



Appeal Decision

Site visit made on 9 December 2025

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal Ref: APP/A5270/C/23/3327587

30A Eastcote Lane, Northolt, UB5 5RF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Manmeet Singh (Mfancy Goods LTD) against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 6 July 2023.
 - The breach of planning control as alleged in the notice is without planning permission the material change of use of a rear outbuilding to a separate self-contained dwelling.
 - The requirements of the notice are to:
 - A. Cease the use of the outbuilding as a separate self-contained dwelling.
 - B. Remove from the outbuilding all kitchen and bathroom facilities and cap off water connections.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) and (d) 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.

Preliminary Matters and Background

2. Land Registry documents show that No 30 Eastcote Road has been split into two separate titles, Nos 30 and 30A. No 30 contains the original main dwelling (a semi-detached bungalow) and a separate outbuilding. No 30A is located at the rear and is separated from the rear garden of No 30 by a gate and fence.
3. There are two outbuildings within the fenced off area of No 30A, facing onto the remaining area of garden apportioned to that title. The rearmost outbuilding was granted a LDC in 2019 for its continued use as a flat¹. The second, adjacent outbuilding is the subject of the enforcement notice and this appeal.
4. I note the objections raised by the occupants of a neighbouring dwelling on matters relating to character and appearance, living conditions, waste storage and car parking. I also note that the current tenant in the appeal outbuilding has explained that he doesn't want to move out because he likes where he lives, the space suits him and that it is well located for his work. However, I am unable to consider the above matters, insofar as they relate to the planning merits, as the appellant has not made an application for planning permission through a ground (a) appeal.

¹ Ref: 185080CPE

The Appeal on Ground (c)

5. A ground (c) appeal is that the matters alleged in the notice do not constitute a breach of planning control. The onus lies with the appellant to make his case on the balance of probabilities.
6. To that end the appellant refers to the permitted development rights conferred by Article 3 and Schedule 2, Part 1, Class E of the GPDO² for the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse as such.
7. However, the breach in this case is the material change of use of the outbuilding to a separate self-contained dwelling, rather than the provision of the building itself. Moreover, the appellant does not seek to argue that the appeal outbuilding is being used for purposes incidental to the enjoyment of a dwellinghouse.
8. Class E is not therefore applicable, and the appellant has not shown there to be any other permitted development rights which grant planning permission for the material change of use.
9. The appeal on ground (c) fails.

The Appeal on Ground (d)

10. A ground (d) appeal is that, on the date that the enforcement notice was issued, it was too late for the Council to take enforcement action.
11. In order to succeed on ground (d), it is for the appellant to demonstrate, again on the balance of probabilities, that the material change of use of the outbuilding to a separate self-contained dwelling began more than four years before the date of the enforcement notice and continued without material interruption for a period of four years thereafter. The material date is therefore 6 July 2019³.
12. The appellant states that he purchased the property in May 2019 when the outbuilding was already in use as a separate dwelling and had been for just under a year. He says the previous owner used it as a garage before May 2018 but had converted it 'into a separate place to live for his family and guests to stay' before the appellant agreed to purchase it in August 2018.
13. Representation from the owner and occupier of No 30, and the previous owner of No 30A, also states that he built 'this outer building' some six years ago and used it for family and friends who stayed over, as he only has a two bedroom bungalow with both rooms being occupied.
14. However, if the outbuilding was used by the previous owner for family and friends because of space constraints in the main bungalow, that points to its use being part and parcel of the use of the main bungalow and the planning unit of No 30, even if it contained the facilities required for use as a self-contained dwellinghouse. Its use as such would unlikely have amounted to a breach of planning control.

² The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

³ The relevant time limits for taking enforcement action are set out in section 171B of the 1990 Act (see also The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024).

