



Appeal Decision

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04th March 2025

Appeal Ref: APP/T5150/C/24/3339152

59 Wembley Park Drive, Wembley, HA9 8HE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Umair Siddiqui o/b 59 Wembley Park Drive Ltd against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 15 January 2024.
 - The breach of planning control as alleged in the notice is without planning permission the material change of use of the premises to a mixed use as house in multiple occupation (HMO) and flats and/or short-term lettings.
 - The requirements of the notice are to: 1. Cease the use of the premises as a House in Multiple Occupation (HMO). 2. Cease the use of the premises as flats. 3. Cease the use of the premises for short-term lettings. 4. Remove all kitchens and cooking facilities, except ONE, from the premises and remove all associated items, debris and materials, arising from this removal, from the premises. 5. Remove all bathrooms/shower rooms and bathroom/shower room facilities, except TWO, from the premises and remove all associated items, debris and materials, arising from this removal, from the premises. 6. Remove all partition walls, fittings and fixtures facilitating the unauthorised change of use from the premises and remove all associated items, debris and materials arising from this removal from the premises, so that the internal layout of the premises is returned back to a single family dwellinghouse as existed prior to the unauthorised use commencing.
 - The period for compliance with the requirements is: 3 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. It is directed that the enforcement notice is varied by the deletion of 3 months and its substitution with 6 months as the period for compliance.
2. Subject to the variation, the enforcement notice is upheld.

Procedural Matters

3. According to the Council, the appellant has submitted a planning application (ref.24/0371) for development at the appeal site. For the avoidance of doubt, that is a distinct and separate matter beyond the scope of my considerations in this appeal.
4. As the appeal was submitted on ground (g) only, no site visit was considered necessary to augment the evidence provided by the main parties in the appeal.

The appeal on ground (g)

5. An appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed for any steps required to have been taken, or any activities required to have ceased. My task is to balance the public interest in securing expeditious compliance with the enforcement notice against the private interest bound up in the development subject to the notice. In so doing, I must assume that the use of the land subject to the enforcement notice causes the harm claimed in the reasons for issuing it.

6. The appellant states that the 3-month period specified in the Notice would be insufficient to provide tenants with adequate notice to vacate the premises and find alternative accommodation, and to carry out the required internal remediation works. The appellant seeks an alternative period of 12 months.
7. Even when allowing for residents potentially being forewarned of the limited grounds of appeal, to my mind, the period of 3-months to arrange for alternative accommodation is unreasonably short. Moreover, to arrange and carry out the specified works once the building has been vacated within that 3-month period would likely be a significant challenge.
8. Whilst I acknowledge that a local planning authority has discretion to extend any period for compliance under s173a(1)(b), the period specified in the Notice should not be unreasonably short such that it would likely be impractical for the appellant to achieve. The enforcement regime is intended to be remedial rather than punitive.
9. Furthermore, the effects of the Notice will interfere with the residents' rights under Article 8 of the Human Rights Act 1998. As a qualified right whereby interference may be justified in the public interest, that should not be considered in isolation of proportionality.
10. In view of the case circumstances and those affected, I find the notice does not afford residents reasonable time to look for alternative accommodation. To allow for that and the following works to take place, I consider that a period of 6 months should be allowed, which would be proportionate.
11. I note that this is consistent with an appeal decision¹ referenced by the Council in support of the period specified in the Notice.

Conclusion

12. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

R Hitchcock

INSPECTOR

¹ APP/T5150/C/22/3296971