



Appeal Decisions

Site visit made on 15 January 2026

by **Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal A Ref: APP/P1940/C/24/3341837 and

Appeal B Ref: APP/P1940/C/24/3341838

162-164 High St, Rickmansworth, Herts WD3 1BA

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Adam Harris (Appeal A) and Ms Hayley Sinclair (Appeal B) against an enforcement notice issued by Three Rivers District Council.
 - The notice was issued on 29 February 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission the material change of use of the Land from its use as 2 dwellinghouses (Nos. 162 and 164 High Street), to its use as a single dwellinghouse incorporating internal structural and other alterations, changes to external fenestration and the removal of a boundary enclosure in rear garden land.
 - The requirements of the notice are set out in a schedule at the end of this decision.
 - The period for compliance with the requirements is: 24 Months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (f), (g) and (d) 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 corrected by:

Deletion of the requirements at section 5) 2) i) to viii) and their replacement with:

- 5)2) Carry out the following operations to the building (as shown cross-hatched on the Site Map) on the Land as part of the restoration of the use of the Land to its use as two independent dwellinghouses, Nos. 162 and 164 High Street:

i) Install a full height ground floor to ceiling solid internal wall with no openings between points A and A as shown by the green line on the attached "Plan 1";

ii) Remove the two existing internal doors, door liners and walling on the ground floor between points B and B as shown by the green line on the attached "Plan 1" and construct a full height ground floor to under first floor solid internal wall between points B and B;

iii) Install an internal doorway in the existing ground floor internal wall between points C and C, as shown by a blue line on attached "Plan 1" and remove any cupboards or other fixtures/fittings which would otherwise impede the installation and use of this internal door;

iv) Construct a full height first floor to under second floor solid internal wall, with no openings between points D and D as shown by the green line on the attached "Plan 1";

- v) Remove the existing internal door, door liner and wall between points E and E as shown by the green line on the attached "Plan 1" and construct a full height second floor to under roof solid infill wall between points E and E;
- vi) Following compliance with paragraph 5(2) i) above install kitchen facilities within the ground floor area notated 'DINING AREA No.162' on the attached "Plan 1.";
- vii) Provide internal staircases between the ground floor and first floor and first floor and the second floor of the restored No 162;
- viii) Provide internal staircases between the ground floor and first floor and first floor and the second floor of the restored No 164;

Subject to the corrections the appeals are 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.

Preliminary Matters

2. One of the appellants at the site visit, mentioned some information that he had assumed I had before me. As this was a site visit where I could not discuss the details of the submissions, I briefly explained that I can only take account of what has been submitted through these appeal proceedings according to the timetable which was set out in writing when the appeal was accepted. I said that I only had the initial documents that were provided when the appeal was accepted but that I would check with the case officer to make sure that everything that had been submitted was on my file. I did check with the case officer and there was no separate appeal statement submitted by the appellants. I cannot consider the case files for previous appeals or planning applications where they have not been submitted in relation to the present case. I do however have a previous appeal decision relating to this site (APP/P1940/W/21/3282090 – 'the previous appeal') which was determined on 20 August 2022.
3. The notice attacks the alleged material change of use of the 2 dwellinghouses to 1 dwellinghouse but also refers to a number of physical alterations of the property. When listing those physical changes, it states "incorporating internal and other" alterations. The word "incorporating" indicates that the physical changes are not in themselves considered to be breaches of planning control. That is consistent with the Council's planning statement which confirms that the allegation relates to a material change of use. I interpret that the Council considers those physical works have facilitated the material change of use.

The Appeal on ground (d)

4. The main issue is whether at the date that the notice was issued, enforcement action could be taken with respect to the development enforced against. I do not have a ground (c) appeal before me and I have not therefore considered whether what is alleged is a breach of planning control or not.
5. The time limits for taking enforcement action are set out in s171B of the Act. That is subject to transitional provisions¹ which retains the previous 4 year time limit where a material change of use consisting in the change of use of any building to

¹ Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024

use as a single dwelling house, commenced before 25 April 2024. There is no dispute that the 4 year period applies in this case. The notice was issued on 29 February 2024 and the material date that the appellant needs to demonstrate the use had commenced by is 29 February 2020. The onus is upon the appellant to prove their case on the balance of probabilities.