15. A breach would arise from a material change of use whereby the main bungalow and outbuilding are sub-divided to form separate planning units. That is important because no enforcement action may be taken after the end of the period of four years beginning with the date of the breach, and it is only a breach of planning control which can become immune from enforcement action. Consequently, the required immunity period would not likely have commenced until a separate planning unit was created.
16. In his initial appeal submission, the appellant states, as noted above, that the outbuilding had already been used as a separate dwelling for just under a year when he purchased the property in May 2019, whereas in a subsequent submission he states that the outbuilding has been used as a separate dwelling since May 2019.
17. Notwithstanding those inconsistencies, both scenarios appear to be contradicted by the appellant's response to the Planning Contravention Notice (PCN) issued by the Council on 24 March 2023, where he states that the outbuilding was being used at that time for guests – family and friends (rather than being rented out as a separate self-contained dwelling).
18. The appellant also states in his PCN that the outbuilding was used as a garage when he purchased it, although there is further ambiguity in that regard as he says in the PCN that was in May 2018, whereas his evidence says May 2019.
19. As noted, the previous owner says that he used the outbuilding for family and friends who stayed over. On the face of it, he then contradicts that by stating that he rented the outer building as a self-contained building, rather than leaving it empty. In any event, he doesn't clarify when he began renting it out, although he does say that when he sold the flat at No 30A, it was with the outer building, and that the outer building was rented out a few weeks after he sold No 30A, and has since been rented out.
20. That again appears to contradict the appellant's evidence where he states that the outbuilding had already been in use as a separate dwelling for just under a year when he purchased it. It also appears to contradict his submission that his son started renting the outbuilding from the previous owner from September 2018.
21. The appellant's evidence is further contradicted in that the plan submitted with the LDC application for the adjacent outbuilding, annotates the appeal building as a workshop, when that application was made in November 2018.
22. Whilst the appellant's PCN response does state that his son occupied the outbuilding from 1 September 2018, there is no corroborating evidence to that effect, other than the son stating that he did. That is not surprising, if, as the PCN response confirms, there was no tenancy agreement, despite the appellant stating that he rented the outbuilding from the previous owner.
23. The appellant's case goes on to state that his son moved out in June 2019, and he rented the outbuilding to a new tenant from June 2019 to June 2020. That is corroborated by a tenancy agreement for No 30A for that period. However, I'm mindful that there are two outbuildings at No 30A and there is nothing to distinguish the appeal outbuilding from the lawful outbuilding in that agreement.

24. Moreover, although the appellant asserts that he completed the purchase of the property in May 2019, no evidence is provided to that effect, and the previous owner provides no clarification in that regard either. The Council, however, has provided Land Registry title documents which refer to the price paid for the title on 12 July 2019. That is likely to be the date the appellant legally took ownership of the property.
25. Consequently, if as the previous owner states, the outbuilding was rented out a few weeks after the sale, that would equate to the end of July 2019, thereby adding further uncertainty that the above tenancy agreement commencing in June of that year, relates to the appeal building. Moreover, if a breach commenced at the end of July 2019, or even on 12 July 2019, when the outbuilding was split from the main bungalow to form part of a separate planning unit, that is later than the material date of 6 July 2019, thereby failing to meet the relevant immunity period.
26. The tenant at the 'main building' at No 30A next to the appeal building, says that when he moved in around May 2019 there was someone already living there and that there have been people living in the building continuously since. However, for the period prior to the sale of No 30A, that is either contradicted by the previous owner's submission or refers to use at that time by family and friends.
27. The appellant then refers to a different tenant for the period between June 2020 and January 2022. He says that the initial fixed term tenancy agreement was for six months but continued on a rolling tenancy from December 2020 to January 2022. The initial six-month tenancy agreement has been provided as corroborating evidence but there is nothing for the period thereafter. Also, as per the above, there is nothing to distinguish the appeal outbuilding from the lawful outbuilding in that agreement. Rather, the agreement describes the property as a 'Garden flat', which is the name given in the site address on the LDC application form for the other outbuilding.
28. The appellant states that from January 2022, his son started living at the outbuilding again and continued to do so until June 2023. That is confirmed separately by the appellant's son.
29. Nevertheless, there is a significant gap in corroborating evidence of use for the period from December 2020 until June 2023, when the appellant evidences the start of a new tenant and tenancy agreement. Although that again refers to No 30A in general terms, rather than specifically identifying the appeal outbuilding, the tenant has at least written to confirm his occupancy from that time.
30. However, the appellant's list of tenants/version of events directly contradicts his own PCN response, which states that the outbuilding was being used for guests – family and friends. The PCN also asked whether the outbuilding is or was used for habitable purposes and, if so, to provide the names of the occupants, the periods that they occupied the outbuilding and their relationship to the appellant. In response, the appellant lists only his son, starting occupation on 1 September 2018. The end date of occupation is stated as N/A', which infers ongoing occupation at the time of responding, rather than the string of tenants referred to in the evidence.
31. The Council states that it received complaints alleging separate use of the three outbuildings in September 2022 and that it attempted an unannounced site visit in January 2023, but no access was given by the tenant of the main front dwelling.

