



Appeal Decisions

Site visit made on 9 September 2025

by **R Merrett BSc(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 October 2025

Appeal A Ref: APP/N4720/C/24/3357704

Appeal B Ref: APP/N4720/C/24/3357705

12 Hollin Mount, Weetwood, LEEDS, LS16 5JS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Tariq Zaman (Appeal A) and Ms Shazia Zaman (Appeal B) against an enforcement notice issued by Leeds City Council.
- The notice was issued on 29 November 2024.
- The breach of planning control as alleged in the notice is Without planning permission, the change of use from a dwellinghouse (use class C3) to a House in Multiple Occupation (sui generis).
- The requirements of the notice are to 1. Cease the use of the property as a house in multiple occupation; 2. Remove all internal partition walls and locked doors that restrict the use of the property as a single dwelling unit.
- The period for compliance with the requirements is three months.
- The appeals are proceeding on the grounds set out in section 174(2)(c), (d), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decisions: The appeals are dismissed and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

Appeal C Ref: APP/N4720/X/24/3357702

12 Hollin Mount, Weetwood, LEEDS, LS16 5JS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Khalid Zaman, Winsor Properties, against the decision of Leeds City Council.
- The application ref 24/04542/CLE, dated 6 August 2024, was refused by notice dated 7 October 2024.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which a certificate of lawful use or development is sought is the use of the property as a large house in multiple occupation (Sui Generis).

Summary of Decision: The appeal is dismissed.

Appeals A and B on ground (c)

1. The ground (c) appeal is that the matters alleged do not constitute a breach of planning control. However, the basis for the ground (c) appeals in this case, simply duplicate the ground (d) appeal, namely that the large house in multiple occupation (HMO) use commenced more than 10 years before the date of the notice, and hence is authorised due to the passage of time. This point is therefore considered and dealt with in the following section of the decision. The ground (c) appeals fail.

Appeals A and B on ground (d)

2. The ground of appeal is that at the date when the notice was issued no enforcement action could be taken in relation to the alleged breach of planning

control. In order to succeed on this ground, in accordance with s171B(3) of the 1990 Act, it would be necessary for the appellants to show, on the balance of probability, that the use of the property as a large HMO had commenced at least 10 years before the notice was issued, that is by 29 November 2014, and had continued in such use over a ten year period. It must be shown that there has not been any significant interruption in the use, in order to demonstrate the necessary continuity.

3. The onus rests with the appellants to demonstrate, on the balance of probability, that the use has been continuous over this period, with the exception of any non-material breaks in occupation.
4. Under the planning system an HMO has the same meaning as in s254 of the Housing Act 2004, in that the living accommodation is occupied by persons who do not form a single household, recognising that the definition of a single household therein excludes unrelated persons living together. The living accommodation must meet several criteria including that two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities. "Basic amenities" is defined as a toilet, personal washing facilities or cooking facilities.
5. In support of this element of the appeal, the appellants rely on the same evidence put forward in relation to the LDC appeal (Appeal C). They have submitted copies or extracts of tenancy agreements relating to the occupation of the property. The information provided covers the period July 2012 to June 2025. The appellants have also provided licensing information, and letters from letting agents and a gas and electricity service engineer in connection with the property.
6. The tenancy agreement information identifies the occupiers for the respective 12 month period covered by each agreement. It indicates the property being let to (mainly) seven unrelated individuals, with the identity of the occupying groups changing in some of the years.
7. For most of the years a signed and dated agreement (or extract thereof) has been provided. However, for the periods July 2018 to June 2019 and July 2020 to June 2021 only a list of names has been given, without evidence of signed and dated agreements, thus rendering the evidence vague.
8. Furthermore, in the latter case, the date of the document itself is given as 19 May 2021, therefore almost at the end of the tenancy period that it purports to relate to. This is at odds with the pattern of document dating for the other tenancy agreements, which are dated prior to the commencement of the tenancy period, as would reasonably be expected to be seen in such a contract. Indeed, the date of the document in question is identical to the date of the tenancy agreement for the following year (July 2021 – June 2022) which appears illogical and unexplained. I consider this casts serious doubt over the authenticity of the July 2020 to June 2021 document.
9. Collectively I consider these factors seriously undermine the credibility of the documentation in question, and the strength of the appellants' argument that the use has been continuous over the requisite period.
10. The letters from letting agents are relatively brief, one of which dated 25 November 2024 simply states that the house has been let on an annual basis for the past

seven years. The engineer's letter dated 12 December 2024, refers to gas and electrical safety certification work being carried out at the property since 2008, whilst it has been tenanted, and to engaging with different tenants there.

