



Appeal Decisions

Site visit made on 27 January 2026

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2026

Appeal A Ref: APP/N5090/W/24/3357099

140 Clitterhouse Road, Cricklewood, Barnet, London NW2 1DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Gerhard Ampofo against the decision of the Council of the London Borough of Barnet.
- The application Ref is 24/4065/RCU.
- The development proposed is described as 'Retrospective change of use from single dwelling house into a small 5 room House in Multiple Occupation.'

Appeal B Ref: APP/N5090/C/25/3358892

140 Clitterhouse Road, London NW2 1DN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Gerhard Ampofo against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 10 December 2024.
- The breach of planning control as alleged in the notice is without planning permission, the making of a material change of use of the building to use as a House in Multiple Occupation (use class C4).
- The requirements of the notice are to:
 - 1 Cease the use of the dwellinghouse as a house in multiple occupation.
 - 2 Restore the land to the rear of the property to the state in which it was prior to the breaches of planning control taking place. The works of restoration to include the removal/demolition of the fence that divides the original garden (as shown edged red in an attached photograph '1').
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed and the enforcement notice is upheld.

Appeal A

Preliminary Matters

3. The development has been carried out and therefore my assessment is made based on the submitted details and my observations.
4. Since the application was determined and the appeal made, the Council adopted the Barnet Local Plan 2021 – 2036 (Local Plan). The Council were asked to provide copies of the policies which they intend to rely on, upon which the appellant was given the opportunity to comment. Those comments have been considered.

Main Issues

5. The main issues are (i) whether there is an identified need for the HMO and the effect on the supply of family housing in the borough (ii) the effect on the living conditions of neighbouring occupiers with particular regard to noise and disturbance (iii) the standard of accommodation and (iv) the effect on the availability of on-street parking.

Reasons

Identified need and supply of family housing

6. Policy HOU4 of the Local Plan states that proposals for new HMOs will be supported where it is demonstrated that they meet the requirements of the Council's HMO Licensing Schemes and comply with any relevant standards for Houses in Multiple Occupation; that they meet an identified need, that they do not create a harmful concentration of such a use in the local area, will not have a harmful impact on the character and amenities of the surrounding area and are easily accessible by public transport, cycling and walking.
7. The explanatory text to the policy sets out that HMOs are an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation. However, it also sets out that the growth of shared households increases pressure on the existing dwelling stock, in particular family homes. Accordingly, in considering proposals for new HMO the Council will ensure that the approach within Policy HOU03 of prioritising family housing needs is not undermined, with the greatest need being for family accommodation with three bedrooms.
8. Through Policy HOU4, the Council have found a balance between addressing their need for family housing as well as recognising that HMO uses can be suitable subject to there being an identified need. I also consider that Policy HOU4 is consistent with the National Planning Policy Framework (Framework) which states that the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
9. Whilst in general terms there appears to be a need for HMOs in the borough, as indicated by the explanation to Policy HOU4, the policy is clear that proposals for such uses will be encouraged where they meet an identified need. With need being, in my view, an indicator of an existing deficit or shortfall.
10. Beyond asserting that the property has been in use from September 2021 and the property has been fully occupied since it was licensed as an HMO, the appellant has provided no detailed or precise evidence which demonstrates that there is an identified need for the HMO.
11. Moreover, whilst the property may be located equidistant between Brent Cross West and Cricklewood stations, and Clitterhouse Road South bus stop is within 80m of the property serving various routes providing connections to numerous tube stations, the PTAL rating of the locality is two (poor) which indicates that there is poor access to the wider public transport network.
12. Whilst the property is licensed as an HMO and there is no suggestion that the use has contributed to a harmful concentration of such uses in the local area, or caused harm to the character of the area, the appellant has failed to demonstrate

an identified need for the development, which has also resulted in the loss of a three bedroom family home in an area with poor access to public transport. Consequently, the development is contrary to Policy HOU4 of the Local Plan.

Living conditions of neighbouring occupiers

13. The property is a relatively modest mid-terrace dwelling located in what I observed to be a relatively quiet residential area, with properties having a fairly close relationship surrounding and overlooking a communal greenspace.
14. There is a shared kitchen and eating area in the property however, there is no other amenity space such as a lounge. In the absence of such a space, it seems occupants would spend a reasonable amount of time in their bedrooms which is a very different use to that of a family, or possibly a household with a more generous and functional communal space and would likely result in an increase in activity throughout the property.
15. Furthermore, comings and goings to and from the property are likely to be more frequent due to the movements generated by a collection of individuals occupying the property, rather than a single family, because of different timetables, working and socialising patterns.
16. The Council provided little detail however, according to their delegated report, there were five objections to the planning application with noise and disturbance seemingly being a reason for the objection/s. I note the appellant viewed two of the objections and agree the comments were generalised however, in the absence of further details and whilst the property may have been in use as an HMO since September 2021, it seems that the use has, and there is an unacceptable risk that it could, result in materially harmful levels of noise and disturbance to neighbouring occupiers.
17. Consequently, the development is contrary to policy CDH01 of the Local Plan which requires development to mitigate adverse noise impacts on the surrounding environment and amenity through design. It also conflicts with the Framework which seeks a high standard of amenity for existing and future users.

