



Appeal Decision

Site visit made on 7 August 2025

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/T5150/C/23/3328405

40 Pasture Road, Wembley HA0 3JL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Rizwan Sheikh against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 18 July 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the premises to a House in Multiple Occupation (HMO).
 - The requirements of the notice are:
 - 1) Cease the use of the premises as a House in Multiple Occupation (HMO).
 - 2) Remove all partition walls, fittings, fixtures, and items 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 layout of the premises is returned back to a single dwellinghouse.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) 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.
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Decision

1. It is directed that the enforcement notice is corrected by the deletion of the words 'so that the layout of the premises is returned back to a single dwellinghouse' from schedule 4 of the notice.
2. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. The appeal was brought on ground (a) only. However, the Council outlined that arguments made in the appeal submission amounted to an appeal on ground (f). The appellant confirmed that the appeal should also proceed on ground (f).
4. I was unable to gain access to one of the rooms during my visit. Nevertheless, I am satisfied on the basis of my on-site observations and the evidence before me that I can adequately assess the appeal.

Appeal on ground (a)

5. An appeal on ground (a) is brought on the basis that planning permission ought to be granted for the breach of planning control stated in the notice. Where an appeal on ground (a) is duly made, an application for planning permission is deemed to have been made.

Main Issues

6. The main issues are: whether the use of the property as a House in Multiple Occupancy (HMO) has resulted in the loss of a family dwelling; the effect of the development on the living conditions of occupiers of neighbouring properties with regard to parking pressure, and noise and disturbance; whether the accommodation provided is of an appropriate standard; and the effect of the development on the character of the area.

Loss of a family sized dwelling

7. The appeal site comprises a property on Pasture Road, in a largely residential setting. The appellant does not dispute that the property was formerly a six bedroom dwelling, which has since been converted into a seven bedroom HMO.
8. Policy BH11 of the Brent Local Plan 2022 (the BLP) states that the conversion of a family sized house, being a house of three bedrooms or more, to two or more dwellings will only be permitted if: the existing house is 130sqm or more; the conversion results in at least a three bedroom dwelling, preferably with direct access to a garden; and it is in an area of PTAL 3 or above.
9. As a six bedroom dwelling the appeal property was a family sized house for the purposes of Policy BH11. While no figure for the floorspace of the dwelling has been provided by either party, it is clear from both the parties' submissions and my site visit that the development has not resulted in at least a three bedroom, but in a seven bedroom HMO. Furthermore, the Council has provided evidence to suggest that the site is in an area with a PTAL rating of 1b. Accordingly the conversion of the appeal property as a result of the development is contrary to Policy BH11.
10. For the reasons given, the development has resulted in the loss of a family sized dwelling. As such, it fails to comply with Policies DMP1 and BH11 of the BLP and the provisions of the National Planning Policy Framework (the Framework) insofar as they seek to ensure the development is of a use that complements the locality and that family sized housing is maintained in the area.

Living conditions – neighbouring occupiers

11. The development has resulted in a seven-bedroom HMO. The appellant therefore refers to the property as a seven person HMO, while the use of the property as a family dwelling had a total nine bedspaces. However, both my observations on site and the submitted floor plans suggest a total of ten bedspaces at the HMO. Nevertheless, even if I take the appellant's figure of it being a seven person HMO, it is unlikely that a single household would generate the same level of activity as seven separate adults. While a family unit would likely spend more time together, the proposal has the potential to result in numerous daily routines and separate activities in each of the bedrooms.
12. As such, it is reasonable to assume that the levels of activity taking place both inside and outside of the property are over and above that normally expected in relation to a single family dwelling. It is reasonable to conclude that there has been an increase in the comings, goings and associated activities of occupiers of the development. The Council does not substantiate its claim of substandard construction of the appeal property. Nevertheless, even with standard construction

this additional activity has likely significantly increased the noise generated and experienced by occupiers of neighbouring dwellings.

