Planning Inspectorate

Appeal Decision

Site visit made on 24 November 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 09 December 2025

Appeal Ref: APP/Y5420/C/23/3327034
165 Broad Lane, London N15 4QT

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Grimay Gebreyesus against an enforcement notice issued by the Council of the London Borough of Haringey.
- The notice was issued on 28 June 2023.
- The breach of planning control as alleged in the notice is material change of use of the property from a single family dwelling house (Use Class C3) to a House in Multiple Occupation (Use Class C4).
- The requirement of the notice is to cease the use of the property as a House in Multiple Occupation.
- The period for compliance with the requirement is: 1 January 2024.
- The appeal was made on the ground set out in section 174(2)(a) of the Act. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed; the enforcement notice is upheld as corrected and planning permission is refused.

Preliminary Matters

1. A similar appeal was also lodged against the notice by Mrs Asmeret Yohannes[1]. Both appeals were made on ground (a). The fee for the deemed application for planning permission was paid for appeal APP/Y5420/C/23/3327034. The deemed application in appeal APP/Y5420/C/23/3327035 has therefore lapsed. Furthermore, some evidence submitted in ground (a) claimed no enforcement action could be taken against the breach of planning control due to the passage of time. This potentially raised ground (d) but it was not pleaded in the appeal form. The appellants were given an opportunity to confirm if either appeal should include ground (d) but did not reply. Consequently, appeal APP/Y5420/C/23/3327034 proceeded on ground (a) alone.

Enforcement Notice

2. It is important that the notice is in order.

3. In section 3, the breach of planning control is material change of use to a type of house in multiple occupation (HMO), ie '…(Use Class C4)', which can be occupied by up to 6 residents. There is no dispute that the property was in this use at the date the notice was issued, so it is what the notice pursues. In section 5, the requirement to cease the use of the property as '…a House in Multiple Occupation' (ie any HMO) has broader scope, so exceeds what is necessary to remedy the breach of planning control. In the interests of certainty and consistency, I shall correct the requirement accordingly.

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4. Section 6 gives a date as the time for compliance and has been overtaken by the appeal process. I shall therefore correct the notice to refer to an equivalent time period in months from when it would otherwise have come into effect.

5. I am satisfied that there is no injustice to any party.

Ground (a)

6. Ground (a) is that planning permission ought to be granted for the breach of planning control stated in the notice. This is the material change of use of the property from a single family dwelling house (Use Class C3) to a House in Multiple Occupation (Use Class C4).

Background and Main Issue

7. The property is a mid-terraced house with front and rear gardens, on the edge of a mainly residential suburb. Though not all in apparent use at the time, it contained seven rooms (including two on the ground floor and two at roof level) with requisite furniture for occupation as bedrooms including some living space, one with an en-suite shower and toilet. Additionally, communal showers and toilets and a kitchen with dining area, though no lounge/living room. The number of residents was not clear.

8. The main issue is whether use of the property as a C4 HMO is appropriate in this location, including in relation to small to medium sized family housing.

Reasons

9. In this part of the borough, where the property is located, the Council is concerned about the loss of small to medium sized family housing in C3 use to HMOs, occupied by individuals who do not form a single household. There is evidence it has identified a shortfall of this family housing and a significant need for it, including to support a balanced, sustainable population and neighbourhood given a high prevalence of HMOs already in this area.

10. With this in mind, the Council implemented an Article 4 Direction (A4D) in 2013 to remove permitted development rights for change of use of a C3 house to a C4 HMO. It also adopted Policy DM17A of the Haringey Development Management DPD (2017) to control how the C3 housing stock in this area can be used as HMOs and designated a Family Housing Protection Zone (FHPZ) to help maintain a sufficient supply of small family homes to offer broad housing choice.

11. Policy DM17A permits the conversion of larger homes in this area to HMOs, including C4 HMOs. In criterion (a) a ‘larger home’ is where the gross original internal floor space of the existing dwelling is greater than $120m^2$. Though a figure has not been given, it is common ground that the property currently exceeds $120m^2$ gross internal floor space. But despite the size of the property as it exists now, there is evidence that the gross internal floor space has been less than $120m^2$ in the past.

12. The Council considers ‘original’ to mean a dwelling as first built or as it existed on 1 July 1948 and puts the gross original internal floor space of the property at $80m^2$. The appellant does not dispute this. In my view, for Policy DM17A, gross original internal floor space essentially describes something other than the gross existing

internal floor space[2], at the point this policy is engaged. So, in this case, as the property was when the notice was issued and as it still remains now (ie not 120m^2 or less). The property is not, therefore, a larger home for the purpose of Policy DM17A and, as a result, criterion (a) does not support the material change of use of it to a C4 HMO.

