



Appeal Decision

Site visit made on 10 November 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH November 2025

Appeal Ref: APP/T5150/C/23/3333284

41 St. Michaels Avenue, Wembley HA9 6SH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Farid Nejad against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 9 October 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the premises to a House in Multiple Occupation (HMO) and landlord's storage. ("the unauthorised change of use").
 - The requirements of the notice are:
 - STEP 1 Cease the use of the premises as a House in Multiple Occupation (HMO).
 - STEP 2 Cease the use of the premises as landlord's storage.
 - STEP 3 Remove the building associated with the unauthorised landlord's storage use.
 - STEP 4 Remove all internal partitions, items, materials and debris associated with the unauthorised change of use, including the removal of all kitchens, en-suite bathrooms/shower rooms and toilets, except those shown in the Plan A attached to the notice.
 - STEP 5 Restore the internal configuration to the original layout before the unauthorised change of use took place, as shown in the Plan A attached to the notice. For the avoidance of doubt, this should include a kitchen/living room, conservatory, garage and corridor on the ground floor, five bedrooms, two bathrooms and a toilet on the first floor, and a bedroom and a bathroom on the second floor.
 - STEP 6 Remove all items, materials and debris associated with the landlord's storage use, including, for avoidance of doubt, the removal of all kitchen appliances, mattresses, building materials, building tools, associated equipment, waste, debris, and redundant items, from the premises.
 - The period for compliance with the requirements is 6 months
 - The appeal is proceeding on the ground 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.

The Appeal on ground (b)

2. To succeed on this ground, the onus is upon the appellant to demonstrate on the balance of probabilities that the allegation has not occurred as a matter of fact. A House in Multiple Occupation (HMO) is a single dwelling in use by people sharing (or not having access to) at least one facility. The Housing Act 2004 at section 254 deal with HMOs and creates a number of tests, including that those who occupy the building must share one or more basic amenities (or their accommodation must lack one or more basic amenities). Basic amenities are defined as a toilet, personal washing facilities and cooking facilities.

3. Following a complaint, the Council carried out a site visit in February 2023. Whilst internal access was not provided by the appellant, he did confirm to the Council Enforcement Officer that he resided at the premises with other tenants and that he secured an HMO Licence for the property. However, it is important to note that an HMO Licence is an entirely separate matter which does not override the need for planning permission for the material change of use to an HMO.
4. On 16 August 2023, the Council Officer carried out an internal inspection of the premises, where photographs of the site were taken¹. The Officer noted that there were at least nine people living at the premises and some areas appeared to be used to store the landlord's belongings. The landlord/appellant was storing multiple home appliances (including several fridges) in the shared kitchen on the ground floor. The photographs also show two cookers with ovens in the kitchen, which are available for use by occupiers of the premises. Building materials are shown stored in the front and rear gardens, and furniture and mattresses were kept in a room located on the first floor.
5. On the ground floor were 4 bedrooms (two at the front of the property and two towards the rear). One of the bedrooms at the front was the appellant's room which included an ensuite. There were also two shared shower rooms at ground floor level, which are available to use for all occupiers of the building.
6. On the first floor, there was another shared bathroom and four bedrooms, and a room in use as landlord's storage. On the second floor, there was another bedroom with an ensuite and two single beds.
7. The Officer's site visits and the photographs provided in Appendix 3 of the Council's statement contradicts the appellant's claims that the allegation has not occurred as a matter of fact. I attach significant weight to the Council's statement and site visit photographs, as well as the HMO Licence which provides clear and compelling evidence that at the time the Notice was issued the appeal site was in use as an HMO and landlord's storage.
8. Indeed, I also observed the same internal layouts, with tenants occupying the bedrooms, and the storage areas in the rear garden and on the first floor during my own inspection. I also observed the shared facilities within the premises comprising a shared kitchen on the ground floor with two cookers and shared bathrooms at ground and first floor level available for tenants of the premises. Given the lack of cooking, toilet and washing facilities in the individual bedrooms it is clear that tenants were using these shared facilities.
9. The appellant states that he consulted both the planning and building control prior to carrying out internal restoration works and was advised that planning permission was not required. However, the works which were carried out constitute a material change of use of the property to an HMO and landlords' storage and go beyond the scope of restoration works for a single dwelling.
10. On the balance of probabilities, and based on all the evidence before me, I conclude that the appellant has not shown that the alleged change of use has not occurred. Accordingly, the appeal on ground (b) must fail.

¹ Appendix 3 of the Council's Statement.

Conclusion

11. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

R Satheesan

INSPECTOR