



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 16 October 2024

Appeal Ref: APP/F5540/C/23/3335076

54 Meadowbank Gardens, Hounslow TW5 9TU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Gureshwar Jhagg against an enforcement notice issued by the Council of the London Borough of Hounslow.
 - The notice was issued on 23 November 2023.
 - The breach of planning control as alleged in the notice is: The unauthorised use of an outbuilding for use as a self-contained residential unit.
 - The requirements of the notice are: (i) Cease the use of the outbuilding as a separate residential dwelling; (ii) Remove the bathroom and associated bathroom facilities (ie. Shower/bathing facilities, WC, wash basin and pedestal. In addition to the above items all water piping and all waste connections.); (iii) Remove the kitchen and associated kitchen facilities (ie. all kitchen and bathroom facilities, facilities to include the following items: kitchen wall and base units, kitchen sink, kitchen worktop surfaces, cooking facilities and cooker hood. In addition to the above items, all water and gas supply piping and all waste connections); (iv) Remove all resultant debris from the land.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the ground set out in sections 174(2)(f) 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.

Preliminary Matter

2. The appeal is proceeding on ground 174(2)(f) of the 1990 Act only. As such, there are no matters of planning merit for consideration and none of the written evidence refers to a need to visually inspect the building or its interior. There are photographs of outside and inside anyway. As such, a site visit was not necessary. Neither appeal party has been prejudiced by determining the appeal based on the written evidence only.

Reasons

3. The enforcement notice attacks the use of the building as a residential dwelling. It requires that use to cease and for all the associated kitchen and bathroom facilities, and connections, to be removed. It is clear, therefore, that the purpose of the notice falls under s173(4)(a) of the 1990 Act, which is to discontinue the use of the land and restoring the land back its condition before the breach took place.
4. It is accepted that the unauthorised did occur and it is stated that this has ceased. In terms of removing the internal domestic facilities, the Council's enforcement investigation history, which has not been disputed, shows that in Council officer visits in November 2020 and September 2023 the building was in residential use with full kitchen and bathroom facilities. In 2020 a tenant

had recently moved in and in 2023 the unit was being occupied by three adults. The appellant asserts that the building had originally been used by a dependent relative and it previously had a bedroom, bathroom and WC facilities and a small kitchen to prepare light meals, tea and coffee. However, there is nothing to show that this was the case. Moreover, when an application for a lawful development certificate for use of the building as a 'residential garden annex building' was submitted to the Council in October 2023, the existing drawing plans showed the building as having a garden store, annex and shower. That internal arrangement clearly does not tally with what the Council found in the building as supported by photographs taken by the Council on 26 September 2023.

5. It seems likely to me that the full kitchen and bathroom were there for the purpose of letting the building for use as a separate residential dwelling. As such, the works of installing the bathroom and kitchen facilities were directly integral to facilitating the alleged use. As such, it is reasonable and proportionate that those works are removed as part of fulfilling the purpose of the notice. In any event, the appellant has agreed to remove the kitchen and bathroom facilities.
6. Against this background, the steps required by the notice do not exceed what is necessary to remedy the breach of planning control in this case.

Conclusion

7. The appeal should not succeed. I shall uphold the enforcement notice.

Gareth Symons

INSPECTOR