11. However, these statements do not constitute formally sworn evidence. I therefore afford them limited weight, given that there can be no sanction such as a fine or jail term if found to be untruthful. Notwithstanding this, even if the statements had been properly sworn, they remain vague and would still not provide the detail that would overcome the aforementioned ambiguity arising from the absence of signed and dated agreements and the strangely back dated document.
12. The Council has also referred to evidence on the electoral register, indicating the numbers and / or names of occupiers of the property to be different to those on the tenancy agreements. In addition, it has referred to Council tax record information, prior to July 2021, that either contradicts or is inconsistent with the purported tenancy agreement records. This is that the appellant resided with his family at the appeal address in January 2013, and an absence of Council tax records for the period September 2020 to July 2021.
13. Whilst the Council has not provided copies of the above evidence, the appellants have had the opportunity to account for these alleged discrepancies but have not done so. I consider this also carries weight in contradicting the appellants' version of events.
14. Contrary to the appellants' claim, continuous use of the property as a large HMO for the requisite period has, on the balance of probability, not therefore been demonstrated. The ground (d) appeals therefore fail.
15. For the avoidance of doubt, the fact that the accommodation has previously been found acceptable for HMO licensing purposes does not alter my conclusion regarding continuity of use.

Appeal C

16. Uses and operations are lawful at any time if no enforcement action may be taken in respect of them, whether because they did not involve development, require planning permission or because the time for enforcement action has expired (s191(2)).
17. In this case the appellant is relying on the passage of time. Accordingly, as in the case of the ground (d) appeal, this appeal must address the question of whether the alleged use is lawful because it is immune from enforcement action. It is necessary to consider whether, on the balance of probability, the use of the property as a large HMO has continued for a period of 10 years or more prior to the date of the application, therefore from at least 6 August 2014, so as to be immune from enforcement.
18. I am mindful that planning practice guidance states *"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."*

19. The appellant relies on the same evidence put forward in relation to the ground (d) appeals. For the same reasons set out above, I do not find the evidence to be sufficiently precise and unambiguous. The Council has also referred to the aforementioned contradictory evidence, which has not been disputed. I therefore consider the appellant has failed to justify the grant of a certificate on the balance of probability.

Appeals A and B on ground (f)

20. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the 1990 Act and include remedying the breach of planning control (s173(4)(a)). The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission 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.
21. With regard to the unauthorised development, the objectives of the notice are to discontinue its use and to remove partitions and locked doors that would otherwise restrict use of the property as a single dwelling unit. It follows that the purpose of the notice is to remedy the breach of planning control.
22. The appellants' ground (f) appeal is specifically that the requirement to remove internal partition walls is excessive as it would restrict future options for the use of the property. By way of response the Council accepts that the removal of internal lockable doors would be sufficient to allow the dwelling to be occupied by a larger or extended family. I concur, and thus conclude the ground (f) appeals should succeed to this limited extent.

Appeals A and B on ground (g)

23. The ground (g) appeal is that the compliance period falls short of what should reasonably be allowed. I am mindful of the importance of striking a balance between enforcement that is intended to be remedial rather than punitive, whilst maintaining public confidence in the planning system.
24. The appellants' case is that the compliance period of three months is too short a time for the residents to find alternative accommodation. They say a period of one year would be more reasonable.
25. Whilst I understand that having to find and relocate to alternative premises is likely to be an onerous and stressful experience for tenants, I have not been provided with information to substantiate the claim that a whole year would be necessary. I am also mindful that the appellants will no longer need to allow time for the removal of internal partitions.
26. The Council make the point that it would have been prudent for the appellants not to have rented the property out beyond the expiry of the previous rental period i.e. 30 June 2025, because of the risk of the appeal not succeeding. However, the appellants are entitled to anticipate their appeal will be successful, resulting in the enforcement notice being quashed, even though that has not been the outcome in this case. I am not therefore sympathetic to this specific Council point.
27. I conclude, taking into account the Council's reasons for issuing the notice and the aforementioned considerations, that extending the compliance period to nine

months would be reasonable and would not result in a disproportionate burden. Accordingly the ground (g) appeals succeed to this extent.

Conclusions

Appeals A and B

28. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with variations.

Appeal C

29. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use of the property as a large house in multiple occupation (Sui Generis) at 12 Hollin Mount, Weetwood, Leeds, LS16 5JS is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Formal Decisions

Appeals A and B

30. It is directed that the enforcement notice is varied by:

In Section 5 paragraph 2. the deletion of the words "partition walls and"; and

In Section 6 the deletion of the words "Three months" and the substitution of the words "Nine months" as the time for compliance.

31. Subject to the variations the appeals are dismissed and the enforcement notice is upheld.

Appeal C

32. The appeal is dismissed.

R Merrett

INSPECTOR