



Appeal Decisions

Inquiry Held on 20 April 2021

Site visit made on 26 April 2021

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021

**Appeals A to D: APP/T5150/C/19/3237691, 92, 93 and 94.
Land at Block A (Flats 11,12,21,22,31,32) and Block B (Flats
3,4,13,14,23,24,33,34), Freetrade House, Lowther Road, Stanmore
HA7 1EP**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Tarek Rashti (Appeal A), Ms Ava Rashti (Appeal B), Mr Badih Rashti (Appeal C) and Ms Silia Rashti (Appeal D) against an enforcement notice issued by the Council of the London Borough of Brent.
- The enforcement notice was issued on 22 August 2019.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use from offices (Use Class B1) use to 28 flats.
- The requirements of the notice are:
 - STEP 1 Cease the unauthorised use of the premises as flats.
 - STEP 2 Remove all partitions, doors, facilities, fixtures and equipment that facilitates the unauthorised use as flats
 - STEP 3 Remove all items, waste materials and debris associated with the compliance with STEPS 1 and 2.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (b), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeals are dismissed and the enforcement notice is upheld with corrections and variations in the terms set out in the formal decision.

Procedural Matters

1. Prior to the Inquiry the Council provided a new plan to substitute the plan which was attached to the enforcement notice. The parties agreed that the original plan was incorrect and did not include all of the Land identified in Schedule 1 of the notice. However, the description of the Land affected was clear and I am satisfied that there would be no injustice to either party if I were to correct the notice by substituting the amended plan. I have dealt with the appeal on that basis.
2. The Inquiry sat for two days virtually and all the evidence was taken under solemn affirmation.

Appeals on ground (b)

3. The main issue is whether as a matter of fact there has been a material change of use from offices (Use Class B1) use to 28 flats. The burden of proof falls on the appellants to make out their case.
4. The appellants submit that the lawful use of the premises is as 14 flats. It is their evidence that they implemented a planning permission granted by prior approval in 2014, before subsequently changing the use of the building into 28 studio flats. The alleged breach did not therefore take place as a matter of fact.
5. In February 2014 the appellants applied for prior approval under Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995. Class J of Part 3 to Schedule 2 introduced permitted development rights for the: *Change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Class Order from a use falling within Class B1 (a) of that Schedule.*
6. Class J was subject to various limitations and conditions including, at J.2, requiring an application for determination as to whether prior approval of the local planning authority would be required, as set out in paragraph N of the 2013 Amendment Order. Paragraph N (10) requires that:

'The development shall be carried out- (a) where prior approval is required, in accordance with the details approved by the local planning authority; (b) where prior approval is not required, or where paragraph (9)(c) applies, in accordance with the details provided in the application referred to in paragraph (1), unless the local planning authority or the developer agree otherwise in writing.'

Prior approval for the change of use of units 3, 4, 11, 12, 13, 14, 21, 22, 23, 24, 31, 32, 33 & 34 from office (Use Class B1) to residential (Use Class C3) involving the creation of 14 flats (10 x one bedroom and 4 x two bedroom) was granted on 16 April 2014¹, (the prior approval).
7. S56(2) of the Town and Country Planning Act, 1990 (the Act) advises that development shall be taken to be begun on the earliest date on which any material operation comprising the development begins to be carried out. S56(4)(e) provides that "*material operation*", in subsection (2) means any change in the use of any land which constitutes material development.
8. In the case of *Impey*², Donaldson LJ said that "a change of use to residential development can take place before premises are used in the ordinary and accepted sense of the word. The question arises as to how much earlier (than actual use) there can be a change of use, it may be that the test is whether they are useable, but it is a question of fact and degree". He proposed that the physical state of the premises is very important, but not decisive, that their actual use, or intended use, or attempted use are important but not decisive, and that these matters have to be looked at in the round.
9. The conversion works and change of use of the former office units took place incrementally, albeit, as described by the Appellants' planning witness in cross-examination, it was a single act of development. The prior approval plans

¹ Local Planning Authority ref: 14/0471.

² *Impey v Secretary of State for the Environment* [1984] 47 P & CR 157.

identified 14 office units, each approximately 40sqm in area, to be converted into 10, 1-bed and 4, 2-bed flats. At the Inquiry, the Appellant stated that the conversion began at the end of October 2014 with works initially taking place to the office units on the third floor. Building Control Inspection Records³ (IR) confirm that on 3 February 2015 Units 33 and 34 on the third floor were complete and that works were underway in Units 31 and 32, with partition walls built to the sound engineers' specification. At that time the IR did not record any works taking place to the remaining units on the ground, first or second floors.

