



Appeal Decision

Site visit made on 12 January 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 25 February 2026

Appeal Ref: APP/Y5420/C/23/3332215 24 and 24a Ferndale Road, London N15 6UE

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Clifton Estates N15 Ltd against an enforcement notice issued by the Council of the London Borough of Haringey.
- The notice was issued on 28 September 2023.
- The breach of planning control as alleged in the notice is without planning permission, the change of use from two purpose built self-contained flats to a single dwelling house.
- The requirement of the notice is to cease the use of the two purpose built flats as a single dwellinghouse.
- The time for compliance with the requirement is: 6 April 2024.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) and (g) of the Act. 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.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected then upheld and planning permission is refused.

Enforcement Notice

1. It is important that the notice is in order.
2. Part 1 of the notice refers to a breach of planning control within section 171A(1)(a) of the Act, which is carrying out development without the required planning permission. Development is defined in section 55(1) as including the making of any material change in the use of any buildings or other land. Section 57 provides that planning permission is required for the carrying out of any development of land. Part 3 of the notice includes a change of use, not a material change of use that required planning permission. However, the main parties have addressed the materiality of the change of use in ground (c) and so shall I.
3. In part 6 of the notice the time for compliance does not contain a period but a date, which has anyway been overtaken by the appeal process. I shall therefore correct the notice to specify a time period equivalent to that from the date it was issued. I am satisfied that this causes no injustice.

Ground (b)

4. For ground (b) to succeed, the onus and burden of proof is firmly on the appellant to demonstrate, on the balance of probabilities, that the premises was in use as two purpose built self-contained flats, not a single dwellinghouse, when the notice was issued.
5. The front elevation of the premises resembles a late Victorian or early Edwardian mid-terraced house. But this turn of the last century residential property was built as

two self-contained flats, one at ground floor (No.24) and the other at first floor (No.24a), each with a front door next to each other facing the road. It is similar in these regards to most of the residential properties in the rest of the terrace.

6. The appeal form claims the premises was in use as two self-contained flats when the appeal was made. This snapshot in time is not relevant to ground (b). Nor is what I saw at my site visit, including whether the notice had been complied with.
7. The appellant's statement of case maintains that when a Council officer visited the premises in July 2023, renovation works had just been carried out but were not yet complete. I have not been informed about the nature or extent of these works or why this means the premises was then in use as two self-contained flats, as the appellant alludes to. There is little else from the appellant to support this otherwise largely unsubstantiated claim, such as tenancy agreements for occupants at the time or after the works were finished, whenever that was, nor a statutory declaration by the appellant. While the appellant's version of events does not necessarily need to be corroborated by independent evidence to be accepted, the absence of such evidence in this case casts further significant doubt in my mind.
8. The Council's officer site visit notes, and subsequent report, set out in detail the layout and use of the rooms observed in No.24 and No.24a in July 2023. This includes furnishings, fixtures and fittings and an unlocked interconnecting door in the party wall separating the two adjoining hallways, off each front door, giving unrestricted internal access between the ground and (by then) two upper floors of the premises. The presence and purpose of this door has not been explained by the appellant. These observations are corroborated by photographs taken by the officer at the time and in plans showing uses of rooms in relevant planning history for the premises. Having also considered case law¹, the Council maintains that neither floor of the premises had sufficient viable facilities required for day-to-day private domestic existence as two independent self-contained flats.
9. Taking account of all the above, and in the absence of much evidence to the contrary or that is sufficiently precise and unambiguous, as a matter of fact and degree there is little to counter that the premises was in use as a single dwellinghouse in July 2023. Moreover, I have not been informed that circumstances at the premises were any different by the time the notice was issued, soon after in September 2023.
10. The appellant has not, therefore, demonstrated on the balance of probabilities that the material change of use from two purpose built self-contained flats to a single dwellinghouse had not occurred as a matter of fact when the notice was issued. As a result, ground (b) fails.

Ground (c)

11. For ground (c) to succeed, the onus and burden of proof is firmly on the appellant to demonstrate, on the balance of probabilities, that the change of use of the premises from two purpose built self-contained flats to a single dwellinghouse does not constitute a material change of use that requires planning permission, so is not a breach of planning control.

¹ *Gravesham BC v SSE* [1983] JPL 307; [1984] 47 P&CR 142.

12. The Act is silent on whether such a change of use is, or is not, a material change of use. But caselaw put to me has established that it is, in essence, a matter of fact and degree having regard to the character of the use of the land and the extent to which a use fulfils a legitimate or recognised planning purpose².
13. The change of use would result in the net loss of a residential unit and two smaller flats amalgamated into a single large dwellinghouse, which is a distinctly different type of residential accommodation. Ensuring sufficient housing supply and choice in the housing stock, including mix and size of residential units, are important aims pursued by the Council in relevant development plan policies. Despite when they were adopted, these policies are still broadly aligned with similar objectives of the National Planning Policy Framework (NPPF).
14. The Council previously refused to grant the appellant planning permission for a similar change of use, described as conversion from 2 flats to a single dwelling, then an appeal was dismissed³. Amongst other things, the Inspector set out their view that the loss of one residential unit and the effect of that development on smaller families may not be significant on its own. But this should not be construed or conflated to mean that the effect of that development was not material, as the appellant contends in the current appeal. That Inspector's finding of harm to the supply and choice of housing and these effects on the Council's housing stock could not rationally be anything other than material.
15. There is therefore little to counter that the change of use in this case would have an appreciable, tangible effect on the character of the after use of the land compared to its before use, at odds with these legitimate, recognised planning purposes.
16. Consequently, as a matter of fact and degree, the appellant has not demonstrated on the balance of probabilities that the change of use of the premises from two purpose built self-contained flats to a single dwellinghouse does not constitute a material change of use that requires planning permission and is not a breach of planning control. As a result, ground (c) fails and I will correct the notice accordingly.

