



Appeal Decision

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/J0540/C/25/3367231

287 Gladstone Street, Millfield, Peterborough PE1 2BX

- 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 Tariq Mahmood against an enforcement notice (“the notice”) issued by Peterborough City Council.
 - The notice was issued on 2 May 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the dwellinghouse into two separate self-contained flats.
 - The requirements of the notice are to: (a) Convert the property on the land back to a single dwelling house; (b) Permanently remove the additional kitchen area, including all cooking appliances, fixtures and fittings associated therewith, from the upstairs first floor flat; and (c) Remove from the land all materials and debris resulting from (a) and (b).
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f), (g) of the Act.
-

Decision

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

Preliminary Matter

2. The parties were advised that a site visit would not be conducted.

The appeal on ground (f)

3. This ground of appeal is directed at requirement (b), which is to remove the additional kitchen area, including all associated cooking appliances, fixtures and fittings. The appellant gives 2 reasons why he considers this to be excessive.
4. The first is that the additional kitchen would provide better accommodation for tenants if he were to change the use of the dwellinghouse to use as a single house in multiple occupation (HMO) by not more than 6 residents¹ in future. That change of use to use as a ‘small HMO’ is permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).²
5. The permitted change of use to a small HMO could occur following the reversion of the property to use as a single dwellinghouse required by the notice. However, the reference to “a higher standard of accommodation” indicates an additional kitchen would not be an essential precursor to that change of use. Accordingly, and given the absence of a clear proposal to form a small HMO or a time scale for doing so, it is not unreasonable to require the removal of the additional kitchen.
6. The appellant’s second reason rests on the possibility that the government may bring forward secondary legislation to permit the change of use of a single

¹ A use within Class C4 of Part C of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (as amended).

² Article 3 and Schedule 2, Part 3, Class L refer.

dwellinghouse to 2 flats. However, I can only determine this appeal within the framework of legislation currently in force.

7. Furthermore, 2 self-contained flats would not exist if the additional kitchen had not been installed. It is therefore integral to the breach of planning control, and it is not excessive to require its removal to remedy that breach. The appeal on this ground must therefore fail.

The appeal on ground (g)

8. The appellant seeks an extended period for compliance of 12 months to allow the tenants sufficient time to find alternative accommodation, and to allow him to raise funds for the necessary works and find a contractor to carry them out.
9. Planning permission for the change of use of the dwellinghouse into 2 separate self-contained flats was refused over 2 years ago³ and an appeal against that decision was dismissed a year later.⁴ It should therefore have been apparent when copies of the notice were served, including on the occupiers of the flats, that the use of the property as 2 separate self-contained flats would probably end.
10. The Human Rights Act 1998 embodies Article 8 of the European Convention on Human Rights into UK law. Article 8 provides the right for respect for private and family life and therefore applies to any tenant. However, the right is qualified, meaning that it may be interfered with when balancing the fundamental rights of individuals against the legitimate interests of others and the wider public interest. The notice sets out why enforcement action is in the public interest, citing the reasons why planning permission was refused and recording that the appeal against that decision was dismissed.
11. No information about the terms of the tenancies, including notice periods, has been provided and it has not been shown that any tenant was unaware of the consequences of the previous appeal and the service of the notice. Accordingly, and while I have had regard to Article 8, it has not been demonstrated that 6 months falls short of what is reasonable in terms of the tenants' rights.
12. The notice was issued over 7 months ago, so the appellant has already had more than half of the 12-month period he considers necessary to secure funding for the works and carry them out. Furthermore, as described in the notice, the work appears relatively straightforward and capable of being carried out by a wide range of contractors. No evidence of any significant or unusual costs of compliance has been provided.
13. For these reasons, the appeal on this ground must fail.

Conclusion

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

Mark Harbottle

INSPECTOR

³ 23/00496/FUL refused 19 June 2023.

⁴ APP/J0540/W/23/3335642 dismissed 27 June 2024.