10. The nature and form of the conversion works undertaken were recorded in the IR for Unit 33 on 3 February 2015 and clarified by the Appellant in cross-examination. The conversion comprised an entrance lobby/utility area with a fitted sink, fridge/freezer, cupboard and washing machine. The separate bedroom had an ensuite, including a shower. The living area comprised a fitted kitchen, including sink, hob/oven and fridge, and a separate bathroom with a toilet and shower unit. All the doors were fire doors, and smoke detectors were fitted in all rooms, with fire blankets and hydrants provided in both the bedroom and living/kitchen area.
11. The building was first occupied for residential purposes on 14 February 2015 when the first tenant moved into one half of Unit 33. A lock was put on the bedroom door and Flat 33B was created and rented out with a bed in the living/kitchen area and the separate bathroom. Shortly after, and on the 1 March 2015, the other half of the flat was separately rented out (Flat 33A). The bedroom was fitted out with a microwave and two ring hob and the tenants had sole use of the sink, cupboards, and fridge/freezer in the lobby area. The washing machine was available for use to the occupants of both 33A and 33B.
12. During March 2015 Unit 34 was also let as two separate units (Flat 34A and 34B). Although originally intended as a 2-bedroom unit, it was converted as two separate studio flats each with its own kitchen and bathroom.
13. IR from a visit on 1 April 2015 recorded work progressing on third floor Units 31 and 32 with fans being fitted and no issues. There is no record at that time of any works to any other units. Consequently, at this time there were four 20sqm studio flats occupied on the third floor, and in terms of the physical state of the building, the IR recorded the conversion of the third floor as near completion but no works having commenced on the remainder of the building. Since the prior approval proposal was for 14 flats, and subject to a condition that the development must be carried out in accordance with the details approved by the local planning authority, i.e. 10 1-bed 40sqm flats and 4, 2-bed flats, I am not persuaded that the change of use granted in the 2014 prior approval had been implemented at that time.
14. On 1 April 2015, Units 3-24 on the ground, first and second floor of the building had had no work undertaken to them. Although they may not have been in actual office use at that time, an office use could reasonably have remained. It is the Appellants' evidence that Units 33 and 34 were converted to 1-bedroom units and advertised for use as such. However, even if this was the case, the flats were never occupied as such. In addition, none of the 28 flats which were created were ever occupied in accordance with the details

³ Exhibit 2, Appellant's Statutory Declaration.

approved by the local planning authority in the prior approval scheme. Little weight can be attributed to the Appellant's recollection in cross-examination that his cousin stayed a few nights in one of the flats, as he cannot recall exactly when that stay took place, and no specific details were provided.

15. The Appellants' closing submissions suggest that the prior approval was being carried out in stages: from offices to 1-bed flats; and then from 1-bed flats to pairs of studios. However, when the works commenced in October 2014 on Units 33 and 34, they were laid out and fitted in such a way that no further works, other than a lock on the bedroom door, was needed to facilitate the creation of the 20sqm studio flats. These units were then occupied as 20sqm flats and not 40sqm flats as granted in the prior approval scheme. Indeed, none of the 14 units which were granted consent for conversion to 40sqm flats were ever occupied as such. Consequently, I am not persuaded by the Appellants' argument that the conversion took place in two stages. The conversion that took place resulted in a materially different scheme. As a matter of fact and degree the prior approval scheme was not implemented and the change of use that occurred was from offices to 28 studio flats.
16. From the evidence before me, including what I heard at the Inquiry, I conclude that a material change of use from offices (Use Class B1) use to 28 flats has occurred. The building had been converted into 28 studio flats when the notice was issued, and the allegation is correct. The appeal on ground (b) therefore fails.

