



Appeal Decisions

Site visit made on 8 December 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal A: Ref APP/B5480/C/24/3355239

2 Peony Road, Romford RM3 7FJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Lan Chen against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice was issued on 11 October 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of a dwelling (C3) to a house in multiple occupation (C4).
 - The requirements of the notice are to: (i) CEASE the use of the property as a house in multiple occupation; AND (ii) Remove all debris, rubbish or other materials accumulated as result of taking step (i) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended (the Act).
-

Appeal B: Ref APP/B5480/W/24/3355208

2 Peony Road, Romford, Havering RM3 7FJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chen against the decision of the Council of the London Borough of Havering.
 - The application Ref P1009.24, dated 31 July 2024, was refused by notice dated 25 September 2024.
 - The development is Change of Use from Use Class C3 (Dwellinghouse) to Use Class C4 (HMO).
-

Appeal C: Ref APP/B5480/C/24/3355348

3 Peony Road, Romford RM3 7FJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Lan Chen against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice was issued on 11 October 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of a dwelling (C3) to a house in multiple occupation (C4).
 - The requirements of the notice are to: (i) CEASE the use of the property as a house in multiple occupation; AND (ii) Remove all debris, rubbish or other materials accumulated as result of taking step (i) above.
 - The period for compliance with the requirements is 3 months
 - The appeal is proceeding on the grounds set out in section 174(2) (a) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
-

Decisions

1. Appeal A is dismissed and the notice is upheld.
2. Appeal B is allowed and planning permission is granted for Change of Use from Use Class C3 (Dwellinghouse) to Use Class C4 (HMO) at 2 Peony Road, Romford, Havering RM3 7FJ in accordance with the terms of the application, Ref P1009.24 dated 31 July 2024, and the plans submitted with it, subject to the following condition:
 - (1) The use hereby permitted shall be carried on only by Mr Chen.
When the premises cease to be carried on by Mr Chen the use hereby permitted shall cease.
3. Appeal C is allowed and the notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out at 3 Peony Road, Romford RM3 7FJ – namely the material change of use of a dwelling (C3) to a house in multiple occupation (C4), subject to the following condition:
 - (1) The use hereby permitted shall be carried on only by Mrs Lan Chen.
When the premises cease to be carried on by Mrs Lan Chen the use hereby permitted shall cease.

Appeal B; Appeal C Ground (a) and the deemed planning application

Main Issues

4. The main issues in both appeals (derived from the decision notice and the enforcement notice respectively) are the effects of the developments upon:
 - the principle of mixed communities (for the purposes of Policy 8(ii) of the Havering Local Plan 2016-2031 (LP));
 - the living conditions of adjoining residents through noise and disturbance;
 - the living conditions of occupants of the appeal premises; and
 - parking provision.

Reasons

Mixed communities

5. The decision notice in Appeal B states, as part of a reason for refusal, that the appeal development would mean that more than 2 adjacent properties would be houses in multiple occupation (HMOs) in conflict with Policy 8(ii) of the LP. However, I see no evidence of that. Further, the enforcement notices do not repeat that claim and the Officer Report (OR) on P1009.24 does not support it.
6. 'Peony Road' serves a private and gated back-land development, comprising of 3 attached chalet bungalows (Nos 1, 2 and 3 Peony Road) all within the ownership of the appellants (who reside themselves at No 1) and built under permission P1611.14. The land subject to that permission is described as "137-151 Montgomery Crescent (Land R/O)". Taking all into account, essentially 'Peony Road' can be viewed as a small parcel of land associated with the run of dwellings on Montgomery Crescent from which it is accessed.

7. While it is correct that the HMO appeal developments represent (singly or collectively) more than 10% of the properties in Peony Road, that is not the case if they are considered (appropriately, in my view) as part of Montgomery Crescent and the community constituted by that 'street' (the language used by Policy 8). That in my judgement would not undermine the principle of mixed communities and accordingly, even if not in strict accordance with the wording of Policy 8, there is no conflict with its spirit or objective.
8. I apply a sensible approach in these cases. Clearly, for strict compliance with the wording of the policy it could never be the case that a small group of dwellings (under 10 in number) said to constitute a 'street' – such as a small back-land development – could ever include even a single HMO among them. I am unpersuaded that a single HMO in such circumstances would undermine the principle of mixed communities (policy wording) or fail to ensure an uneven distribution of HMOs across the Borough (supporting text).