13. It is not disputed that the Council intends smaller homes, including small to medium sized family houses, to mean where the gross original internal floor space of the dwelling is 120m^2 or less. This is met in this case. There is additionally no dispute that the property was previously in use as a C3 house and suitable for small or medium sized family occupation.

14. It is common ground that when the property was a C3 house, before it was used as a C4 HMO, it was enlarged. This was achieved by a single-storey rear extension and loft conversion including rear roof dormer. I appreciate that some of these works were carried out with planning permission granted by the Council and some was permitted development, including where prior approval was not required. But whether the enlarged dwelling could thereafter be used lawfully as a C4 HMO was (and still is) a separate matter – a new chapter in the planning history of the property that required an express grant of planning permission.

15. The ramifications of these enlargements for potential subsequent use of the property as a C4 HMO have significant implications for Policy DM17A. This policy otherwise helps to ensure that the Council's objectives are not circumvented or undermined by precursor planning permissions, determined at face value on their individual planning merits, or through exercise of other permitted development rights. Enlarging a smaller home, then changing the use of a resulting larger home (to a then in principle Policy DM17A compliant HMO) would take C3 houses out of smaller family occupation and reduce the availability of such housing, at odds with a priority of the Council in this area.

16. Some other development approved by the Council was for conversion of flats to C4 HMOs, including some flats not considered suitable for family occupation by the Council. Some changes of use from C3 houses to C4 HMOs were approved because the gross original internal floor space exceeded 120m^2 (in one case by 118m^2 but the Council considered a 2m^2 shortfall did not justify refusal; the shortfall of 40m^2 in this appeal is notably more). Approval was given for a large sui generis HMO but a C4 HMO was already established, some C4 HMOs elsewhere in the borough where the A4D does not apply and some schemes relate to conversions from HMOs to flats. Others were lawful development certificates, so planning merits and policy were not relevant considerations. Some conversions of C3 houses to C4 HMOs were not located in the Council's borough. These decisions can all therefore be distinguished from the circumstances of this appeal.

17. Taking account of all the above, and albeit a single dwelling either way, I find that use of the property as a C4 HMO is not appropriate in this location, contrary to Policy DM17A(a) including the resulting loss of a small to medium sized family house. It is also at odds with Policy SP2 of the Haringey Local Plan (2017) which, amongst other things, aims to provide homes to meet Harringey's housing needs. I give significant weight to this consideration.

[2] Except where these coincide in the case of an existing dwelling not previously unenlarged, so is as original.

Other Matters

18. I appreciate that the appellant does not agree with the Council's decision that it was expedient to take enforcement action and issue the notice, but these matters are not within my remit. Whether or not the Council should take enforcement action against other nearby HMOs or should have issued HMO licences for those properties are separate matters for the Council. While the property has now been in C4 HMO use for at least a couple of years, and even if with an HMO licence issued by the Council (a separate regulatory matter), this has been without the necessary planning permission.

19. I accept there is little evidence of conflict with the other criteria of Policy DM17A. In particular, I acknowledge that C4 HMO use of the property provides a place to live for several people and that the good standard of accommodation I saw is likely to be appreciated by them. I have no reason to doubt that the property is in an accessible location and I also accept that this HMO helps to meet the borough's diverse housing needs, having regard to affordability, homelessness and some single person (or couples) living preferences or only accommodation options. People living in HMOs can also help to support the local economy of an area.

20. But HMOs are one aspect of the Council's housing strategy and not a priority in this area. Consequently, although these considerations are important, I give moderate weight to them. Nor do they overcome or offset friction with what I consider in this case is the most fundamental criterion (a) of Policy DM17A, so do not render the breach of planning control in overall accordance with this policy.

21. The appellant's concerns about the Council's housing strategy, and how it might be preferred Policy DM17A criterion (a) ought to have effect, are then largely a matter for the plan making process

Planning Balance and Conclusion

22. The limited benefits of C4 HMO use of the property do not outweigh the significant harm due to the loss of a small to medium sized family house in conflict with the development plan. Other material considerations do not, therefore, indicate that ground (a) should be determined other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above, planning permission should not be granted so ground (a) fails.

Formal Decision

23. It is directed that the enforcement notice is corrected as follows:

    - Section 5 requirement – after *'…Occupation'* add *'(Use Class C4)'*.

    - Section 6 time for compliance – delete *'1 January 2024'* and insert *'Five (5) months'*.

24. Subject to these corrections the appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan

INSPECTOR