



Appeal Decisions

Site visit made on 19 May 2025

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal A Ref: APP/A5270/C/23/3321689

Appeal B Ref: APP/A5270/C/23/3321690

Appeal C Ref: APP/A5270/C/23/3321691

34 Eastcote Lane, Northolt, UB5 5RF

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Manmeet Singh, Appeal B is made by Mrs Varangjeet Kaur and Appeal C is made by Mr Manmeet Singh against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 11 April 2023.
 - The breach of planning control as alleged in the notice is “Without planning permission: The material change of use of outbuilding to use as a separate self-contained dwelling.”
 - The requirement of the notice is to: Cease the use of the outbuilding as a separate self-contained dwelling.
 - The period for compliance with the requirement is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. Appeals A, B and C are dismissed and the enforcement notice is upheld.

The appeals on ground (b)

2. An appeal under ground (b) is that those matters have not occurred.
3. The Appellants have appealed under ground (d) so that confirms that the matters, (i.e., the use of the outbuilding as a separate self-contained dwelling) have occurred. Furthermore, two Council enforcement officers visited under warrant accompanied by the Police on 16 March 2023 and found two people living in the outbuilding. Therefore, the appeals fail on ground (b).

The appeals on ground (c)

4. Ground (c) is that those matters (if they occurred) do not constitute a breach of planning control. The Appellants say the building was constructed under permitted development rights. The Council is not alleging that the built development is unlawful. The notice only relates to the use of the building. The Appellants have made no case that the change of use does not constitute development or that it did not require planning permission. The appeals on ground (c) therefore fail.

The appeals on ground (d)

5. The ground of appeal under s174(2)(d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. In this case the relevant period is 4 years from when the dwelling came into use. The 4-year period must have occurred before the enforcement notice was served and there must have been no subsequent change of use. The onus of proof is on the Appellants.
6. The Appellants claim that Tenant One was living in the outbuilding when the property was acquired by them in April 2016 and that the previous owner told them that Tenant One had been living there with her son since 2012. There is supporting documentation in respect of Tenant One in the form of a letter from Ealing Council dated 8 June 2016 which says that Housing Benefit starts on 27 June 2016. However, the letter does not specify that she was living in the outbuilding. It only relates to "34 Eastcote Lane". The Appellant has also submitted a letter of apology from Tenant One, dated 3 December 2017, but there is no address on this letter or any indication of the time spent at 34 Eastcote Lane.
7. Even if Tenant One lived in the outbuilding, the Appellant's claim that she lived there between 2012 and 2017 is not substantiated. The only evidence of when she might have lived there relates to the single month of June 2016. There is no evidence of another tenant until Tenant Two, almost 18 months later.
8. In respect of Tenant Two, there is an assured shorthold tenancy agreement (ASTA), albeit unsigned by the tenants, dated 28 December 2017. This agreement is said to last until 28 May 2018 and rolling monthly afterwards. The tenancy relates to "the flat, known as and forming 34 Eastcote Lane". However, the outbuilding is not "a flat" and it is unclear whether this "flat" is within the main dwelling or whether it is the outbuilding. There is a second ASTA dated 10 June 2018 which names Tenant Two plus one other person. There is a Whatsapp message from Tenant Two on 16 February 2019 saying *"Have you found anybody yet to move in? We've prepared the things and we're gonna move out some of them tomorrow. We will give you your copy of the keys but I'll have to keep one copy because I still have some materials here but if you have someone"*. This indicates that Tenant Two and the other person were moving out around this time. The evidence, therefore, is that Tenant Two moved into a part of 34 Eastcote Lane at the end of December 2017 and moved out around mid-February 2019. This is a 14-month period of occupation.
9. For Tenant Three, there is an ASTA dated 25 February 2019 for *"the flat, known as and forming shared 34 Eastcote Lane"*. Again, it is not clear which part of the property the tenancy related to. The term was 25 February 2019 until 24 August 2019 and then on a rolling monthly basis. However, the Council say that Planning Enforcement made a site visit on 11 April 2019 and the outbuilding was not occupied at the time of that visit. Photographs from that visit indicate that it was unoccupied.
10. The Council reports that during their visit the owner stated that the building was used for guests when visiting from overseas. However, the Appellants later explain in their statement that the non-occupation was due to the tenant getting married and moving out. They say that the tenant returned the keys at the end of the term. This was a change of story made by the Appellants after the Council's appeal

statement had been submitted. The findings of Planning Enforcement's site visit casts serious doubt on whether anyone occupied the outbuilding in connection with the claimed ASTA.

