



Appeal Decision

Site visit made on 20 January 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 4th February 2026

Appeal Ref: APP/Z5630/C/23/3332864

Hoppingwood Beverley Lane, KINGSTON UPON THAMES, KT2 7EE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Conception Limson against an enforcement notice issued by Royal Borough of Kingston Upon Thames.
 - The notice was issued on 6 October 2023.
 - The breach of planning control as alleged in the notice is without the grant of planning permission, the change of use of the Land from a dwelling house (Use Class C3) to a large house in multiple occupation ("HMO") (Use Class Sui Generis) ("the Unauthorised Use").
 - The requirements of the notice are Cease the Unauthorised Use and return it to use within Use Class C3, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (d), (f), (g) of the Town and Country Planning Act 1990 (as amended). 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.
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Decision

1. It is directed that the enforcement notice is varied by the deletion of 3 months and its substitution with 6 months as the time for compliance. Subject to this variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (d)

2. This ground is that the matters alleged, in this case a material change of use to a sui generis use of large HMO, took place more than 10 years ago. The appellant states the house has been used as an HMO since it was purchased by the current owners in 2007. They are Carson Yeung and Dan Zhou, they are based in Hong Kong but travel to the UK intermittently when they live in the house. The only person who has been in the house for the entire time is Concepcion Limson. She, it would seem, is an employee of the owners, but is also the legal guardian of their granddaughter, who lives in Hoppingwood with Ms Limson.
3. A variety of other people have lived at the house over the years and a helpful chart of occupancy has been provided. A large HMO needs to be occupied by more than 6 people not living as a single household and that the individual households thus formed share one or more basic amenities. Setting aside the issue of amenities and households, the chart shows that in 2009 7 people occupied the house, rising to 11 in 2013 and declining to 8 in 2016. Thus in terms of numbers the property could be said to have been a sui generis HMO from 2009 to 2013, that is 5 years. However, in 2017 and 2018 only 4 and 5 people respectively lived there. The numbers rose again in 2019 to 10 and remained high thereafter. The

notice was issued in 2023, so the evidence shows that sufficient people lived at Hoppingwood for it to be a sui generis HMO for 5 years and then 7 years with a 2 year break in between. This break is fatal to the establishment of the 10 years period.

4. The appellant is wrong to argue that the 2 year break can be explained as simply under-occupancy and that as there was no intention to not continue the sui generis HMO that 2 year period does not count as a break. Because the large HMO was not established by 2019 as soon as it ceased being a large HMO the clock stopped and restarted again once occupancy levels took it beyond the C4 HMO limits. This is clear from the Thurrock and Swale cases the appellant quotes. A use must be affirmatively established for the entire period without a break, so that at any point during the 10 years the Council could have issued an enforcement notice. Short breaks are considered acceptable but 2 years, during which it would not have been possible to demonstrate that the house was being used as a large HMO is clearly a break in continuity. For that reason alone the ground (d) appeal fails.

The Appeal on Ground (a)

5. The Council raise two objections to the establishment of a large HMO in this location. First the loss of a family home and secondly the increase in car use. Policy DM14 of the Local Development Framework resists the loss of existing accommodation, but particularly resists the conversion of houses suitable for occupation by a family to HMOs. On the face of it the loss of this large house to a large HMO is contrary to policy. The explanatory text makes clear that a large amount of smaller units have been created in the Borough and there is a shortage of family accommodation. There is concern that family sized houses are less likely to be built in the future due to constraints on the size of development sites. I should imagine the opportunities for large family houses such as Hoppingwood would be even more constrained.
6. The appellant argues that they can convert Hoppingwood to a 6 bed HMO without the need for planning permission so the large family home would be lost anyway. That is certainly a possibility, but I agree with the Council it is unlikely as it would represent serious under use of the asset. However, I discuss this further below.
7. Policy T1 and T2 of the London Plan deal with transport sustainability. T1 requires that proposals should support the target of 80% of journeys to be made by foot, cycle or public transport and T2 specifically requires proposals to facilitate shorter trips by walking or cycling.
8. As I saw there is plenty of space for cars to park at Hoppingwood, including two garages (a double and triple) with parking in front of them and in the courtyard in front of the main entrance so there is no obstacle to occupants owning cars. The PTAL rating for the area is 1b which is very poor. The conversion to an 11 person HMO would encourage more trips by car and certainly not contribute to the 80% target as most journeys could not be made using public transport. There are bus stops locally, within 173 and 220m each way, but I have no evidence as to how far it is from there to local shops, schools, hospitals etc and the PTAL rating seems pretty definitive as to accessibility.
9. The appellant argues that Hoppingwood is different to other large houses because of the way it is used. The appellant would appear to be an employee of the

owners, who live abroad. She lives there with an adopted daughter and the rest of the occupants are wider members of the family who have come to London to attend university. Several third parties have provided more information about these arrangements but actual details are sparse. It would seem to me that this could suggest the property has not been used as an HMO at all. When I looked around the house a couple of bedrooms (all of which are spacious) had fridges in them, but otherwise the large kitchen, dining and living rooms, as well as a music/hobby room were all shared. If most of the people living there were members of an extended family then there may have been no material change of use. Or if there was it could have been to a mixed HMO and family home. However, this argument has not been made in any detail and the appellant has applied for an 11 person HMO.

10. Whether it would be possible to condition a permission to ensure the current situation is retained, assuming the evidence that it is acceptable is thoroughly tested, is another matter that has not been explored, but an unrestricted large HMO in this location is clearly contrary to policy as outlined above. I shall therefore uphold the notice and refuse planning permission.

The Appeal on Ground (f)

11. The fallback is a conversion to a 6 person HMO. Upholding the notice and the requirement to cease the sui generis use does not affect any future changes such as to a small HMO. No lesser steps have been suggested that would remedy the breach so the appeal on ground (f) fails.

The Appeal on Ground (g)

12. I agree that a number of people may well be made homeless by upholding the notice and that 6 months to allow for them to find alternative accommodation is a more suitable time period and I shall vary the time for compliance accordingly.

Simon Hand

INSPECTOR