Standard of accommodation

18. The property has five bedrooms, occupied by five people. Whilst the outlook from bedroom two is towards a relatively tall fence, there is a reasonable separation distance such that the fence has no materially harmful overbearing impact on the outlook. Moreover, notwithstanding whether the rooms fall short of required ceiling heights and three and four fall short of internal space standards, I saw that all offer adequate space and are served by adequately sized windows which offered good daylight levels and natural ventilation.
19. Occupiers of rooms one, three, four and five have access to the front yard (amenity) space and based on the appellant's figures, this would comply with the amenity space requirements set out in Policy CDH07 of the Local Plan and D6 of the London Plan 2021.
20. For these reasons, there is no conflict with policies CDH01 or CDH07 of the Local Plan which together require for acceptable levels of daylight, sunlight, privacy and outlook for potential occupants and the provision of outdoor amenity space.

Parking

21. The property and those in the surrounding terraces have no off-street parking provision and are located within an area with a PTAL rating of 2 (poor) and a Controlled Parking Zone (CPZ). At my visit, which was in the middle of the afternoon, I observed that the availability of on street parking was relatively limited. It seems to me that this would be more restricted during the evenings and at weekends, when more people are likely to be at home.
22. Policy TRC03 of the Local Plan relates to parking management and sets out, amongst other matters that, the Council will expect residential development to provide parking in accordance with Table 20. Table 20 of the Local Plan demonstrates maximum spaces per unit alongside the PTAL rating. Given the PTAL rating, the Council stated that the development requires a maximum of one space.
23. The explanatory text sets out that where necessary within CPZs the Council will restrict new residential occupiers from obtaining car parking permits through a planning obligation in a legal agreement.
24. I acknowledge that there may be some cars associated with use as a family dwelling and considering the type of accommodation, this may reduce the desire to own a car. However, given the poor PTAL rating and in the absence of any parking provision, if occupants of the appeal property all had cars this would increase pressure for on-street parking in the area. This would have an unacceptable effect on competition for and availability of on-street parking. In the absence of a legal agreement restricting future occupiers from obtaining parking permits there is no control over this.
25. Accordingly, the development conflicts with Policy T6.1 of the London Plan and policies TRC01 and TRC03 of the Local Plan, which seek to reduce car dependency and encourage sustainable modes of transport.

Other Matters

26. The Council referred to policies HOU1, HOU2 and HOU3 of the Local Plan which relate to affordable housing, housing mix, residential conversions, and re-development of larger homes. Whilst these policies provide background to the Council's housing needs and priorities, they are not directly relevant to the appeal development and weigh neither for nor against it.
27. The Council also provided copies of policies HOU6, CDH02, CDH04, ECC02, TRC02 of the Local Plan and policies D3 and T4 of the London Plan 2021. However, in the absence of explanation I consider that these are not directly relevant to the considerations in this appeal and weigh neither for nor against the development.

Overall conclusion on Appeal A

28. My finding that the accommodation has not contributed to an over concentration of such uses in the local area and the lack of identified harm in respect of the standard of accommodation cannot outweigh the harm in respect of the lack of an identified need, the effect on the supply of family housing, accessibility, the living conditions of neighbouring residents and parking provision. Consequently, the development does not accord with policies HOU4, CDH01, CDH07, TRC01 and

TRC03 of the Local Plan and Policy T6.1 of the London Plan 2021 and is contrary to the development plan when taken as a whole.

Appeal B

The appeal on ground (g)

29. An appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant requested a period of 12 months, six months in addition to that specified in the notice based on the need to await the outcome of their section 78 appeal (Appeal A).
30. As evident the appeals have been linked, and the period for compliance begins with the date of these decisions.
31. The purpose of the time period within an enforcement notice is to allow for the use to cease and the physical works associated with the notice to be removed. That the HMO licensing team have inspected the property and their comments about the quality of the accommodation has no bearing on this ground of appeal.
32. In the absence of substantive explanation, the period of six months to cease the use and to restore the land to the rear of the property to the state in which it was prior to the breach of planning control taking place, is reasonable and proportionate. The appeal on ground (g) fails.

Conclusions

33. In Appeal A, the proposal conflicts with the development plan and there are no material considerations to indicate that the appeal should be decided other than in accordance with it.
34. For the reasons given, I conclude that Appeal B should not succeed. I shall uphold the enforcement notice.

Felicity Thompson

INSPECTOR