



Appeal Decision

Site visit made on 15 August 2022

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/A5270/C/21/3273103

95 Dormers Wells Lane, SOUTHALL, Middlesex, UB1 3JA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mrs Musarrat Sheikh against an enforcement notice issued by London Borough of Ealing.
 - The notice, numbered 20EN1123(1), was issued on 25 February 2021.
 - The breach of planning control as alleged in the notice is MCU to 2 self contained residential units.
 - The requirements of the notice are 1. Cease the use of the property as two self-contained residential units; 2. Remove the kitchen and drainage connections from the ground floor rear extension; 3. Remove the internal partitions and fixtures and fittings that facilitate the unauthorised material change of use premises; and 4. Remove all resultant debris.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act have lapsed.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The Appeal on Ground (b)

2. This ground is that the matters alleged have not happened. The appellant argues that she took in two lodgers. She provided a separate kitchen as they had different dietary requirements. There was not a self-contained unit as they shared all the utilities with her part of the house and had access to her living room.
3. The Council however suggest that actually a 2 bed self-contained flat has been created at the rear of the house, thus resulting in the division of the property into 2 self-contained units. The 'lodgers' had their own bedrooms, bathroom, and a small kitchen area. The tenancy agreement they had signed gave them exclusive use of this area. The flat was accessible through the main kitchen but that door was lockable, and the tenancy required the owner to give them 24 hours' notice if she wanted to enter their flat. They also have their own entrance to the flat through the garden and via a gate down a side alley.
4. This is confirmed by the tenancy agreement and I saw the gate on my site visit. The fact that utilities may be shared is not determinative. By the time of my site visit it would seem as if the use had ceased, at least temporarily, and the kitchen appliances removed. Nevertheless, when the notice was issued, I

have no reason to doubt that a separate flat had been created, even if that was not the original intention. The appeal on ground (b) fails.

Simon Hand

INSPECTOR