6. The Council states that the works were not completed more than 4 years before the notice was issued however, for material changes of use the Act defines that the time-limit under s171B is from commencement and not completion. The critical question is therefore not when the works to create the single dwellinghouse were completed but when that use commenced. As I have explained above, the physical changes to the property were not in themselves alleged as breaches of planning control but have enabled the use to be undertaken. It is necessary to consider when the building was capable of the use alleged as a matter of fact and degree along with whether the use had actually commenced. In the context of this case, it is necessary to understand when there were no longer viable facilities physically for the 2 dwellings in the round along with when the use as one dwelling commenced.
7. The appellant has referred to various matters within their representations which have not been followed up with the submission of evidence. This includes their statement that Council tax records demonstrate that the property was rated as a single dwelling for a continuous period of more than 4 years prior to the issuing of the notice. The Council has explained that both properties were removed from Council Tax register in 2020 although that is not a definitive indication of use or occupation. The Council also state that there were electoral registration records between 2019 and 2023 indicating the names of people living there. There is no detail of what the living arrangements were and what facilities were available prior to the material date. None of these matters assist much in my deliberations.
8. The Council's evidence shows that substantial works were still being undertaken within the 4 year period prior to the issuing of the notice. The photographs dated 23 October 2020 (after the material date) clearly show however that by that time, the ground floor walls which the notice now requires to be reconstructed had been removed, the staircase was still under construction but appears to be potentially useable and the kitchen area is in the process of substantial works. It is not clear from those photographs whether or not the kitchen or either of the pre-work kitchens, were still useable at that time.
9. The appellants returned a Planning Contravention Notice (PCN) responding to questions put to them by the Council and stated that the works towards the change of use had been commenced by 28 August 2019 (before the material date) and then completed on 16 November 2020 (after the material date). Some works such as the replacement staircase to serve the new merged building and the replacement central heating system were it says, undertaken in 2020 but with no month given. However, the evidence about what the circumstances were by the time of the material date are sketchy and imprecise. The relocation of the front porch, a significant physical change which would announce an obvious change to the property was, it is said in the PCN response, rebuilt and relocated in "2020" again with no precise date given.
10. Choosing to live in one of the dwellings or the other may not have, involved a material change of use. The point at which the alleged material change of use in this case did first occur would have inherently relied upon, as a matter of fact and

degree, when physically there were no longer 2 dwellings and only the facilities to enable living in the building as a single dwelling. It is not clear on the balance of probabilities, what the living arrangements were within the building or buildings over the relevant timeline. Whilst some of the works were undertaken by the material date the evidence is insufficiently precise to indicate that there was a single dwellinghouse by that time.

11. The appeal on ground (d) therefore fails.

Appeal on ground (a)

12. The previous appeal resulted from the Council's refusal of planning permission for a proposal for the "conversion of two dwellings into one with associated internal works, erection of replacement front porch and front boundary wall and railings." The inspector who dealt with that appeal dismissed it in relation to the conversion of the 2 dwellings into 1.
13. The appellant has put forward an alternative scheme for achieving the reversion of the property to 2 dwelling units, in a form that would include some horizontal separation rather than simply the vertical separation that previously existed. That is proposed via the ground (f) appeal. However, I would need to consider the planning merits of such a scheme because it is a different proposal rather than merely seeking to reduce the existing specified steps which is what I can consider under ground (f). Furthermore, the deemed planning application under s177(5) can seek permission for the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters. The alternative does not propose the retention of part only of what has been alleged and is something different. As the Council point out, it is a materially different scheme from either the development that previously existed or what currently exists and is not part of what currently exists. I cannot consider the merits of that alternative proposal.

Main issues

14. The main issues are:

- the effect of the development on the supply of housing within Rickmansworth and the district as a whole; and
- the planning balance of adverse impacts and any benefits of the proposed development

Reasons – housing supply

15. The development has resulted in the loss of a dwelling within a busy urban area close to a range of services, including a nearby supermarket. The Council's Core Strategy adopted 2011 (CS) Policy PSP1 requires Rickmansworth to provide 15% of the district's housing requirements over the plan period and for the focus of development to be in its urban areas. CS Policy CP2 relates to housing supply and requires the provision of sufficient housing to meet the needs of local communities. The Site Allocations Local Development Document adopted 2014 (SALDD) Policy SA1 states that permission will not be granted for development resulting in a net loss of housing. The loss of a house as has occurred in this case would be in conflict with these policies.

16. In relation to this main issue therefore the development would have an adverse impact on the supply of housing within Rickmansworth and the district as a whole. This would not comply with CS Policies PSP1 and CP2 as well as SALDD Policy SA1 given their collective aims concerning housing supply.

