



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/E5900/C/24/3350273

3 Landons Close, London E14 9QQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Magdalena Skinner against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
 - The notice was issued on 17 July 2024.
 - The breach of planning control as alleged in the notice is the material change of use of the property to a HMO.
 - The requirements of the notice are: a) Cease the use of the property as a HMO.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) 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 (c); the Appellant is claiming that the change of use was established at a time when it was development permitted under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). In these circumstances and given that the appeal must be determined on the basis of the situation that prevailed on the date that the notice was issued, visiting the site is unnecessary. The appeals have been determined without undertaking a site visit.
3. An application for costs has been made by the Council against the Appellant. This application is the subject of a separate decision.

Reasons

4. Class L(b) of Part 3 of Schedule 2 of the GPDO permits the change of use of a building from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation). The Appellant maintains that such a permitted change of use occurred at the appeal property before a Direction made under Article 4(1) of the GPDO came into force on 1 January 2021. The Direction removes the permitted development right conferred by Class L(b) of Part 3 of Schedule 2.
5. The Appellant is relying on a tenancy agreement dated 23 October 2020, for the period 4 November 2020 to 3 November 2021. The agreement is between “the Landlord” and “the Tenant”; the tenant being four women. The agreement is not signed by any of the women and if they were occupying the property on an HMO basis they would all, individually, have been subject to a Shorthold Tenancy Agreement. In an HMO situation it is the Landlord’s responsibility to pay Council Tax but, under the terms of the agreement it was the four women’s responsibility.

6. The four women were, on the basis of the tenancy agreement, occupying the appeal property as if they were a single family and therefore as if it were a Class C3 dwellinghouse. The evidence on which this is based, the tenancy agreement dated 23 October 2020, is precise and unambiguous. Tenancy agreements indicate that the appeal property is now occupied as a Class C4 HMO but the change of use from Class C3 occurred after the Article 4 Direction came into force. This overall conclusion has been reached, on the same evidence, twice before; once in an appeal decision dated 9 January 2024 against refusal of a lawful development certificate (LDC) for a 'HMO (C4)' and again in an appeal decision dated 11 July 2024 against refusal of an LDC for 'use of No. 3 Landons Close as being a (C4) HMO'.

7. The appeal property is in use as a Class C4 HMO but its conversion from a Class C3 dwellinghouse occurred after the Article 4 Direction that removed the permitted development right afforded by Class L(b) of Part 3 of Schedule 2 of the GPDO came into force. Planning permission is required for the material change of use of the property to a HMO and has not been granted. The ground (c) appeal therefore fails.

John Braithwaite

Inspector