Noise and disturbance

9. I have seen no substantive evidence that these HMOs (which are licensed and subject, therefore, to associated regulation by the Council) cause, or are likely to cause, noise and disturbance to adjoining residents. This in my view indicates effective management by the appellants, who live at No 1 within the small block of dwellings, and I consider that their local residential connection to the adjoining HMOs serves to support and reinforce necessary landlord controls. I am therefore imposing a condition on each consent which makes permission personal to the respective appellants, due to this particular connection to the developments which makes them acceptable. Accordingly, as conditioned, the developments would not be in conflict with Policies 8 and 34 of the LP which seek to prevent adverse impacts through noise and disturbance.

Living conditions of HMO occupants

10. It would appear that both appeal properties meet the relevant standards in order for HMO licences to be issued. While I am of course cognisant that the licensing regime under the Housing Act 2004 is separate from the planning regime, I am unpersuaded of the Council's arguments under this main issue that the appeal developments fail to comply with either Policy 8(vi) of the LP or the East London HMO Guidance referred to within Policy 8(vii).
11. These policy requirements require that the property contains communal space, including either a dining or living area, large enough for all the dwelling's occupants to use simultaneously. Both properties have significantly sized communal living rooms and kitchens. Rooms exceed the minimum sizes required in the East London HMO Guidance, including where dining facilities are to be combined with the living room.
12. The Council suggests that access to the rear gardens of the properties is restricted to ground floor residents¹, although in fact it appears that any resident can access these spaces directly through side/rear gates in the fencing. Residents also have access to the wider outdoor development approved under P1611.14 including a landscaped area (in use also for parking) at the front of the properties.

¹ although the East London HMO Guidance is silent on outdoor space and it is debateable whether Policy 8(vi) requires such either given that it seems concerned with internal living space.

13. For these reasons, neither of the appeal developments conflict with the development plan on this main issue.

Parking

14. In essence, the Council is concerned that the 2 off-street parking spaces provided for each appeal property is inadequate and that on-street overspill will create local parking stress.
15. Havering's parking requirements are set out in Policy 24 of the LP. Since the appeal site has a higher public transport accessibility level (PTAL 2) than that considered to be low (PTAL 0-1), the minimum parking standards in Table 12 do not apply. That in itself points away from the Council's concerns – the residents in the cases before me have better access to public transport than the residents of dwellings subject to those standards and are accordingly less likely to possess a vehicle. Further, and significantly, the policy requires that London Plan maximum standards apply. Policy T6 of the London Plan 2021 says that new residential development should not exceed certain maximum parking standards: in respect to a 3+ bed property in an Outer London PTAL 2 area, that is up to 1 space per dwelling.
16. Accordingly, I find parking provision not to be under-provided and that the appeal developments do not have an unacceptable impact on parking conditions and traffic congestion in the area. Nor do I find any conflict in these regards with the National Planning Policy Framework.

Planning Conclusions

17. While the appeal developments (Appeals B and C) may technically not accord strictly with the wording of the development plan as a whole – particularly as regards Policy 8(ii) of the LP - I find that they accord with the objectives of that policy and so I give the conflict very limited weight. Further, I find that the benefits of the appeal developments outweigh that conflict in providing what appears to be a number of good quality homes for multiple small households.
18. I shall grant planning permission in each appeal, with the single condition I have already mentioned. It is unnecessary to restrict levels of occupation to 5 persons per property, as suggested by the Council, since there is no good reason to find harm arising from occupation from 6 persons according to my findings on the main issues. Further, occupation by more than 6 persons would suggest a new planning application need be made for a material change of use.

Appeal A ground (g)

19. As an appeal on ground (g) has been made under Appeal A, I must consider and determine it. For success, I must be satisfied that the 3 month compliance period of the notice falls short of reasonable.
20. The appellant requires a minimum of 12 months and points to what appears to be data associated with social housing waiting lists. However, it seems to me that there are also other ways for the current occupants to acquire housing (including through private lettings) and I find 3 months to be a reasonable period in which to look for alternative accommodation and vacate the property.
21. As far as it is relevant, *given my Decision on Appeal B and the effect of section 180 of the Act*, ground (g) does not succeed.

Conclusions

- 22. For the reasons given above, I consider that Appeal A should not succeed.
- 23. For the reasons given above, I conclude that Appeal B should be allowed.
I will grant conditional planning permission.
- 24. For the reasons given above, I conclude that Appeal C should be allowed on ground (a). The notice is quashed and I will grant conditional planning permission in respect to the deemed application. In these circumstances, the appeal made under ground (g) does not need to be considered.

Andrew Walker

INSPECTOR