13. With regard to parking, the site is located in an area with a PTAL rating of 1b, such that it would have poor accessibility with regard to journeys that could be made by sustainable forms of transport, e.g. walking, cycling and public transport. As such, it is reasonably likely that occupiers of the appeal property would have access to a private vehicle, with no guarantee that the current level of private vehicle ownership at the property would remain the case.
14. Many of the properties on Pasture Road, including the appeal site, are served by vehicle crossovers to accommodate off-street parking. However, this has the effect of reducing on-street parking availability, which I observed to be well-used at the time of my visit during the day. Although this is a snapshot in time, it indicates the limited availability of on-street parking in the area, which is likely to be in further demand during the evening and at weekends.
15. The appeal site also provides off-street parking in the driveway. While no figure as to the precise number of spaces is confirmed, I observed that this could at most comfortably accommodate two cars, albeit that one of these cars would likely be blocked in by the other and that many of the surrounding houses appeared to use the driveway for a single car only.
16. No parking survey has been provided with the appeal. However, taking all of the above together with the additional routines and movements of the development when compared to a single family dwelling, I find that the number of residents and visitors seeking to park at the property when compared to its previous use has increased. This results in a required level of on-street parking which I cannot be certain on the information before me could be absorbed by the surrounding streets, leading to an increase in parking pressure for occupiers of nearby dwellings.
17. For the reasons given, the development has a significant adverse effect on the living conditions of occupiers of surrounding dwellings with regard to parking pressure, and noise as disturbance. As such, it fails to comply with Policies DMP1 and BT2 of the BLP, Policies T6 and T6.1 of the London Plan 2021, and the provisions of the Framework insofar as they seek to ensure development does not increase exposure to noise and provides adequate parking.

Standard of accommodation

18. The Council contends that the development has resulted in substandard accommodation, but provides limited further justification for this. Reference is made to Table 3.1 of Policy D6 of the London Plan 2021, which relates to minimum internal space standards. In this regard, the Council's "Houses in Multiple Occupation" Supplementary Planning Document 2022 ('the SPD') also sets out minimum floor area standards, albeit that this is guidance rather than policy.
19. Limited evidence has been supplied on the floor areas of the various rooms of the development. However, I was able to observe most of these during my visit. Of the six bedrooms that I viewed, four of them appeared to have adequate floorspace. However, the single bedrooms noted as bedrooms 3 and 7 on the submitted plans were unduly cramped, with furniture placement leaving extremely limited useable floorspace to support day to day living needs, thus creating substandard living

accommodation. While the kitchen areas of the property were sizable and with multiple appliances, the dining table supported only four seating places, below the occupancy level of the property.

20. The Council further alleges a lack of outside space, with Policy BH13 of the BLP citing minimum standards. However, no precise figure for the space provided has been submitted with the appeal. I observed the outdoor space during my visit. In addition to paved areas to the front of the property, a sizeable level of private amenity space is provided to the rear, comprising both a patio area and grassed garden. I found this to be a useable space that could comfortably accommodate the requirements of the development. The Council also does not substantiate its claim of substandard construction of the appeal property harming the living conditions of the occupiers of the premises, nor did I see anything during my visit to suggest this was the case.
21. Reference is further made to an alleged lack of personal, bin, or cycle storage at the property. However, I noted ample storage possibilities during my visit. In addition to many bedrooms having furniture for private storage, a sizeable room accessible off the kitchen and a unit within the rear garden provided further storage space to accommodate the occupiers. While limited information on the required level of waste or cycle storage is provided, given my findings on the size of the outside space, in addition to the numerous indoor and outdoor bins witnessed during my visit, provision of such facilities, and an appropriate management plan, could have been addressed by condition had I been minded to allow the appeal.
22. Nevertheless, it remains that I have found other aspects of the development to be substandard living accommodation, indicating that the development represents an overly intensive use of the property.
23. For the reasons given, the development has not provided accommodation of an appropriate standard. As such, it fails to comply with Policies DMP1 and BH7 of the BLP, Policy D6 of the London Plan 2021, the SPD and the provisions of the Framework insofar as they seek to ensure that development is of an acceptable quality meeting appropriate standards for the needs of its occupants. While Policy BH13 has also been cited, I have found that appropriate residential amenity space is provided.

