



Appeal Decision

Site visit made on 6 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/A5270/C/24/3336686

Land at 18 Swallow Drive, Northolt, UB5 6UH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Aujla (Aujla & Co Services) against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 23 November 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of dwelling to multiple flats.
 - The requirements of the notice are to:
 1. Cease the use of the dwelling as flats.
 2. Remove all but one set of kitchen facilities.
 3. Remove all fixtures, fittings, doors and internal dividing walls integral to and facilitating the material change of use.
 4. Remove all resultant debris.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(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

2. The parties were advised that I was to conduct a site visit on 6 January 2026. However, the appellant was not in attendance to provide access. Having reviewed the case file further, I am satisfied that I am able to determine the appeal on the basis of the evidence submitted, without the need for a site visit. That is because the case turns on legal points and the parties have submitted sufficient evidence to understand the nature of the property given the points in dispute. I therefore explained my intention to proceed to determine the appeal accordingly, unless either party requested otherwise. No response was received.

The Appeal on Ground (d)

3. 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.
4. In order to succeed on ground (d), it is for the appellant to demonstrate, on the balance of probabilities, that the material change of use of the dwelling into multiple flats 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 23 November 2019¹.

5. The appeal concerns a two storey, end of link property. The Council asserts that it is a house which has been converted into six flats, four on the ground floor and two on the first floor.
6. The appellant states that the property in question has been a House in Multiple Occupation (HMO) since 2015/16. However, in the next sentence he states that it has always been laid out as six self-contained units.
7. Following a complaint of overcrowding, a Council officer² visited the property on 12 September 2016 and noted, amongst other things, that the property was occupied by six tenants plus the owner. The officer recorded that the ground floor had a bathroom, lounge, kitchen, one single occupancy room and one room occupied by a couple. On the first floor there was another bathroom, a room occupied by a family of three, a room occupied by the LL (presumably landlord) and another unoccupied room. In a follow up letter sent to the appellant's address on 12 October 2016, the officer confirmed she found the appeal property to be occupied as a HMO and highlighted the requirement for a license for the same.
8. Notes from a subsequent site visit by the Council on 23 March 2017 refers to occupancy by eight persons in five households and a layout broadly as per the above, including one kitchen with dining area, two bathrooms and a lounge. A follow up health and safety related letter of the same date also refers to a kitchen, in the singular.
9. In July 2018 a HMO licence was sought by the appellant, who classified the property at that time as an HMO. The application lists two shared bathrooms and one shared kitchen. A sketch plan purportedly submitted in support of the application, shows the property laid out at that time with a living room, kitchen, lounge and bedroom on the ground floor and four bedrooms and a bathroom on the first floor. A gas safety record from June 2017 submitted with the application also refers to only one kitchen.
10. An HMO licence was subsequently issued for the appeal property on 4 January 2019, for the period until 31 December 2021.
11. In support of his case, the appellant has produced two invoices from a building company from May 2016 for, amongst other things, six toilets, basins and showers and to fit six kitchens. However, any suggestion that those were actually installed is clearly contradicted by the above evidence which details only one kitchen and two bathrooms. As that evidence is based on actual observations and contemporaneous notes as well as a formal application made by the appellant, it is much more likely to be reflective of the actual configuration as a single house rather than self-contained flats.
12. The appellant has also provided tenancy agreements for No 18 Swallow Drive from 2016 through to 2021, but they refer to rooms (1, 2, 3, 4, 5 and 6), rather than to flats. The vast majority are 12-month agreements and refer to the property as

¹ 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).

² Regulatory Services Officer - HMO Licensing & Outhouse Enforcement Team

being part of the building known as 18 [Swallow Drive]. Those references/naming conventions strongly point towards an HMO type use, rather than sub-division of the property into individual flats.

13. The individual electrical installation condition reports (EICRs) also refer to rooms 1, 2, 3, 4, 5 and 6, rather than studio or flat numbers. In any event, there are discrepancies in the individual reports for rooms 1, 2 and 3 in that the certificate dates, inspection dates and authorisation dates are all 10 March 2016, whereas the declaration of inspection and testing dates are 15 June 2021. For room 4, 5 and 6, all dates are 10 March 2016, including the date for recommendation for further inspection, which does not make sense as it is the same date as when the tests/inspections were carried out. That is similarly the case for the room 1 report. For rooms 2 and 3 the recommended dates for further inspection are more than 10 years hence, on 15 June 2026.
14. The EICRs for 2021 are carried out by the same contractor on the same date as the above identified discrepancies for rooms 1, 2 and 3, on the 15 June 2021. Moreover, the recommendation for further inspection and testing is consistently five years forward from the date of the certificates, whereas it is the same date in 2016 for the above identified rooms.
15. For those reasons, and because of doubts over the existence of the contractor at the time of issue, the Council understandably questions the provenance of the 2016 certificates. In any case, all EICRs refer to individual rooms (1 to 6), rather than flats or studios, thereby suggesting an HMO use in 2016 and 2021.
16. It is therefore highly likely, based on the above, that the property was being used as an HMO up to at least 2019 and probably until around sometime in 2021. Consequently, there had not been a material change of use of the property to multiple flats by that time.
17. The Council states that on 23 April 2021, it received a complaint that extensive renovations had been taking place over seven to eight weeks and that the property was being converted into four flats. The appellant has not sought to dispute the nature of that complaint.
18. The next batch of 12-month tenancy agreements, commencing between April and September 2022, also mark a distinct change in terminology, particularly in that each refer to a studio - studios 2, 4 and 5, at 18 Swallow Drive, rather than individual rooms. Also, a 12-month agreement commencing on 30 May 2022, identifies the property as the 'dwelling known as studio 1, 18 Swallow Drive'. Studio 6 is similarly identified in a six-month agreement commencing on 1 July 2022 (although not signed until 28 September 2022).
19. Also, as part of those agreements the tenants were required to pay council tax, whereas for the previous agreements, it was included. Moreover, deposits were taken as part of the Tenancy Deposit Scheme for studios 1, 2, 4, 5 and 6 whereas previously no deposits were taken.
20. For 2023, further tenancy agreements are provided for dwellings known as studios 1, 3 and 6, at 18 Swallow Drive, commencing between March and July of that year. The anomaly is the tenancy agreement for the 'dwelling known as Room 5, 18 Swallow Drive', commencing in October 2023. Again, all lettings require deposits.

21. The Council has provided a chain of emails from September and October 2023 regarding a HMO licence application for the property. In the email dated 26 October 2023, the Council's property regulation officer explains that following a site visit on 3 October 2023, it was determined that the appellant had applied for the wrong licence type and that, for the property to be an HMO, it needed to have, amongst other things, three tenants or more living as two or more separate households and sharing facilities.
22. The email goes on to state that both the visit and the information in the application form confirm that there are no shared facilities and that each unit has exclusive use of a bathroom and a kitchen. It was therefore confirmed that the property was not an HMO but rather was being used for six self-contained flats.
23. Accordingly, it was advised that six Selective Licenses applications should be made, although that appears to have been disputed by the appellant who asked for it to be re-checked as an HMO.
24. The Council raises numerous other issues with the appellant's evidence but even on the basis of the above, it is likely that the property was reconfigured around April 2021 to provide self-contained units of accommodation. It is therefore very likely that the material change of use of the dwelling to multiple flats occurred around that time, significantly later than the material date of 23 November 2019.
25. Consequently, at the time the enforcement notice was issued, it was not too late for the Council to take enforcement action.
26. The appeal on ground (d) fails.

Conclusion

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

Richard S Jones

INSPECTOR