Appeals on ground (d)

17. In relation to a breach of planning control consisting of a material change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach (s171B(2)).
18. The appellants maintain that 16 of the 28 flats (Flats 13A, 13B, 14B, 21A, 21B, 23A, 23B, 24B, 31A, 31B, 32A, 32B, 33A, 33B, 34A, 34B) were occupied before 22 August 2015 and have been continually occupied since that date. It is also their case that two further flats had been created by that date (Flats 14A and 24A), and as the corresponding pair in those units was occupied on 22 August 2015, then Flats 14A and 24A are also immune from enforcement action. The appellants accept that the remaining flats (Flats 3A, 3B, 4A, 4B, 11A, 11B, 12A, 12B, 22A and 22B) do not benefit from any immunity.
19. There is no dispute between the parties that the claimed 16 flats met the *Gravesham* test⁴ and had the distinctive characteristics of a dwellinghouse. Therefore, the main issue is whether the material change of use took place before the 22 August 2015 with the use of self-contained flats continuing as a single dwellinghouse for at least four years thereafter without significant interruption. The onus is on the appellants to prove their case on the balance of probability. Should I find that the use of the flats have become lawful through the passage of time, it is the Council's case that the immunity provisions of s171B(2) should not apply as the appellants had positively sought to deceive the local planning authority (*Welwyn Hatfield v SoS & Beesley* [2011] UKSC 15).

⁴ *Gravesham BC vs SSE and Another* [1984] 47P. & CR142

20. The appellants' evidence relies on copies of tenancy agreements for each of the 16 flats showing tenancies dating from February, March, April, May, June, July and August 2015, and corresponding letters confirming termination of tenancy. In addition, a schedule of payments from each tenant, including details of electricity payments, where applicable, have been provided. Rent statements detailing the rent and deposits received from NW London Rent and copies of commission invoices from NW London Rent have also been provided. Statutory Declarations from Mr Tariq Rashti (Appellant), and Mr Grochola of NW London Rent, support the submitted evidence and were affirmed as true at the Inquiry.
21. The Council has provided copies of Council Tax Valuations, Final Certificates filed from Building Control Services, Energy Performance Certificates (EPC) and the Council's street naming and numbering records⁵, all of which refer to the use of the premises as 14 flats. Furthermore, in the case of the Final Building Control Certificates, the EPC and the street naming and number records, they all postdate 22 August 2015, the relevant date.
22. I appreciate that the appellants' evidence does not include any bank statements to support the schedule of payments and tenancy agreements provided. However, the submitted evidence in the form of the tenancy agreements, contemporaneous termination agreements and deposit protection certificates, many of which include personal details of the tenant, including nominated bank details for return of deposits, is both extensive and comprehensive. The Council did not challenge the accuracy of those records, and both Mr Rashti and Mr Grochola made solemn affirmations that the records were true and accurate. The documentation is to my mind sufficiently precise and unambiguous.
23. The description of the flats set out on the Final Certificate for Building Regulations corresponds with the description of the works proposed in the initial notices served prior to commencement of the conversion. Taking into account how the units were laid out and fitted, and considering that the final inspection was likely to have been undertaken prior to furnishing and occupation, then the units could reasonably have been described as an apartment/flat. Furthermore, correspondence from Building Control Services confirmed that there was a delay in the final registration of the certificates.⁶
24. Similarly, the EPC for the units detail them as approximately 40sqm individual flats. The Appellant confirmed in cross-examination that he was not present when the flats were inspected for the EPC but was aware that the assessor had sight of the initial building control notices for them. Therefore, if the flats had been vacated when the assessor made their inspection and internal doors were not locked, then the flats could reasonably have been mistaken for single units. Furthermore, there is no evidence that the premises were internally inspected for Council Tax banding or street numbering. For these reasons, those public records do not to my mind cast significant doubt on the appellants' documented evidence of occupation.
25. On the balance of probability, I conclude that the 16 flats (13A, 13B, 14B, 21A, 21B, 23A, 23B, 24B, 31A, 31B, 32A, 32B, 33A, 33B, 34A, 34B) were all in use as studio flats before 22 August 2015 and continued in that use for at least four years thereafter.

⁵ Appendices 6,9 & 10 Council's Proof of Evidence.

⁶ Exhibit 2: Mr Rashti, Statutory Declaration.

26. Turning to studio flats 14A and 24A. The appellants submit it is not always necessary for flats to be occupied for the change of use to have occurred (*Impey*). Units 14 and 24 were converted before 22 August 2015, and it is the appellants' view that the occupation of flat 14B and 24B consequently changed the use of the other half to a studio flat. They contend that the Council could have enforced against the use of flats 14A and 24A at that time, even though they were not occupied.
27. In *Swale*⁷ it was held that there is a difference between an established dwellinghouse, when an occupier does not have to be continuously or even regularly present in order for the building to remain in use as a dwellinghouse, and where there is no established use. To be immune from enforcement action under s171B (2), the use of a building as a dwellinghouse must be 'affirmatively established' over the four-year period. Accordingly, it is necessary to consider whether there was any time during the relevant four year period when the local planning authority could not have taken enforcement action against the use of the flats 14A and 24A as dwellinghouses, even if they were available for use, because it was not occupied or used as a dwelling.
28. The appellants' own evidence is that the first occupation of these flats was the middle of September 2015, nearly a month after the relevant date of 22 August 2015. Furthermore, no evidence has been provided to demonstrate that on the relevant date these flats were fitted out with all the facilities required for use as a dwellinghouse. Moreover, even if flats 14A and 24A had been converted and available for use, as a matter of fact they have not been in use as dwellinghouses without significant interruption during the relevant four-year period. Consequently, I conclude that their use has not become lawful due to the passage of time.