11. In addition, a Council Housing Officer visited on 27 September 2019. They also recorded that the outbuilding was unoccupied. The Officer recorded that the Appellant said that the outbuilding was used by his son when he came to stay. The Appellants' Appeal statement claims that his son came back from university and lived in the outbuilding between August 2019 and December 2019. This is at odds with the Housing Officer finding the building unoccupied towards the end of September 2019.
12. Tenant Four's agreement is dated 20th December 2019 and ends on 19 June 2020 and rolling thereafter. However, this is not an ASTA and it states "*tenancy by reason of being a tenancy granted by a resident landlord.*" It also reads "*tenancy of the room in the house (34 Eastcote Lane) ...the Tenant will have exclusive occupation of the designated room and will share with the other occupiers of the Property the use and facilities of the common parts of the Property.*" Therefore, it appears that the fourth agreement relates to a lodger in the main house and is not relevant to the outbuilding.
13. In respect of Tenants Five, the appellant has submitted an email dated 20 July 2020 with reference to "*tenant check reports*" for two people. The address on these checks is just 34 Eastcote Lane. There is no reference to an outbuilding. It appears that the people subject of the checks moved in at some unspecified point as there is a WhatsApp message, dated 26 October 2021, from one of them. This is a question about the return of their deposit, on moving out. Then on 14 November 2021 a WhatsApp message confirms that the keys have been left. Assuming that these people moved in at the end of July 2020 and moved out mid November 2021, this would provide a period of 15-16 months. However, it is not clear that they stayed in the outbuilding.
14. For Tenant 6 there is a typed rudimentary agreement, consisting of one paragraph, dated 19 November 2021 to pay rent for 34 Eastcote Lane. It says that the tenants will move in on 15th November. The deal was payment in money, cleaning at the landlord's shop and cutting the grass. It says that travelling cost and lunch will be covered by the landlord. The "agreement" has a handwritten alteration saying that the tenancy term is 15 November 2021 to 14 May 2022. It is not a ASTA and it is not specific which part of the property it relates to.
15. The Appellants say in their appeal statement that their daughter stayed "separately" in the building from June 2022 until the Appellants' friend arrived in March 2023. This move in date appears to fit with the end of the claimed Tenant 6 stay. However, the appeal form, dated 7 May 2023 says that 6 months earlier "*my daughter decided she wanted to move there*". This works out that she would have moved in around November 2022 much later than claimed in the Appellants' appeal statement. There is no mention of the daughter moving out and the "friend" moving in on the appeal form. Furthermore, two Council Enforcement Officers visited under warrant accompanied by the Police on 16 March 2023 and found two people living in the outbuilding. Clearly contrary to what is stated on the appeal form, it was not occupied by his daughter at that point. The Appellants' evidence for this period is highly inconsistent.

16. Furthermore, the Appellants have not described the “separateness” of the son and daughter’s occupation of the outbuilding and they have not therefore substantiated that the outbuilding was not being used as part of the primary use of the main dwelling whilst their children resided in it. This means that there may have been a material change of use each time they swapped between tenant and family.
17. I note that neighbours have said that the outbuilding has been there for about 12 years and that it was rented out before the appellant purchased the house but I have no substantive evidence that it was in continuous use for any period of time before the Appellant took control of the property. Moreover, there is no mention of a self-contained flat in the 2015 Zoopla sales particulars.
18. Overall, the evidence provided by the Appellant lacks detail in respect of when some people moved in and out. There are gaps between claimed tenancies and tenancy periods in some cases are very vague. The Appellants explain gaps between tenants by saying their children moved in. However, there is nothing to substantiate that their children genuinely occupied the outbuilding separately to the parents’ dwelling. Furthermore, the Appellants’ evidence is highly inconsistent in places. It is also contradicted by the findings of Council Officers’ visits. Their evidence has changed over the course of the Appeal.
19. For the above reasons, and, on the balance of probability, the evidence does not precisely and unambiguously demonstrate that the use of the building as a separate self-contained dwelling has continuously subsisted for a four-year period before the date of the notice. Therefore, I conclude that the ground (d) appeal fails.

Conclusion

20. For the reasons given above I consider that the appeals should not succeed.

Siobhan Watson

INSPECTOR