



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 19 January 2026

Appeal Ref: APP/B5480/C/24/3350278

Rear of 15 and 17 Homeway, Romford, RM3 0HD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by H & M Property Holdings Ltd Holdings Ltd against an enforcement notice issued by the Council of the London Borough of Havering.
 - The notice was issued on 18 July 2024.
 - The breach of planning control as alleged in the notice is: The material change of the rear outbuilding to a separate residential dwelling.
 - The requirements of the notice are: (i) Cease the use of the outbuilding to the rear as a separate residential unit; and (ii) Remove all amenities which facilitate the use as living accommodation including: (a) the shower, bath, toilet, wash hand basin; and (b) all kitchen and cooking facilities including the oven, hob, extract, kitchen cupboards; (c) all meters and fuse boxes; and (iii) Remove all debris, rubbish or other materials accumulated as a result of taking steps (i) to (ii) above.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) & (g) of the Town and Country Planning Act 1990.
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Decision

1. It is directed that the enforcement notice is varied by deleting the words “and fuse boxes” from requirement (i)(c) under Section 5 ‘What You Are Required To Do’ and replacing the word “Three” with “Six” in section 6 ‘Time for Compliance’. Subject to these variations the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The grounds of appeal made do not require a visual assessment of the appeal site to reach any conclusions. Moreover, there is no deemed planning application whereby matters of planning merit would need considering, such as whether the building provides a suitable standard of residential accommodation or its effect on the living conditions of neighbours. As such, there was no need to visit the site, and I was able to determine the appeal based on the submitted written evidence. No appeal party has been prejudiced by this course of action.

Ground (f)

3. The enforcement notice alleges the change of use of the building into a separate residential unit. It requires that use to cease and for fittings such as kitchen and bathroom facilities and meters and fuse boxes to be removed. It then requires all resulting debris and rubbish to be removed. On this basis, the purpose of the enforcement notice is to remedy the breach of planning control by discontinuing the use and restoring the land to its condition before the breach took place. That falls entirely within s173(4)(a) of the 1990 Act. Consequently, the appeal under s174(2)(f) of the 1990 Act is based on the claim that the steps required by the notice to be taken, exceed what is necessary to remedy the breach.

4. To my mind, the installation of shower/bath/toilet facilities and a kitchen with a hob/oven and cupboards, are all works that facilitate the unauthorised residential use. Under s173(5)(a) of the 1990 Act an enforcement notice can legitimately require the removal of works that are part and parcel of facilitating the use, even if the works could serve a possible alternative future lawful use of the appeal building incidental to the enjoyment of the main dwellinghouse.
5. If the appellant wishes to seek to either keep or reinstall any facilities as part of any lawful future use of the appeal building, it should explore that with the Council away from this appeal. The Council has the power to waive or relax any requirement of an enforcement notice, but that would be at its discretion, and I make no judgement on the appropriateness of any such future actions.
6. As far as the requirement to remove the electricity meter, I cannot see that this would have been installed for any other purpose than serving the need of the separate residential unit, not operated ancillary to a host dwelling. Thus, that should also be removed. However, I do accept that a building used in an ancillary way, if that is to be the future use of the appeal building, may reasonably have an electricity supply that may probably require its own fuse box. It would be more proportionate for the fuse box to be allowed to remain. I shall vary this requirement accordingly.
7. The ground (f) appeal partially succeeds.

Ground (g)

8. While the unauthorised residential use continues, the harm arising from it in terms of providing substandard accommodation and its detrimental effect on the living conditions of neighbours would also continue. Balanced against that, I am told that the building is currently occupied and that person may be at risk of being made homeless if alternative accommodation is not available. The possible redevelopment of the site for two houses would seem a relatively open-ended solution based on the evidence. Registering for accommodation on the Councils' waiting list would introduce a timeframe that should be taken account of when deciding the compliance period, given that the occupant would need to move before the works of stripping out the internal works could be started.
9. Taken in the overall round, extending the compliance period to six months is a more reasonable timescale. The ground (g) appeal therefore succeeds.

Conclusion

10. For the reasons given above, I conclude that the one of the requirements is excessive to remedy the breach of planning control and the period for compliance falls short of what is reasonable. I shall therefore vary the enforcement notice prior to upholding it.

Gareth Symons

INSPECTOR