Planning balance

17. I have no evidence about housing supply from appellant to dispute the Council's position that it can only demonstrate a 1.9-year supply of deliverable housing sites which is well below the 5 years housing land supply required by the National Planning Policy Framework (the Framework). The development plan policies that I have referred to under the first main issue are the most important ones for determining this application, are out of date. Paragraph 11(d) of the Framework, makes it clear that in these circumstances, it is necessary to grant planning permission unless, of relevance here, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. That also needs to have particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
18. Whilst the development plan policies are out of date, I still give considerable weight to them because they are consistent with the aims of the Framework to significantly boost the supply of homes and to meet specific housing needs. The development would result in a reduced supply of housing within Rickmansworth and Three Rivers district as a whole, in a location which is very accessible to a range of services without needing to use private transport. This would also therefore make less efficient use of the land than the previous development contrary to that advice in the Framework.
19. The lack of a statement from the appellants means that they have not presented any specific information about the benefits of the proposal to them. I can see from the previous appeal that there were limitations to the original staircases in each of the previous dwellings in terms of gradient and head height. That may also affect the ability to comply with the requirements of the notice if that is considered to involve work requiring Building Regulations approval.
20. It was accepted by the inspector in the previous appeal that the new layout and design would enable improved circulation compared to the previous houses. There appears to have been more evidence advanced in that case. However, given that it was a recent decision with similar considerations, I also give limited weight to the benefits of improving accessibility and enabling compliance with the Building Regulations. I return to that with respect to the appeal under ground (f) below.
21. There has been no evidence advanced in this case about the supply or lack of supply of spacious accommodation such as this. As with the previous appeal decision, I give very limited weight to the benefits of the provision of a higher standard of accommodation that has resulted from the development, in environmental and social terms.
22. Overall however, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Conclusion

23. For the above reasons, having had regard to the development plan as a whole and all other material considerations including the Framework as a whole, I conclude that the appeal on ground (a) should fail and consequently, the deemed planning application shall be refused.

The Appeal on ground (f)

24. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The physical changes have facilitated the alleged material change of use and are not in themselves suggested to be breaches of planning control. Whilst the requirements go into a lot of prescriptive detail about how some of those changes need to be reinstated, there are no requirements to reinstate some, in particular the previous external fenestration. The purpose of the notice as set-out in s173(4)(a) of the Act is to remedy the breach by discontinuing any use of the land and by restoring the land to its condition before the breach took place.
25. I have explained above under ground (a) that the appellant's suggested alternative proposal would require an assessment of planning merits and they do not propose lesser steps. They are proposed alternative steps but would not achieve the purposes of the notice. It is not appropriate therefore to consider those proposals under this ground of appeal. That does not however prevent the appellant from submitting a planning application for that as an alternative, separate proposal. That is a matter between the Council and the appellants outside of this appeal.
26. The requirements of the notice do however raise further matters that I need to consider. That is because I have a duty, notwithstanding what has been pleaded, to consider the form of the notice. That is important for clarity and also due to the implications of further legal action in the potential event of non-compliance. I have broad powers under the provisions of s176(1) of the Act to correct or vary the notice where I am satisfied that it would not cause injustice to the appellant or to the Council. Given that these relate, as I will explain, to the over-prescription of some of the requirements, it is appropriate to do that under this ground of appeal.
27. Firstly, an enforcement notice should go no further than requiring what has been undertaken to be reinstated. Requirement '1' to "cease the use of the land as a single dwellinghouse" does that in basic terms. There are also requirements aimed at restoring the building as well as the garden to how it was previously.
28. An enforcement notice should only seek to rectify a planning breach and not require compliance with a different legislative regime even though it may well be that those other consents are needed in order to comply with the notice. It is also inappropriate to require an improvement over what existed before the breach took place. Additionally, I have no direct evidence about whether what existed previously complied with the Building Regulations now cited and the parts of those regulations referred to may well change the end of the period for compliance. Whilst I can understand that Council wanting to secure the internal arrangements that were previously in existence, some of the requirements are unnecessarily prescriptive in those terms as well as in the way it defines the kitchen facilities required in No 162.

29. The previous appeal does refer to the problems with head heights above the staircases which may not have complied with the modern standards. Requirements viii) (a) to (f) attempt to explain how to restore those staircases by compliance with the “original plans and elevations” but also include inherently imprecise terms such as “remove any internal walls, floors or other fixtures/fittings which would otherwise impede the installation and use of the staircases reinstated.....” and I, as well as the recipient of the notice, cannot know from the face of the notice what that would actually entail. There will clearly be difficulty in reinstating the previous staircases and some re-planning may well be necessary.
30. It may therefore be impractical to revert to the same physical layout as previously existed if it did not comply with modern standards. An enforcement notice should not require steps that could not be lawfully complied with. In the circumstances it seems to me that further consideration of the methods of achieving reversion to 2 dwellinghouses will be needed rather than the notice in itself being able to specify every single change to achieve that is necessary.
31. Given my concerns with the notice as issued, I will re-word requirement 2) including its sub-paragraphs, removing references that I am concerned relating to the over-prescription of physical changes that may not be practical in terms of modern construction requirements and for the above reasons. I will simplify those requirements including how the staircases are installed, conscious that this may require further consideration and discussion between the parties. Crucially however, the corrected requirements would involve the reinstatement of 2 dwellinghouses which is what the notice is attempting to achieve.
32. I can do this without causing injustice to the appellant or to the Council because it will not affect the ability to achieve what the Council is requiring without extending the scope of the requirements.
33. The appeal on ground (f) therefore succeeds.

