of Mr Eali who confirmed that he has continuously occupied flat 4F1 since 1 July 2011, although that post-dates the material date of 31 March 2011.
48. In addition, although he stated he was aware of the existence of other occupiers at various times in some flats from 1 July 2011 (after the material date) onwards, I do not consider that constitutes a comprehensive and detailed knowledge of continuous residential occupation of the other flats throughout the relevant four year period.
49. On his first occupation Mr Eali signed a household inventory checklist in respect of the flat furnishings and their condition. It was argued for the Appellant that the inventory indicates that some of the fixtures and furnishings were of some age and that this is evidence of occupation prior to Mr Ealis's. I disagree. The inventory does not provide any dates of when furnishings were initially purchased, what their condition was when purchased, or when they were provided in the flat. Hence, their condition description on the inventory, either "good" or "fair", is not evidence that the flat was continuously occupied from the material date.
50. Appendix R contains an AST in respect of "Flat2, 4F" for a tenant in the name of Ms Lefta, for a term of six months from 9 November 2010 to 8 May 2011. In giving oral evidence Mr Eali recalled Ms Lefta as the occupier of flat 4F2 when he first occupied flat 4F1 on 1 July 2011. Appendix R also contains court documents relating to eviction proceedings for Ms Lefta issued on 10 November 2011 with a hearing date scheduled for 17 January 2012. The Appellant's SES states that Ms Lefta finally left in May 2012. However, there is no further documentary evidence to establish when she actually vacated the flat.
51. A further concern raised by the Council relates to the AST in its Appendix 4. It is a certified office copy of an AST for Ms Lefta taken from its housing benefits records. It covers the same period of occupancy (9 November 2010 to 8 May 2011) and rent amount (£1,083 per month) as the AST in the Appellant's Appendix R referred to above. However, it does not refer to "Flat 2, 4F", instead it refers to "No. 4F Churchmead Road", the numbering of Flat 4F prior to subdivision. Furthermore, in comparing the Council's version with the Appellant's, it is clearly evident from their content, format, paragraph numbering and other features, that they are two completely different documents.
52. Consequently, on the balance of probabilities, I find that if Flat 4F was subdivided into 4F1/4F2 by 9 November 2010, the AST submitted to the Council on 16 November 2010 cannot have been a true representation of the tenancy. If the flat was not subdivided on that date, then the Appellant's AST in Appendix R submitted to the Inquiry must be untrue. This ambiguity adds to my concerns and further diminishes the credibility of the Appellant's SD and oral evidence.
53. Appendix S contains two ASTs in respect of "Flat2, 4F" for a tenant in the name of Ms Cagat. The first one is for a term of six months from 1 June 2012 to 30 November 2012. The second one is for a term of six months from 1 July 2013 to 31 December 2013.

54. Given that the departure date of the previous occupier, Ms Lefta, is unknown, there may have been a considerable gap between her departure and the arrival of Ms Cagat. Also, the two ASTs do not cover the seven month period from 30 November 2012 to 1 July 2012. Although the Appellant's SES states that Ms Cagat stayed for a period of eighteen months, there is no documentary evidence that she did so. Also, the second AST refers in the document text on page 2 to Ms Cagat as the tenant, but curiously on page 6, it refers to Mr Eali (occupier of flat 4F1) as the tenant. The document has no final signature from any tenant. For these reasons, the ASTs do not provide reliable evidence of continuous residential occupation of flat 4F2.
55. I have no reason to doubt the veracity of the oral evidence given on oath by Ms Waszkau. She previously occupied Flat 4D from 16 September 2013 and moved into flat 4F2 on 29 January 2014 and has lived there ever since. However, her occupation of flat 4F2 does not cover the period from the material date to 29 January 2014.
56. While I acknowledge she was aware of the existence of other occupiers at various times in some flats from 16 September 2013 onwards, I do not consider that constitutes a detailed knowledge of continuous residential occupation of the other flats throughout the relevant four year period. It therefore adds no weight in support of the appeal.