Concealment/positive deception

29. The four-year statutory period was conceived as a period during which a planning authority would normally be expected to discover an unlawful change of use to a dwellinghouse, after which the general interest in proper planning should yield and the status quo prevail. The Supreme Court in the *Welwyn Hatfield* case concluded that positive and deliberately misleading false statement by an owner successfully preventing discovery, take the case outside that rationale.
30. The *Welwyn Hatfield* judgement identified four features which would deprive the appellant(s) of the benefit of the four-year limitation period in s171B (2):
- there was positive deception in matters integral to the planning process;
 - that deception was directly intended to undermine the planning process;
 - it did undermine the planning process; and
 - the wrong doer would profit directly from the deception, if the normal limitation period were to enable them to resist enforcement.
31. Deception is positive conduct with the aim to deceive the Council and is a high bar to overcome, with the difference between keeping a low profile on the one

⁷ *Swale BC v FSS & Lee* [2005] EWCA Civ

hand and deliberate misleading conduct to prevent discovery, on the other. Therefore, for this assertion to succeed, there needs to be clear evidence of deliberate and positive deception.

32. The prior approval application for 14 flats was made in February 2014 and granted in April 2014. I have not been provided with any evidence that would lead me to believe that the application was a decoy, nor that when it was made and granted, the appellants did not intend to implement it. In cross-examination the Appellant told the Inquiry that it was in May or June 2014 when some friends suggested he applied for studio flats. It seemed unlikely that they would achieve the rent they were hoping for with the prior approval scheme, considering the location of the property, and with adjacent incompatible land uses. Initial notices under the Building Act for the conversion of Units 33 and 34 were submitted on 15 May 2014 and were for single apartments, as per the prior approval. It was only subsequently, in June 2014, that a prior approval application to change the use of the appeal premises to 28 flats was made. The prior approval scheme for 28 flats was withdrawn following advice that it would be refused because of transportation impacts.
33. The Statutory Declarations and evidence given at the Inquiry by the appellants' letting agents was that they were asked to market one-bedroom flats in 2015. Preliminary letting details for those flats are attached as Exhibit 1 to the Appellant's Statutory Declaration. That said, Mr Grochola's evidence was that he advised the appellants back in 2014, when works first commenced, that it would be difficult to achieve the rents sought for the prior approval scheme. Mr Grochola also accepted in cross-examination that it was not usual for a 40sqm one-bed unit to have two bathrooms. In addition, the Appellant also acknowledged when questioned, that he had previous experience of renting out property. Consequently, it is difficult to understand the appellants' case that they were providing high spec apartments to achieve higher rents, when such investment would increase costs and compromise already constrained space. Indeed, all the evidence had been that it would not be possible to achieve the rent they desired for the one-bedroom 40sqm units in this location.
34. From the evidence before me, it seems to me that the appellants, in the knowledge that it was unlikely that they would be able to rent out the prior approval scheme as originally desired, undertook the conversion works in such a way that it could be used as smaller studio flats without additional works. However, the two applications for prior approval were reasonable attempts to get planning permission for new development. There is nothing to suggest that the developments proposed in the applications were with a view to carrying out a different form of development with the intention to mislead or deceive the Council.
35. The appellants' have been less than honest in their dealing with matters relating to Council Tax, street naming and numbering, securing EPC and filing of Final Building Control Certificates. Indeed, the Appellant stated in cross-examination that he did not believe it was his place to seek to correct the documentation when it was produced, albeit he was aware that it was inaccurate. I also acknowledge that a correct description of the use of the premises on those public documents might have alerted the Council to the breach of planning control. In the *Welwyn Hatfield* case, the omission to pay Council Tax was not found to bear directly on the planning process. The situation is not exactly the same here, because the units were registered for

Council Tax but on an incorrect basis. However, I am not persuaded that the inaccuracies in these public documents was directed at deceit within the planning process.

