



The Planning Inspectorate

Room 3/05
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5389
Customer Services:
0303 444 5000
Email: teamp11@pins.gsi.gov.uk

www.planningportal.gov.uk/planninginspectorate

Mr Alan Wipperman
Mill House
Little Bardfield
BRAINTREE
Essex
CM7 4TN

Your Ref:
Our Ref: APP/X5210/W/14/3001035

14 January 2015

Dear Mr Alan Wipperman,

Town and Country Planning Act 1990
Appeal by Messrs Mohammed and Danyal Alayan and Khan
Site Address: 56 Fortune Green Road, LONDON, NW6 1DT

I am writing further to recent correspondence relating to The Planning Inspectorates decision not to accept your appeal due to it being lodged out of time. Our previous letter 22 December 2014 explained.

You sought a review of this decision and so the case was referred to one of the Group Managers who is himself a very experienced Inspector. His conclusion is that the Enforcement Notice (EN) allegation is very similar to the S78 application, and thus the S78 appeal should be turned away as out of time.

The EN alleges "the unauthorised use of the unit as a sandwich bar/café with an external shisha lounge and erection of a [sic] extending retractable canopy, shisha enclosure, handrail and wooden balustrade." The application is for "retention of works and change of use of 56-58 Fortune Green Road, London, NW6 1DT from motor vehicle showrooms (sui generis) to Class A1/A3 mixed use sandwich bar/café and shisha smoking place (sui generis) and associated works of decking and handrail and balustrading." Both of those seem to be very similar. Notwithstanding Mr Dagg's comments, the present lawful use is "motor vehicle showrooms". The "current use" as set out in 3.1 of the appellants Statement of Case (SoC) must be an unlawful use as shown on dwg 1335/14/01C (Existing) which is not a motor vehicle showroom, but a bar/café etc, which would appear to be very similar to the EN allegation. The SoC states at 2.2 the current lawful use is a sui generis motor showroom. However, 3.1 states that "The current use and the "applied for use" are similar."; The Group Manager considers this "very similar". Para 3.2 of the SoC refers to a "proposed layout much as now operated" which suggests either "the same" or "very similar". With regards to the EN plan, this is irrelevant as it is only a location plan.

To confirm, the Group Manager considers the EN allegation is very similar to the S78 application, and thus the 28 day rule applies, and thus the S78 appeal should be turned away as out of time.

We will take no further action on it.

Yours sincerely,

Philip James

Philip James

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search