32. The Council states that it sent a letter under s196 of the 1990 Act (presumably 196A – rights to enter without warrant) for 9 February 2023, but again no access was obtained.
33. The Council then explains that a site visit took place under warrant on 16 March 2023. The appellant alleges that amounted to trespass on the part of the Council but that is a matter between the parties, rather than this appeal.
34. In any case, even if the evidence obtained from that March site visit is inadmissible as claimed, it merely confirms likely use as a self-contained dwelling at that time, which is consistent with the appellant's appeal submission, save for whether the occupant was male or female, although that particular point may be resolved by the appellant's explanation that it was occupied by his son and his girlfriend.
35. I note the submissions from the neighbours at Nos No 28 and 36 Eastcote Lane, but they are imprecise and ambiguous and provide limited assistance in establishing the date of the material change of use. I also note that the Council highlights that there is no separate Council tax banding or electoral roll records for the outbuilding but that isn't necessarily determinative either way.
36. Bringing the above together, the appellant's response to the PCN and his case made in support of his appeal are directly contradictory. Both cannot be true. If the appellant's appeal evidence is correct, his response to the PCN is false and misleading on matters which are material to immunity from enforcement action. That raises the question of deliberate concealment and whether the appellant is entitled to rely on the relevant four-year enforcement time limit provisions.
37. If, as per the appeal submission, the outbuilding began being used as a separate dwelling in September 2018 and assuming it then continued from that time, it would have become immune from enforcement action by September 2022. Consequently, by the time the Council issued its PCN, it would have already been too late to take enforcement action.
38. However, there is limited evidence that his son occupied the outbuilding as a self-contained dwelling at that time. His occupation is also contradicted by the owner of the property at that time, unless it was part and parcel of the use of the main bungalow, as family or as a family friend, which unlikely amounted to a breach of planning control, for the reasons explained. It is therefore improbable that the use of the outbuilding as a separate dwelling commenced in September 2018.
39. Notwithstanding the above stated ambiguity concerns over the tenancy agreements, taken at face value, that evidence points to a breach of planning control commencing in June 2019. The date of the PCN response is therefore critical in terms of the immunity period, in that it would not have been too late to take enforcement action at that time. The false/misleading response given to the PCN therefore amounts to deliberate concealment, so the appellant is not entitled to rely on the relevant four-year time limit provisions.
40. Moreover, s171D(5) of the 1990 Act states that if any person makes any statements purporting to comply with a requirement of a PCN which he knows to be false or misleading in a material particular, he shall be guilty of an offence. Sanctions therefore apply to the appellant's PCN response whereas they do not for the unsworn appeal evidence. The PCN response therefore carries greater weight.

41. In any case, there is ambiguity as to whether the tenancy agreements relate to the appeal outbuilding, and the appellant's version of events appear to be contradicted by the previous owner of the property. As the owner of the property at that time (and the current owner and occupier of No 30), his firsthand knowledge of the site is more likely to be accurate. Based on his submissions it is likely that the use as a self-contained dwelling commenced at the end of July 2019, shortly after he sold it and when a new planning unit was created and when he appears to suggest that it was first rented out. That is later than the material date of 6 July 2019, so the use would not have become immune from enforcement action through the passage of time.
42. In terms of continuation, the Council refer to complaints about the use of the outbuildings in September 2022 and its site visit in March 2023 confirmed the use of the appeal outbuilding at that time. However, as there is limited evidence of use as a separate self-contained dwelling for the period between December 2020 and September 2022, it is not shown that the use continued, following the initial breach, without material interruption.
43. Therefore, even putting to one side the issue of deliberate concealment, it follows that on the date that the enforcement notice was issued, it was not too late for the Council to take enforcement action, on the balance of probabilities.
44. The appeal on ground (d) fails.

Conclusion

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

Richard S Jones

INSPECTOR