36. Moreover, the local planning authority undertook a site visit in January 2018 and became aware that Units 13, 14, 24 and 33 each comprised two flats.⁸ Furthermore, correspondence from a former tenant in September 2018 alerted the Council to a breach of planning control.⁹ It was open to the Council at that time to serve a planning contravention notice to establish facts and then undertake enforcement action.
37. The statutory scheme precludes any sort of broad principle to the effect that no one guilty of wrongdoing can be allowed to benefit from the limitation provision of the 1990 Act. Whether there has been deception is a fact sensitive question. A spectrum of wrongdoing exists, ranging from cases where a developer is simply unaware of the need for planning permission to at the other extreme those who carry out a deliberate, elaborate, and sustained plan to deceive the Council from first to last.
38. The appellants' conduct has been shown to be misleading. In particular, there was no specific attempt to bring the material change of use of the building and the existence of 28 flats to the attention of the local planning authority. However, the evidence does not demonstrate the development was deliberately concealed or that there was a planned course of deception designed to circumvent planning control and escape enforcement. Overall, in my judgement the appellants' conduct did not amount to the degree of deception necessary to engage the principles set out in *Welwyn*. The appellants appear to have mostly pursued deliberate inaction, so as to achieve concealment, rather than taking sustained or actively deceptive steps. I conclude therefore on balance, that there was no concealment of the change of use of the property to 28 flats by positive deception in matters integral to the planning process. The *Welwyn* principle is not engaged, and the appellants are not deprived of the benefit of the four-year limitation period in s171B (2).
39. For the reasons given above, 16 flats (13A, 13B, 14B, 21A, 21B, 23A, 23B, 24B, 31A, 31B, 32A, 32B, 33A, 33B, 34A, 34B) have gained immunity from enforcement action by the passage of time and are lawful. The appeals on ground (d) succeed to that extent.

Appeals on ground (f)

40. The issue is whether the requirements are excessive to achieve the purpose(s) of the notice.
41. Section 173 of the Town and Country Planning Act 1990 (as amended) indicates that there are two purposes which the requirements of an enforcement notice can seek to address. The first is to remedy the breach of planning control that has occurred and the second to remedy any injury to amenity which has been caused by the breach.
42. The requirements are to: (1) Cease the unauthorised use of the premises as flats; (2) Remove all partitions, doors, facilities, fixtures and equipment that facilitate the unauthorised use as flats; and (3) Remove all items, waste

⁸ Paragraph 2.14, Proof of Evidence on behalf of the Local Planning Authority.

⁹ Appendix 3, Proof of Evidence on behalf of the Local Planning Authority.

materials and debris associated with the compliance with steps (1) and (2). The purpose of the notice was confirmed by the Council as to remedy the breach of planning control.

43. The appellants' submission is that planning permission is not required to return to the previous lawful use, which they consider to be as 14 flats. The steps cannot require the undoing of any of the works which were carried out for the original conversion from offices to 14 flats, since they are not part of any breach of planning control. Additionally, if any of the 28 flats are found to be lawful by the passage of time, the enforcement notice cannot impose any steps in respect of them.
44. Under s57(4) of the Act there is a right of reversion to the last lawful use following the issue of the enforcement notice. It can be seen by my findings on ground (b), that the lawful use of the building is offices. The prior approval scheme was not implemented and the conversion that took place did not accord with the details approved. I have also found that 16 of the studio flats created are now lawful through the passage of time (ground (d)).
45. In view of my conclusions on grounds (b) and (d), the breach can only be remedied by the cessation of the unauthorised use of Flats 3A, 3B, 4A, 4B, 11A, 11B, 12A, 12B, 14A, 22A, 22B and 24A and removal of the works that facilitated their use. In this case that requires removal of all the facilities and fixtures, including partitions and doors that enabled each of the units to be utilised as a self-contained flat.
46. I have not been provided with any substantive evidence to demonstrate that any of the facilities required to be removed were in the office units prior to the breach of planning control. Therefore, there are no lesser steps that would achieve the statutory purpose behind the notice and the appeal on ground (f) succeeds only to the extent that the requirements do not extend to Units 13A, 13B, 14B, 21A, 21B, 23A, 23B, 24B, 31A, 31B, 32A, 32B, 33A, 33B, 34A and 34B which have become lawful through the passage of time.

