



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date 10 October 2025

Appeal Ref: APP/C2741/C/24/3356416

65 Osbaldwick Lane, York YO10 3AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by MCF Property Investment Limited against an enforcement notice issued by City of York Council.
 - The notice was issued on 16 October 2024.
 - The breach of planning control as alleged in the notice is the material change in use of the land from office use to use as a HMO.
 - The requirement of the notice is cease the use of the land as a house in multiple occupation.
 - The period for compliance with the requirement is nine months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appeal has been made under ground (b) only. In these circumstances, and given that the appeal must be determined on the basis of the situation that prevailed on the date that the enforcement notice was issued, visiting the site is unnecessary. The appeals have been determined without undertaking a site visit.

Reasons

3. The Appellant's Agent stated, on the appeal form, that "In a later submission, the Appellant will provide evidence of the use of the building on the date on which the notice was served". No later submission has been made and no evidence has been adduced by, or on behalf of, the Appellant. Without any contrary evidence there is no reason to doubt the Council's assertion that there were three residents of the appeal property on the date of issue of the enforcement notice. One of these residents may have moved out, on the Council's evidence, on 30 October 2024 but this would have been two weeks after issue of the notice.

4. There is nothing in evidence to show that the previous use of the appeal property was not office use. A House in Multiple Occupation (HMO) is a building that is occupied by at least three people who constitute more than one household. The breach of planning control as alleged in the notice was occurring, on the date of issue of the enforcement notice, as a matter of fact. The ground (b) appeal thus fails.

John Braithwaite

Inspector