



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 10th October 2025

Appeal Ref: APP/Q3630/C/24/3356437

5 Chertsey Lane, Staines-upon-Thames, Surrey TW18 3JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Baron Properties Ltd against an enforcement notice issued by Runnymede Borough Council.
 - The notice was issued on 28 October 2024.
 - The breach of planning control as alleged in the notice is the unauthorised change of use from GP Surgery (Class E) to a residential use as a house in multiple occupation (HMO) (Class C4).
 - The requirement of the notice is cease use of the land as a residential house in multiple occupation (HMO) (Class C4).
 - The period for compliance with the requirement is twelve 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).
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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 company has submitted in evidence two assured shorthold tenancy agreements; one dated 25 May 2023 for a twelve month period commencing on 27 May 2023, and one dated 9 March 2024 for a twelve month period commencing on 8 April 2024. In both agreements the Landlord is the Appellant company, and the Landlord's Agent and the Tenant is S&S London Estates. S&S London Estates, from their website, is an independent estate agency that exhibits a comprehensive and wide range of property services. They have not, very clearly, been residents of the appeal property, but have been managing the property.

4. Clause 4.2 of both agreements state "To use the property as a single let or house of multiple occupancy and there is a permission of subletting to the families, students, or any professional people". It is clear from this 'permission' that the 'tenant' can sublet the property for use as a HMO. It is also clear, from evidence provided by the Council of investigations carried out in the weeks before issue of the enforcement notice, that the property was in use as a HMO. These investigations included conversations with residents who confirmed the HMO use and observations of facilities in the property, shown in submitted photographs, commensurate with a HMO use.

5. Four days before the date of issue of the enforcement notice an Officer of the Council, accompanied by two agents of S&S London Estates, visited the property and was able to access all of the six rooms. Five of the rooms were found to be occupied by separate households. Furthermore, it was brought to the Council's attention that the appeal property was being advertised on the Tenant's website on a 'Rooms to Rent' basis. There can be no doubt that, on the date of issue of the notice, the appeal property was a residential house in multiple occupation. The breach of planning control has occurred as a matter of fact. The ground (b) appeal thus fails.

John Braithwaite

Inspector