



Appeal Decision

Site visit made on 14 February 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2026

Appeal Ref: APP/F5540/C/24/3342925

95 Park Road, Hounslow TW3 2HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
 - The appeal is made by Mr Surinder Gill against an enforcement notice issued by the Council of the London Borough of Hounslow.
 - The enforcement notice was issued on 21 March 2024.
 - The breach of planning control as alleged is the use of the property as five (5) self-contained flats.
 - The requirements of the enforcement notice are to 1) Cease the use of the property as 5 self-contained residential flats 2) Remove all but one of the bathrooms and associated bathroom facilities (i.e. shower/bathing facilities, WC, wash basin and pedestal. In addition to the above items all water piping and all waste connections) 3) Remove all but one of the kitchens and associated kitchen facilities (i.e. all kitchen and bathroom facilities, facilities to include the following items:- kitchen wall and base units, kitchen sink, kitchen worktop surfaces, cooking facilities and cooker hood. In addition to the above items all water and gas supply piping and all waste connections), and 4) remove all resultant debris from the land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (b), (d) and (g) of the 1990 Act. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

1. It is directed that the enforcement notice be varied by the deletion of the text “3 months” in section 5, time for compliance, and the substitution therefor by the following text “9 months”. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld.

Ground (b)

2. The onus of proof is upon the appellant. The description of the breach is said to be inaccurate because no. 95 has been subdivided into 3 self-contained flats. The indisputable evidence is that during the period leading to the issuing of the notice and at the date of issue, the property had in fact been subdivided into multiple dwellings, because each flat formed a self-contained unit of accommodation.
3. The appellant’s evidence includes a plan showing the existing layout of no. 95 as 3 self-contained units of accommodation. On the contrary, in response to searching questions found in the Planning Contravention Notice (PCN), the appellant’s description of the property’s layout is as follows: ground floor flat A, rear ground floor (joining) flat A, 1st floor front room and rear studio, and loft. Although some of the flats might have been unoccupied, in response to a question as to how many kitchen facilities exist the reply is “5”. I find the replies to the PCN broadly consistent with the Council’s allegation and evidence, which includes details of the property’s layout during the period leading to the issue of the notice.

4. While the same base is used to describe different units, I consider that each unit forms a self-contained dwelling given the available facilities for day-to-day living. I too observed the property's layout as 5 self-contained flats. On the balance of probability, the evidence clearly shows that at the date of issue the property had in fact been subdivided into 5 self-contained flats. Even if an alternative view prevails, the evidence unambiguously shows the property has in fact been subdivided into separate units of accommodation. The alleged matters have in fact occurred and ground (b) must fail.

Ground (d)

5. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided the appellant's evidence alone is, on the balance of probability, sufficiently precise and unambiguous.
6. Section 55(3)(a) of the Act declares the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used. Although I have found elsewhere that no. 95 is subdivided into 5 flats, the appellant's immunity claims rest on the argument that the property's use as 3 self-contained flats is time-barred. To succeed on this ground of challenge, the evidence must clearly demonstrate two key points. First, it must show when the property was physically converted into 3 self-contained flats as claimed and, second, it must establish that each unit was occupied and used as a dwellinghouse for a continuous period of at least four years, without any significant interruptions in residential use.
7. The appellant states that each flat had been occupied and used as a dwellinghouse from 2017, which is before the relevant date – 21 March 2020. They heavily rely upon tenancy agreements but, on their own, these documents do not demonstrate when the building operations involved in the conversion of the building from a single dwelling into flats was substantially complete. Moreover, there is nothing before me which casts doubt over the Council's claim that in 2021 and 2022 applications for express planning permission and prior approval showed the property's existing and proposed layout as forming a single dwellinghouse¹. It is unclear as to why the applications showed the building as a single dwelling if it had been converted into 3 self-contained flats by 2017.
8. Furthermore, the evidence presented does not sufficiently show when the property had changed into 3 self-contained flats, and the same applies to the allegation. This is because the information is incomplete and does not divulge when, how and by whom the physical work involved in the conversion of a large dwelling began and were substantially completed. For example, there is no specific detail about the nature, scale or sequence of the events, or when material required for the work was purchased or when white goods were acquired and installed.
9. Given the lack of detailed and clear evidence, I cannot be sure each flat provided viable facilities for day-to-day domestic existence on or before the relevant date. This finding is sufficient to dislodge this ground (d) appeal. For completeness, I have considered documentary evidence pertaining to use of each flat.
10. The focus is on proving use of the building as 3 self-contained flats and the appellant relies heavily on tenancy agreements, but they do not prove use. Nonetheless, they are helpful in appreciating the timings and level of occupancy. The documents submitted appear to show occupation and use of flat A, B and C from 2017 onwards. Tenants have also signed a

¹ Council ref P/2021/3794, PA/2022/0786 and PA/2022/3664.

statement of confirmation about their occupation. Although details of deposit paid have been submitted, there is nothing before me to indicate when rent was paid for each flat throughout the relevant period. In addition, the agreements indicate rent included utility charges but specific documentary evidence showing usage is lacking in detail, which makes comparisons between occupancy and scale of residential use difficult to make.

11. In addition, the Council has provided evidence in the form of email exchanges that seems to contradict the appellant's version. For instance, in the emails the appellant suggests that, prior to 2022, the property had been occupied by members of an extended family who formed a single household. That explanation is consistent with records held by Council Tax. Furthermore, there is an added complexity. The property being vacant from around July 2022 and March 2023, which is a significant period, and it remains unclear as to what was happening during this period.
12. Drawing all the above threads together, I find that the available evidence does not sufficiently, precisely and unambiguously show, on the balance of probabilities, the alleged material change in the use of no. 95 to 3 or 5 flats occurred on or before the relevant date, and that use continued thereafter for a period of four years without significant interruption.
13. I have also considered whether any of the flats may be immune from enforcement action but the evidence presented is not persuasive enough so I cannot draw any firm conclusions as to when each flat became a dwellinghouse, and that each flat was occupied and used as a single dwelling thereafter for a period of four years without significant interruption.
14. Frankly, I must conclude that the onus has not been adequately or convincingly discharged and so this ground (d) appeal must fail.

Ground (g)

15. The challenge is that the period of compliance is too short. The nature of the steps required by the notice are extensive given the amount of work. However, given the reasons for issuing the notice, the breach of planning control should not be allowed to continue more than necessary, but tenants would need a reasonable period to find alternative accommodation.
16. It seems to me 12 months is far too excessive given tenancy break clauses. A longer period would allow sufficient time to terminate agreements and arrange for building work to be done. On the circumstances, an extended 9-month period would be reasonable. This is a proportionate response. It would strike a fair balance between the competing interests of the wider public interest and this case. I am content that there would be no violation of the rights under Article 8 of the Human Rights Act.
17. I conclude 3 months is too short, but 9 months is a reasonable period of compliance. Ground (g) succeeds to this extent only.

Overall conclusions

18. For all the above reasons and having considered all other matters raised, I conclude that the appeal against the enforcement notice should fail on ground (b) and (d). As I have varied the period of compliance, ground (g) succeeds to that extent.

A U Ghafoor

INSPECTOR