Ground (a)

17. Ground (a) is then that planning permission should be granted for the material change of use from two purpose built self-contained flats to a single dwellinghouse.

Main issue

18. The main issue is:

- the effect of this development on the supply and choice of housing in the Borough.

Reasons

19. This development would involve no external alterations and the premises would remain in residential use with no change in residential floorspace. The single dwellinghouse could be occupied by an already large family and there is no dispute that there is a pressing need for larger family dwellings in the wider South Tottenham area of London.

² *Richmond upon Thames LBC v SSETR & Richmond upon Thames Churches Housing Trust* [2001] JPL 84; *R (oao Kensington & Chelsea RBC) v SSCLG & Reis & Tong* [2016] EWHC 1785 (Admin).

³ HGY/2019/1140, APP/Y5420/W/19/3233843

20. However, and albeit to a limited extent, the net loss of a residential unit would reduce the supply of housing in the Borough. Furthermore, the premises would not simply be internally reconfigured but two smaller flats would be fundamentally apportioned as a large house. Whereas each flat is more suitable in size for smaller families, including because No.24a has been enlarged with planning permission, so the premises gives greater choice in this regard. The immediate area is otherwise dominated by large family sized dwellinghouses, including, it appeared to me, along the other side of Ferndale Road and in some nearby streets.
21. The terrace that the premises forms part of is quite long. There is little to suggest other than that most of the residential properties in it are still flats as originally built, like No.24 and No.24a. While each case is to be considered on its individual planning merits, there is nonetheless a real prospect that granting planning permission in this appeal could set an undesirable precedent for similar material change of use of these flats to single dwellinghouses elsewhere in the terrace. This could then be difficult for the Council to resist (or on subsequent appeal) and further undermine the supply and choice of housing. Although the terrace is not in a Conservation Area and I have not been informed any of these properties are listed buildings, such change could also notably diminish the individual and collective intrinsic heritage interest of this locally distinctive form of residential development.
22. The Council has granted planning permissions for the conversion of two flats to a single dwellinghouse elsewhere⁴. But both of those properties were originally built as a single dwellinghouse then converted to flats with planning permission. So the upshot of both decisions was to re-establish a single family dwellinghouse which the Council did not thus object to. These circumstances are materially different to the current appeal, including that there is little to suggest that the premises is in a Family Housing Protection Zone, where the Council ordinarily seeks to maintain a supply of larger family homes.
23. I have not been informed that relevant policies of the Council's development plan or the NPPF are materially different now compared to when the previous appeal for use of the premises as a single dwellinghouse was dismissed. There is then little else to suggest that a different outcome is warranted in the current appeal.
24. Neither main party suggested any conditions. I am certain that any conditions that might otherwise be relevant would not overcome the fundamental objections to this development in this case.
25. Taking account of all the above, I find that the loss of a single residential unit, the loss of two different sized self-contained flats and their amalgamation into a single dwellinghouse would alter the mix and size of residential accommodation in the Council's housing stock so have a negative effect on the supply and choice of housing in the Borough. Consequently, this development is contrary to Policy SP2 of the Haringey Local Plan March 2017 and Policy DM10 of the Haringey Development Management DPD 2017. These policies include that residential development should maximise the supply of housing to meet and exceed the Council's minimum target for new homes, should meet Haringey's specific housing needs, including for growing families, and resist the loss of existing housing unless it is replaced with equivalent new residential floorspace.

⁴ HGY/2022/4129, HGY/2023/1431

Planning balance and conclusion

26. The limited benefits of a single dwellinghouse do not, therefore, outweigh the significant harm to the supply and choice of housing in the Borough, in conflict with the development plan. Other material considerations do not indicate that ground (a) should be determined other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above, this development is unacceptable and planning permission should not be granted for it. As a result, ground (a) fails.

Ground (g)

27. As explained earlier, the notice will be corrected to refer to an equivalent 5 month time period, not a compliance date. There is then little to substantiate or justify the appellant's request for an additional month and 6 months in total, including that no works of internal or external alteration have been suggested as necessary and there is no apparent reason why the premises could not be let and occupied as two flats. In these circumstances, this extension of time would unduly perpetuate the harm caused by the breach of planning control, as set out in the Council's reasons for issuing the notice and as outlined in ground (a) above.

28. Consequently, on the evidence before me, the 5 (five) month period in the corrected notice to take the steps required by it does not fall short of what should reasonably be allowed. Accordingly, ground (g) fails.

Formal Decision

29. It is directed that the enforcement notice be corrected as follows:

- Part 3 the breach of planning control alleged – delete and replace with *'Without planning permission, the material change of use from two purpose built self-contained flats to a single dwelling house'*.
- Part 6 time for compliance – delete *'6 April 2024'* and insert *'5 (five) months'*.

30. Subject to these corrections, the appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan
INSPECTOR