Appeals on ground (g)

47. The issue is whether the compliance period of 6 months is reasonable. The appellants state that due to the provisions of the Coronavirus Act 2020, (Residential tenancies: Protection from Eviction) (Amendment) (England) Regulations 2021 possession cannot be secured within six months. Furthermore, the appellants may wish to submit a planning application to retain the other studios for residential use and adequate time should be given to allow a future application to be considered. A twelve-month period is requested.
48. I consider that six months would be adequate time for the appellants to apply and have determined by the Council any planning applications for alternative uses. However, in the circumstances of the COVID-19 pandemic, the conclusion that I have come to is that a nine-month period is a more reasonable time for the flats to be vacated and works undertaken to remove the facilities within them. Ground (g) succeeds to that limited extent.

Human Rights

49. I have taken into consideration the Human Rights Act, 1998 which enshrines in UK law most of the fundamental rights and freedoms contained in the European

Convention on Human Rights, and I recognise that dismissal of the appeal would interfere with the occupier's rights under Article 8 and the appellants' rights under Article 8 and Article 1 of the First Protocol. However, given the harm identified in the reasons for issuing the notice, the action pursues the legitimate aim regulating land use in the public interest and is necessary and proportionate to the situation.

Overall Conclusions

50. For the reasons given above and taking into account all other matters raised, the appeals on grounds (b) and (f) fail. I conclude on the balance of probabilities, that the material change of use of 16 flats (flats 13A, 13B, 14B, 21A, 21B, 23A, 23B, 24B, 31A, 31B, 32A, 32B, 33A, 33B, 34A) took place more than 4 years prior to the issue of the enforcement notice and so, at the date the enforcement notice was issued, the time for taking enforcement action as set out in s171B (2) of the 1990 Act as amended had expired. The appeals succeed on ground (d) to that extent only.
51. Considering my findings on ground (d), I shall correct the enforcement notice to exclude from the allegation and the description of the Land the 16 flats that I have found to be lawful. The requirements of the notice will be corrected to correspond with the breach, as corrected. The enforcement notice, with correction and variation is upheld.

Formal Decisions

52. It is directed that the enforcement notice be:

- corrected by the deletion of the Plan attached to the notice and its substitution with the Plan attached to this decision.
- corrected at Schedule 1 by deleting the text "(Flats 11, 12, 21, 22, 31, 32)" and (Flats 3, 4, 13, 14, 23, 24, 33, 34)".
- corrected at Schedule 2 by deleting the number "28" and its substitution with "12".
- corrected at Schedule 4 by deleting of all the wording in STEP 1 and its substitution with "Cease the unauthorised use of Flats 3A, 3B, 4A, 4B, 11A, 11B, 12A, 12B, 14A, 22A, 22B and 24A."
- corrected at Schedule 4 by the deletion of all the wording in STEP 2 and its substitution with "Remove all partitions, doors, facilities, fixtures and equipment that facilitate the unauthorised use of Flats 3A, 3B, 4A, 4B, 11A, 11B, 12A, 12B, 14A, 22A, 22B and 24A."
- varied by deleting the wording "6 months" in Schedule 5 and substituting it with "9 months".

53. Subject to the corrections and variations above, the appeals are dismissed, and the enforcement notice is upheld.

Elizabeth Pleasant

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Richard Hardwood OBE	Queen's Counsel
Mr Tarek Rashti	Appellant
Mr Lukasz Grochola	NW London Rent
Mr Tom Dominic	Chase Residential
Mr Ian Coward BA (Hons) MRTPI	Collins & Coward Planning & Development Consultancy.

FOR THE LOCAL PLANNING AUTHORITY:

Dr Ashley Bowes	Of Counsel
Mr Nigel Wickes BTP, Dip Law, MRTPI	Enforcement Services Limited.

DOCUMENTS HANDED IN AT THE INQUIRY

- 1 Statement of Common Ground, unsigned
- 2 Images of sworn statutory declarations for Mr Rashti, Mr Grochola and Mr Dominic.
- 3 Email from Ian Coward re: schedule of accommodation, dated 15 April 2014
- 4 Dr Ashley Bowes' Opening
- 5 Dr Ashley Bowes' closing submissions
- 6 Mr Richard Hardwood's closing submissions.



Plan

This is the plan referred to in my decision dated: 24 May 2021

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

Land at: Block A and Block B, Freetrade House, Lowther Road, Stanmore HA7 1EP

References: Appeals A to D APP/T5150/C/19/3237691, 92, 93, and 94.

Scale: Not to Scale

