
Appeal Decision

Site visit made on 21 May 2025

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/N5090/C/23/3327323

149 Farm Road, EDGWARE, HA8 9LP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Mohammed Ofar Wazir against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 27 June 2023.
- The breach of planning control as alleged in the notice is: *Without planning permission, the making of a material change of use of the property into a large (Sui Generis) House of Multiple Occupation (HMO).*
- The requirement of the notice is to cease the use of the property as a House in Multiple Occupation.
- The period for compliance with the requirement is six months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: the appeal is dismissed and the enforcement notice upheld.

Preliminary Matters

1. The notice was issued nearly two years ago and the appeal submitted shortly afterwards. Although some significant changes have been made to national planning policy in the meantime, the development management policies of the Local Plan relevant to the appeal remain the same. I have found it unnecessary to refer back to the parties.

Main Issues

2. The main issues arising from the Council's reasons for issuing the enforcement notice are, first, the loss of family housing in an area characterised by housing and for which there is a need; second, the effects on living conditions of neighbouring residents; third the requirements for cycle and refuse storage facilities; and finally whether the site is sufficiently sustainably located as to be suitable for its residents.

Reasons

Family housing

3. Other than to say that there has been an astronomical increase in the demand for housing for young people unable to afford single dwelling houses, the appellant does not contest the Council's assertion of the need for family dwelling houses in the area. Policy DM08 of the Barnet Local Plan of September 2012 provides that for market housing, homes with 4 bedrooms are the highest priority. The property here has been extended and provides more than that, but it would nonetheless serve to meet this market need. Policy DM09 does however provide that proposals for new HMOs will be encouraged provided that they meet an identified need.

Neither party has explained to me what the need for HMOs is in the area, save for the appellant's assertion as to a high increase in demand.

4. In the absence of any adequate identification of the need for HMOs, I am unable to say that the development meets the requirements of policy DM09. Policy DM08 pulls in the other direction. Policy DM01 is aimed at protecting the character of the borough, and provides that the conversion or loss of houses in roads characterised by houses would not normally be appropriate. Farm Road is such a road, characterised by spacious semi-detached dwellings.
5. It has not been demonstrated why the loss of the property's use as a dwelling house would be appropriate, and nor has the absence of any need for it as a dwellinghouse been demonstrated. It is not asserted by the appellant that it has been marketed for such a use. An Article 4 Direction exists in the borough to withdraw permitted development rights to convert houses into (smaller) HMOs thus requiring all such proposals to undergo proper consideration in recognition of their potential harm to the character of an area. The absence of such harm has not been demonstrated here. Therefore on this issue I conclude that the change of use to an HMO lacks the necessary justification and is contrary to the development plan for the area.

Living conditions of neighbours

6. On this issue the relevant policy strictures of Policy DM01, discouraging the loss or conversion of houses, are aimed at preserving residential living conditions as well as the character of an area. It is also the case that the use of the property as an HMO will almost inevitably lead to greater comings and goings and potentially more parking pressures. The appellant contends that no complaints about noise have been received, although this is disputed by some neighbours. However that is not the only relevant consideration.
7. I have not been informed about the particular occupiers of the property, save to say as the appellant does that they are 'young people'. I understand the occupiers to be mainly those of working age perhaps at the start of their careers, although on my site inspection I did observe a child's bicycle and a football in the rear garden so the current tenure might be more mixed. An advertisement for one of the rooms in the house states it to be 'student friendly' and 'families allowed'.
8. The appeal is made on the basis that the Council's allegation is correct, and that therefore the property is comprised of at least five tenants (here the maximum is seven) forming more than one household. Those neighbours making representations each refer to the difficulties of car parking in the vicinity and expressing concern that this would be exacerbated by the introduction of a number of separate households into the one property. The appellant contends that 'most young people do not have cars' but I have no actual information as to the circumstances of the present (or past or future) occupiers.
9. Therefore although accepting that noise and general comings and goings are not matters of significant concern, there is clearly an acute local parking issue which would potentially be exacerbated by the introduction of more households and therefore adults of driving age. There are presently no parking restrictions in the area and hence this is a matter that could not be adequately controlled. On this issue I accept that the living conditions of neighbours are likely to be adversely affected as a result of increased parking pressures.

Cycle and refuse storage facilities

10. Refuse bins are presently stored adjacent to the street to the front of the property, in front of the garden wall although that appears to be set back from the pavement to give them sufficient space. This results in a rather unattractive frontage although I do not find that there is insufficient space to achieve adequate bin storage. The property is set down from the street, requiring the negotiation of a set of steps, and so any other arrangement is likely to be impracticable.
11. The Council's Residential Design Guidance of October 2016 points out that details of refuse storage and management will normally need to be addressed as part of the planning application and that visually intrusive or inadequately sized facilities will not be acceptable. It appears that no consideration has been given to any screening of the bins or otherwise to how an acceptable appearance in the street scene might be produced. This matter is too uncertain to be left to a planning condition, as suggested by the appellant.
12. No cycle storage facility is provided, and again the appellant suggests this can be left to condition. Whilst there is ample space at the property to achieve a cycle storage facility, it is unclear to me whether the building of such a facility might require its own planning permission and whose merits would need to be assessed. Therefore this should also require consideration at this stage, but no details have been provided.
13. Therefore on this reason for issuing the notice I find the Council's case to be justified and the development to be contrary to the relevant provisions of the development plan.

Locational sustainability

14. The neighbouring residents point out that the property is only seven minutes' walk from the nearest underground station, and that parking on the road by commuters is a problem. That being the case, although the PTAL rating is rather low, I do not find that the property lies at an unacceptable distance from services or amenities or from public transport links. I would not have dismissed the appeal on this ground.

Conclusion

15. For the reasons given above I conclude that the development is contrary to the provisions of the development plan for the area and that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Decision

16. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Laura Renaudon

INSPECTOR