



Appeal Decisions

Hearing held on 22 July 2025

Site visit made on 22 July 2025

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal A Ref: APP/E0345/C/25/3364620

2A West Hill, Reading, RG1 2PN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ruminder Singh Jutla against an enforcement notice issued by Reading Borough Council.
 - The notice was issued on 2 April 2025.
 - The breach of planning control as alleged in the notice is the material change of use of a dwellinghouse to form two dwellinghouses.
 - The requirement of the notice is: Cease to subdivide the property as two dwellinghouses.
 - The period for compliance with the requirement is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (f), and (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/E0345/C/25/3364623

2B West Hill, Reading, RG1 2PN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ruminder Singh Jutla against an enforcement notice issued by Reading Borough Council.
 - The notice was issued on 2 April 2025.
 - The breach of planning control as alleged in the notice is the material change of use of a dwellinghouse to form two dwellinghouses.
 - The requirement of the notice is: Cease to subdivide the property as two dwellinghouses.
 - The period for compliance with the requirement is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (f), and (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal C Ref: APP/E0345/C/25/3364626

2C West Hill, Reading, RG1 2PN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ruminder Singh Jutla against an enforcement notice issued by Reading Borough Council.
 - The notice was issued on 2 April 2025.
 - The breach of planning control as alleged in the notice is the material change of use of a dwellinghouse to form two dwellinghouses.
 - The requirement of the notice is: Cease to subdivide the property as two dwellinghouses.
 - The period for compliance with the requirement is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (f), and (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

Appeals A, B, and C

1. It is directed that the enforcement notices are corrected by:

- In section 4 “Reasons for Issuing This Notice” the deletion of the words “10 years, pursuant to s171B(3)”, and replacement with “4 years, pursuant to s171B(2)”.
 - In section 5 the deletion of requirement (i) in its entirety and replacement with “(i) Cease the use of the property as two dwellinghouses”.
2. Subject to the above corrections, the appeals are dismissed and the enforcement notices are upheld.

Preliminary Matters

3. As set out in the banner header above, this decision letter relates to three appeals made under s174 of the Town and Country Planning Act 1990 (“the 1990 Act”) against enforcement notices issued in relation to each of three terraced residential properties. All three notices are identical in terms of the alleged breach, reasons for issue, and their requirements. Each notice has also been appealed on the same grounds, and the same issues arise in respect of each appeal and each property. Therefore, I have dealt with the appeals together in a single decision letter, for brevity and to avoid duplication.
4. A third-party representation was received from a Mr Nigel Cumming who was said to reside at 19 West Hill, Reading. However, at the hearing the appellant produced an email and land registry records from the owner of 19 West Hill, who stated that nobody by that name had ever resided at the address. The Council agreed that the representation could therefore be disregarded.

The Notices

5. It is important for me to get the notices in order. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the 1990 Act, or the terms varied, where the correction or variation will not cause injustice to the appellant or the local planning authority.
6. In the Council's reasons for issuing the three notices it is stated that the breach of planning control has occurred within the past 10 years, pursuant to s171B(3) of the 1990 Act. S171B(3) relates to “*any other breach of planning control*” and sets out that “*no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach*”. However, s171B(2) of the 1990 Act refers to breaches of planning control “*consisting in the change of use of any building to use as a single dwellinghouse*”. Where the breach occurred prior to 25 April 2024, s171B(2) sets out that no enforcement action “*may be taken after the end of the period of four years beginning with the date of the breach*”.
7. The word “*building*” in s171B(2) must be read as defined in section 336(1) of the 1990 Act as including “*any part of a building*”. As such, each alleged separate dwellinghouse has the protection of the four-year rule, and not ten years as stated in the notices. Both parties accepted at the hearing that the time limit should be four years. Given that the properties were only completed in 2022, the parties were satisfied that no injustice would be caused by me correcting the notice in this regard.
8. The requirement of each notice should also be corrected, so that it refers to the cessation of the unauthorised use and therefore flows neatly from the allegation.

Again, this correction can be undertaken without any injustice arising to either party.

Appeals A, B, and C on ground (b)

9. An appeal on ground (b) is that the matters alleged in the notice have not occurred as a matter of fact. The burden of proof is on the appellant, and the relevant test of the evidence is on the balance of probabilities.
10. Enforcement notices may not be issued until sometime after a breach has been detected. In the meantime, appellant's may make changes on site. Section 174(2)(b) of the 1990 Act is worded in the past tense, and the question is whether the breach *had* occurred by the date of the issue of the notice. If the allegation had taken place on site, an appeal on ground (b) cannot succeed simply on the basis that the structures were removed, or the use had ceased. The question therefore is whether the alleged breach had occurred by the date the notice was issued, and not whether it was in existence on the date the notice was issued.
11. There is no dispute between the parties that all three properties are now in use as HMOs. Indeed, HMO licences for the three properties were granted shortly after the issue of the enforcement notice on 7 April 2025. However, for the reasons set out above the current use of the properties does not mean that the breach had not occurred by the date the notices were issued.
12. The Council state that when they inspected the three properties in January 2024 each property had, in their view, been split into two self-contained units. Essentially it was considered that the "basement" in each property, accessed via its own front door and containing an en-suite bedroom, toilet, living area and kitchenette, was a self-contained unit. The remaining accommodation on the ground floor and first floor of each property, which included bedrooms, bathrooms, and cooking facilities, was a second self-contained unit. The ground floor and first floors were accessed via a second front door.
13. The Council also point to the fact that Council tax records have two addresses registered at each property (Flat 1 and Flat 2), as well as each property having two gas and electricity meter boxes, and two post boxes and intercom buttons at the front gate. These factors, along with the presence of a second front door allowing independent access to the "basement", which contains the provision of all necessary facilities for independent occupation, suggested to the Council that each property had been split into two separate dwellings. Section 172(1) of the 1990 Act makes clear that the Council may issue a notice where it *appears* to them that there has been a breach of planning control.
14. According to the appellant, prior to the use of each property "evolving" into HMOs, each had been occupied by single large extended families. However, that in itself would not be conclusive of use as a single dwelling. Whether a property is in use as a single dwelling does not rest solely on the occupants being related to each other. Neither is the existence of two separate dwellings contingent on there being a second front door.
15. Little firm evidence has been provided to support the appellant's claim that each property had been used as a single dwelling. No details have been provided concerning how each property was let, such as tenancy agreements which would have detailed the name(s) of any tenant(s) as well as including information such as