The Appeal on ground (g)

34. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The notice currently allows for 24 months for compliance with all of the requirements.
35. The complexity of complying with the requirements will be undoubtedly expensive and it can be difficult to organise suitable contractors. Balanced against those matters, as considered under ground (a) above, is the lack of sufficient housing supply in the settlement, in the district as a whole and nationally. However, as I have identified within the appeal under ground (f), the complexity of the issues involved in complying that may require further discussions between the main parties and also additional submissions such as alternative schemes to achieve what the Council wants to achieve.
36. A period of 24 months is generous and will allow for that re-planning to be undertaken and I have no evidence about the appellants’ lack of funds or why the project planning cannot include instructing contractors early-on in the process. This strikes a reasonable and proportionate balance between overcoming the harm caused by the alleged breach of planning control and the ability of the appellants to undertake the work.

37. The appeal under ground (g) fails.

Conclusion

38. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Andy Harwood

INSPECTOR

Schedule – Requirements of the notice as originally issued

1) Cease the use of the Land as a single dwellinghouse and restore its use as two independent dwellinghouses.

2) Carry out the following operations to the building (as shown cross-hatched on the Site Map) on the Land as part of the restoration of the use of the Land to its use as two independent dwellinghouses, Nos. 162 and 164 High Street:

i) Install a full height ground floor to ceiling solid internal wall with no openings between points A and A as shown by the green line on the attached "Plan 1". The construction of the wall shall conform to the requirements of Part E1 of Schedule 1 to the Building Regulations 2010.

ii) Remove the two existing internal doors, door liners and walling on the ground floor between points B and B as shown by the green line on the attached "Plan 1" and construct a full height ground floor to under first floor solid internal wall between points B and B. The construction of the wall shall conform to the requirements of Part E1 of Schedule 1 to the Building Regulations 2010.

iii) Install an internal doorway 1981mm x 762mm in size in the existing ground floor internal wall between points C and C, as shown by a blue line on attached "Plan 1" and remove any cupboards or other fixtures/fittings which would otherwise impede the installation and use of this internal door.

iv) Construct a full height first floor to under second floor solid internal wall, with no openings between points D and D as shown by the green line on the attached "Plan 1". The construction of the wall shall conform to the requirements of Part E1 of Schedule 1 to the Building Regulations 2010.

v) Remove the existing internal door, door liner and wall between points E and E as shown by the green line on the attached "Plan 1" and construct a full height second floor to under roof solid infill wall between points E and E. The construction of the wall shall conform to the requirements of Part E1 of Schedule 1 to the Building Regulations 2010.

vi) Following compliance with paragraph 5(2) i) above install kitchen facilities including a cooker, storage cupboards, a worktop, and a plumbed in kitchen sink within the ground floor area notated 'DINING AREA No.162' on the attached "Plan 1."

vii) Remove the existing staircase(s) (ground to first floor stairs and first floor to second floor stairs) installed in the building on the date of this Notice shown on the attached "Plan 1".

viii) Following compliance with 5(2)(vii):

(a) re-instate the internal staircase between the ground floor and first floor of the restored No.162, the location and layout of which is shown on the attached plan reference 'Original plans and elevations': HHS-918-PL11.

(b) re-instate the internal staircase between the first floor and second floor of the restored No.162 the location and layout of which is shown on the attached plan reference 'Original plans and elevations': HHS-918-PL11.

(c) re-instate the internal staircase between the ground floor and first floor of the restored No.164 the location and layout of which is shown on the attached plan reference 'Original plans and elevations': HHS-918-PL11.

(d) re-instate the internal staircase between the first floor and second floor of the reinstated No.164 the location and layout of which is shown on the attached plan reference 'Original plans and elevations': HHS-918-PL11.

e) remove any internal walls, floors or other fixtures/fittings which would otherwise impede the installation and use of the staircases reinstated pursuant to steps (a), (b) (c) and (d) above

f) following compliance with steps vii and viii (a-e) above make good any damage to the walls and ceilings (including infilling any resultant gaps) of the building.

3) Restore a separate central heating system (with individual boilers) for each dwellinghouse (No 162 and 164).

4) Restore separate electrical circuits (including individual consumer units and meters) for each dwellinghouse (No 162 and 164).

5) Restore any meters (e.g., electricity meter, gas meter) that were removed from the Land as part of the unauthorised material change of use.

6) Erect a 1.8m high close boarded wooden fence within the rear garden on the Land, between points F and F as shown by a green line on the attached "Plan 1".

7) Following compliance with all the requirements set out in paras 1-6 above, remove from the Land all debris and waste material resulting from the carrying out of the requirements.