Character and appearance

24. It is alleged in the notice that the development has resulted in harm to the character of the area, but little further justification of this is provided. Nevertheless, it is clear from my findings above that while no external alterations have occurred, the development has resulted in the appeal property being of a materially different, and increased intensity of, use than a single family dwelling.
25. There is nothing before me to suggest that HMOs are a characteristic of the immediate area, nor did I observe anything during my visit to suggest a prevalence of HMOs nearby. Rather, I found Pasture Road and the surrounding streets to primarily comprise individual residential dwellings. Within this setting the development is of a significantly different nature to the majority of other residential accommodation in the area. As such, it fails to respect or reflect the prevalent character of the immediate vicinity.

26. For the reasons given, the development has resulted in harm to the character of the area. As such, it fails to comply with Policy DMP1 of the BLP and the provisions of the Framework insofar as they seek to ensure development is of a use and type that complements the locality.

Other Matters

27. The appellant has provided plans detailing an alternative HMO scheme ("the Alternative Scheme"). This reduces the amount of bedrooms at the appeal property and provides en-suite facilities. While this may go some way to improving the standard of accommodation at the appeal property, it remains that the alternative scheme would still result in the loss of a family size dwelling contrary to local policy and result in increased parking pressure and noise and disturbance for surrounding residents. The removal of one bedroom at the appeal property would not result in a significant change with regard to these matters when compared with the scheme before me such that planning harm would still arise.
28. The Council's statement of case raises issues relating to antisocial behaviour, environmental effects, and a lack of need for the development in the area. These issues are not expressly identified within the enforcement notice, nor have they been substantiated within the Council's evidence. There is therefore nothing convincing before me to suggest the development has resulted in adverse effects or policy conflicts in these regards.
29. A letter of support has been provided by an interested party, which I have had regard to. Nevertheless, it remains that I have identified planning harm for reasons outlined above.

Conclusion

30. For the reasons given above, I conclude that the appeal on ground (a) should not succeed, and I shall refuse the deemed application for planning permission.

Appeal on ground (f)

31. An appeal on ground (f) is brought on the basis that the requirements of the notice exceed what is necessary. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve. They are either: (a) remedying the breach of planning control; or (b) remedying any injury to amenity which has been caused by the breach. Section 173(4) is clear that a notice can remedy the breach of planning control by: making the development comply with the terms of any planning permission which has been granted in respect of the land; by discontinuing any use of the land; or by restoring the land to its condition before the breach took place.
32. The alleged breach of planning control is, without planning permission, the material change of use of the premises to a House in Multiple Occupation (HMO). The requirements include ceasing that use. As such, the purpose of the enforcement notice in this instance is to remedy the breach of planning control.
33. It is necessary to consider whether there is any obvious alternative or lesser step which would achieve the purposes of the enforcement notice. In this regard, the appellant has put forward the Alternative Scheme. I have assessed the planning merits of the Alternative Scheme above, and determined that it would not overcome the harm alleged in the enforcement notice.

34. From my observations the only way to remedy the breach would be to cease the use of the appeal property as a HMO and to remove all features facilitating this use, as outlined in the requirements of the notice. Given the purpose of the notice, these requirements are not therefore excessive. However, the phrase 'so that the layout of the premises is returned back to a single dwellinghouse' is unnecessary as the requirements are clear that all features facilitating the change of use are to be removed. I can therefore remove this phrase, and can do so without injustice to the appellant or the Council.
35. The appeal on ground (f) therefore succeeds to this very limited extent.

Overall Conclusion

36. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

C Rafferty

INSPECTOR