- whether they were renting the property as a whole, part of the property, or a single room. It is also unclear whether the persons occupying the “basement” had shared their living activity in company with those occupying the rest of the property.
16. The appellant also contends that the provision of the internal door which connects the hallways behind the two front doors on each property means that they were not split into two separate dwellings. This is largely on the basis that the door was left permanently unlocked, thus allowing occupants access to all floors. The appellant has not confirmed whether any of the tenants had keys to this door, or whether the key was retained by the landlord and the door left unlocked.
 17. Nevertheless, even if the internal door was left unlocked, I find it highly improbable that any occupant(s) of the “basement” would share their living activity with those residing on the upper floors or use any of the amenities found on those floors. The “basement” has its own front door, bedroom, bathroom, and cooking facilities as well as access to the external private rear amenity area. In the absence of any evidence to the contrary, I find that the basement would have been occupied and used as a self-contained residential unit that was separate from the remainder of the property.
 18. When questioned why each property had been afforded a second front door, the appellant’s chartered surveyor stated that it was mainly for fire escape reasons. I have not though been directed to any particular piece of legislation that requires or justifies the provision of a second front door, particularly given that the “basement” has its own means of escape with its direct access into the rear garden, and that the internal door between the two hallways was purportedly left permanently unlocked. In my view, the additional front door has been provided to afford separate access to the accommodation in the “basement”.
 19. In terms of two addresses being registered at each property by the Council tax team, Mr Jutla claims that this was the Council tax teams decision. The Council’s Senior Planning Officer disputed this and claimed that Mr Jutla had filled out a form to request the change of addresses. Mr Jutla stated at the hearing that he filled the form out in that manner because a member of the Council tax team had told him to. I have not been provided with any documentary evidence from either party in respect of this matter.
 20. In any event, it has not been satisfactorily explained why the appellant would agree to request two separate addresses at each property if that was not in fact the case. Furthermore, it also does not explain why there are two gas and electricity boxes at each property, or why the appellant would go to the effort of providing two post boxes and two intercoms for each address if there was only one residential unit at each property.
 21. The appellant has failed to discharge the burden of proof which rests upon them in this instance. In the absence of any substantive evidence to the contrary, I find that at the date the notices were issued, the material change of use of each dwellinghouse to two dwellinghouses had occurred as a matter of fact. Therefore, the ground (b) appeals fail.

Appeals A, B, and C on ground (f)

22. An appeal on ground (f) is that the steps required by the notice to be taken exceed what is necessary to remedy any breach. When an appeal is made on ground (f), it

is essential to understand the purpose of the notice. S173(4) of the 1990 Act provides that the purpose shall be either to remedy the breach of planning control or to remedy any injury to amenity.

23. In this case, its purpose is to remedy the breach by discontinuing the use of each dwelling as two dwellinghouses. For the appeals on ground (f) to succeed, the appellant must propose alternative lesser steps which would remedy the breach.
24. No alternative lesser steps have been put forward by the appellant. Furthermore, at the hearing the appellant's planning consultant conceded that if the ground (b) appeals failed and the notices were upheld, there were no lesser steps that would remedy the breach of planning control. I concur with that view, and since the requirements would do no more than to seek to achieve the purpose of the notice, and remedy the breach of planning control, they are not excessive. Consequently, the appeals on ground (f) fail.

Appeals A, B, and C on ground (g)

25. An appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant seeks a period of compliance of one year on the basis that the current tenants would need to be given notice to leave and find alternative accommodation. As set out earlier in this decision letter, there is no dispute that the properties are now used as HMOs. The single requirement of each enforcement notice is to cease the use of property as two dwellinghouses.
26. In any case, I have nothing before me to indicate that six months would not be sufficient time to notify any existing tenants and for them to find alternative accommodation. Similarly, I have no evidence before me to indicate that tenants would not leave voluntarily. Moreover, should eviction proceedings become necessary, a landowner would be able to rely on the provisions of section 179(3) of the 1990 Act which provides a statutory defence against prosecution where the owner has done everything they could be expected to do to secure compliance with the notice.
27. In my assessment, the six-month period of compliance is reasonable given the nature of the steps required by the notice. The appeals on ground (g) therefore fail.

Conclusion

28. For the reasons given above I conclude that the appeals fail. I have therefore upheld the enforcement notices as corrected.

David Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Neil Davis	Planning Consultant, Davis Planning Ltd
Ruminder Singh Jutla	Appellant
Chris Keen	Chartered Surveyor

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Hammond	Senior Planning Enforcement Officer
Marcelina Rejwerska	Senior Planning Officer

DOCUMENTS SUBMITTED AT THE HEARING:

1. Email and Land Registry Title Register both dated 15 July 2025 provided by the appellant regarding third party comments from 19 West Hill, Reading.