Conclusion on ground (d)

57. The ASTs, taken as a whole, are so peppered with discrepancies and ambiguities in their terms that they cannot be relied upon. Even without such discrepancies and ambiguities, copies of ASTs would not, by themselves, amount to credible evidence of occupation of the flats. This is because they simply establish that a proposed term of tenancy and an amount of rent was agreed between a landlord and tenant, rather than being evidence of physical and continuous residential occupation. Indeed, in this regard although the Appellant stated that the tenancy commencement dates were accurate and could be relied upon, he conceded that he did not know when tenants actually vacated the flats. Moreover, given the discrepancies and ambiguities in the ASTs I have previously described, I reject his assertion that the AST commencement dates can be relied upon as confirmation of the start of actual physical residential occupation. The other documentary evidence submitted in support of the appeal also does not assist in establishing continuous residential occupancy for the reasons I have previously given. Accordingly, I attach no weight to the Appellant's documentary evidence in reaching my decision.
58. As previously described, two of the ASTs in the Appellant's appendices did not match, as they should have done, with the corresponding ones taken from the Council's housing benefit records. The Appellant strongly resisted that he had been dishonest and stated that the DEA, his management agents, were responsible for any inconsistencies. However, I do not consider that to be a reasonable explanation given that firstly; the DEA was acting on the Appellant's behalf, and secondly; his hand written signature and initials appear on all of the ASTs, including the ones produced by the Council from their housing benefit records. These factors reduce the credibility of his sworn statement and oral evidence to the Inquiry.

59. The evidence of the witnesses Ms Waszkau, Ms Muceniece Mr Eali, also do not provide substantial evidence of continuous residential occupancy of the flats throughout the relevant four year period.
60. The Appellant's evidence is unquestionably ambiguous and imprecise. On the balance of probabilities I conclude that it fails to prove that there has been a continuous residential occupation of the flats 4A1, 4A2, 4E1, 4E2, 4F1 and 4F2 throughout the four year period from the material date.
61. Thus, the breach of planning control is not immune from enforcement action and the appeal on ground (d) therefore fails.
62. Given that the appeal on ground (d) has been unsuccessful I do not need to consider whether the statutory four year time limit for immunity should be dis-applied on the basis of deception by the Appellant.

The appeal on ground (g)

63. The Council consider that three months is an adequate period of time for compliance with the notice requirements.
64. The Appellant seeks a twelve month period in order to allow affected existing tenants a three month notice period of eviction, reasonable time for them to secure alternative accommodation, and also to allow for arrangement and implementation of the required remedial works to the property.
65. I acknowledge that alternative affordable accommodation in the area is in short supply, and that arranging suitable contractors to carry out the required remedial works may take some time. However, there is no information before me which convinces me that twelve months would be appropriate.
66. The Council rightly says it has powers to extend the period for compliance beyond the three month period if it were found to be necessary. Nonetheless, given the circumstances of this case I consider that at this stage a period of eight months would be reasonable.
67. The appeal on ground (g) is therefore allowed to this limited extent and I have varied the notice accordingly.

Thomas Shields

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Richard Clarke	Counsel
He called	
Mohamad Yasser Idlbi	Appellant
Hammid Abdul Eali	Tenant
Malgorzata Waszkau	Tenant
Klaudija Muceniece	Tenant

FOR THE LOCAL PLANNING AUTHORITY:

	Enforcement Services Ltd
Nigel Wicks, MRTPI	
He called	
Scott Davies BA	Deputy Planning Enforcement Manager

DOCUMENTS SUBMITTED AT THE INQUIRY:

- 1 Letter produced by the Council from Genevieve Conway, former tenant, dated 10 May 2011
- 2 Letter of notification of the Inquiry dated 11 February 2016
- 3 Closing submissions on behalf of the Appellant
- 4 Transcript of judgment *Welwyn Hatfield BC v SSCLG & Beesley [2011] UKSC 15 (J.1188)*
- 5 Transcript of judgment *Jackson v Secretary of state for Communities and Local Government [2015] EWCA Civ 1246*