



Appeal Decisions

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08th August 2025

Appeal A Ref: APP/A5840/C/24/3351316

Appeal B Ref: APP/A5840/C/24/3351317

89 Langdale Close, London SE17 3UG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeals are made by Mr Panayiotis Kontzionis (Appeal A) and Dr Angela Richards (Appeal B) against an enforcement notice issued by the Council of the London Borough of Southwark.
 - The notice was issued on 1 August 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the Property from a single dwellinghouse (flat) within Use Class C3 (Dwellings) to the unauthorised use for temporary sleeping accommodation for more than 90 nights in the same calendar year in breach of sections 25 and 25A (2)(a) and (b) of the Greater London Council (General Powers) Act 1973.
 - The requirements of the notice are: Cease the use of the Property for use as temporary sleeping accommodation. Cease all marketing of the Property for lettings for temporary sleeping accommodation.
 - The period for compliance with the requirements is one month after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the Act.
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Decisions

1. The appeals are allowed and the enforcement notice is quashed.

Reasons

2. The appeals are proceeding under ground (b) only. For the appeals to succeed, the appellants need to show that the alleged breach of planning control has not occurred, as a matter of fact.
3. Under the provisions of section 57 of the Act, planning permission is required for the carrying out of development. The relevant meaning of development is set out at section 55 of the Act, which includes the making of any material change in the use of any buildings or other land. Sections 25(1) and 25A of the Greater London Council (General Powers) Act 1973 (as amended) provide that the use as temporary sleeping accommodation of any residential premises in Greater London for more than ninety nights in the same calendar year involves a material change of use.
4. The site is a dwelling, which the appellants describe as their place of residence when they are in London. A Planning Contravention Notice response¹ explains that the appellants live abroad and return to London annually. I have no details as to how long the appellants stay at the site each year, but they explain very clearly how measures are in place to ensure it is not let out as temporary sleeping accommodation for more than ninety nights each calendar year. The Council does not dispute this, but it claims that the dwelling has no use outside the ninety nights when short-term letting as temporary sleeping accommodation takes place.

¹ Reference 24/EN/0014, dated 18 January 2024

5. Be that as it may, the description of the alleged breach in the notice explicitly states that a material change of use to temporary sleeping accommodation for more than ninety nights in the same calendar year has taken place. This is despite the Council's officer report confirming that the dwelling is only used for short-term letting for ninety nights a year. The evidence therefore shows that the alleged breach has not occurred, and the description of the alleged breach is fundamentally flawed.
6. I have the power under section 176(1) of the Act to correct any defect, error or misdescription in the notice or to vary the terms of the notice if doing so would not cause injustice to any parties. Correcting the notice to ensure the description of the alleged breach refers to a material change of use to a different use to follow the very brief and undetailed submissions of the Council would cause injustice to the parties. This is because the appellants' submissions focus on the undisputed claim that the dwelling has not been used as temporary sleeping accommodation for more than ninety nights each year. Moreover, it is unclear what the Council considers the precise description of the unauthorised use of the dwelling to be.

Conclusion

7. The appeals under ground (b) therefore succeed and the notice will be quashed. It will be a matter for the Council to consider whether it is expedient to issue a new enforcement notice referring to a corrected description of the breach of planning control alleged to have taken place.

L Douglas

INSPECTOR