



Appeal Decision

Site visit made on 21 June 2011

by D Roger Dyer, BA, DipArch, RIBA, FCI Arb, Barrister

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

Decision date: 28 June 2011

Appeal Ref: APP/Q1445/C/11/2146918
91 Mill Lane, Portslade, Brighton BN41 2DF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Brighton and Hove City Council.
 - The appeal is made by Mr Abraham Eissa.
 - The Council's reference is 2010/0434.
 - The notice was issued on 2 February 2011.
 - The breach of planning control as alleged in the notice is "The erection or installation at the Land of external security shutters and box housing to the front of the building at ground floor level without planning permission."
 - The requirements of the notice are to:
 - "1 Remove the external roller shutter from the front of the building at ground floor level.
 - 2 Remove the external box shutter housing and all associated fixings from the front of the building at ground floor level."
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the ground set out in section 174(2) (g) 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.

Procedural Matters

2. The appeal has been made on the ground set out in section 174 (2) (g) of the 1990 Act as amended by the Planning and Compensation Act 1991 although the appellant's submissions address to some extent matters normally dealt with under a ground (a) appeal; that planning permission should be granted. Nevertheless, as the prescribed fees under the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 – 93 have not been paid to the Secretary of State and the Local Planning Authority within the period specified, the appeal will proceed on ground (g) only. The deemed application for planning permission under section 177(5) of the Act likewise does not fall to be considered.

Reasons

The appeal on ground (g)

3. The enforcement notice demands compliance with the requirements within 4 months. The appellant has not indicated how long he requires to comply with the notice. Inspection shows that the shutters, together with the box housing, could be detached in a matter of days but, although making good is not a specific requirement of the notice, that element may take slightly longer.
4. Nevertheless, all necessary works could be carried out within the period of four months without difficulty. In the absence of any further submissions from the appellant on the point, the appeal on ground (g) must fail. Accordingly the enforcement notice will be upheld. In reaching my decision I have taken account of all matters referred to me in writing but I have found nothing that outweighs the main planning issues in this case.

D Roger Dyer

Inspector