



Appeal Decision

Site visit made on 4 March 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal Ref: APP/Q5300/C/24/3352476

78 Holmwood Road, Enfield EN3 6QH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Fadil Hasani against an enforcement notice issued by the Council of the London Borough of Enfield.
 - The notice was issued on 9 September 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the conversion of a single-family dwelling into a HMO.
 - The requirements of the notice are to:
 - 5.1 Cease the use of the Premises as a HMO.
 - 5.2 Remove all locks from internal doors and any partitions that facilitate the conversion into a HMO.
 - 5.3 Remove all kitchen, cooking facilities and white goods installed in each unit of the Premises except for one.
 - 5.4 Remove all resulting materials from the Premises.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b) 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 be:
 - corrected by deleting the allegation within section 3 of the enforcement notice (the breach of planning control alleged) and its replacement with “Without planning permission, the material change of use of the premises to a house in multiple occupation (HMO)”.
2. Subject to this correction, the appeal is dismissed, and 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

3. I have a duty to ensure that the Notice is in order. The allegation uses the word ‘conversion’ as a synonym for a material change of use (MCU). I consider it is necessary to correct this to MCU. My understanding of the Notice is not affected by this error and nothing within the appellant’s submissions indicates to me that it has been misunderstood by them as a result. Therefore, I consider that this correction is therefore necessary which can be achieved by using my powers under s176(1)(a) of the Act without causing injustice.

The Appeal on ground (b)

4. To succeed on this ground, the onus is upon the appellant to demonstrate on the balance of probabilities that the allegation has not occurred as a matter of fact, **not**

that the matters are not occurring. The relevant date is the date of the issue of the Notice, but the Notice may be issued sometime after the breach was detected.

5. The appellant considers that the material change of use of the property to a House Multiple Occupation (HMO) has not occurred and that the property continues to be used within the definition of a Class C3(b) dwelling house for supported living. C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
6. The appellant states that the occupiers are young adults benefitting from structured mentorship and support, including educational guidance, vocational training, and employment assistance. The support is non-intrusive, allowing residents to live semi-independently with access to 24-hour assistance as required, with no more than six residents living together in the property.
7. An HMO is a single dwelling in use by people sharing (or not having access to) at least one facility. The Housing Act 2004 at section 254 deal with HMOs and creates a number of tests, including that those who occupy the building must share one or more basic amenities (or their accommodation must lack one or more basic amenities). Basic amenities are defined as a toilet, personal washing facilities and cooking facilities.
8. A complaint was received by the Council's Enforcement Team on 2 January 2024, that the appeal property was being converted into an HMO without planning permission. The complainant stated that the breach commenced on 17 July 2023 and the Council was provided with Estate Agents advertisements which shows that the bedroom/studio rooms were being advertised for rent for £1,300 per month¹. The advertisement, which shows photographs of the rooms states that "each room comes with a spacious bathroom and kitchenette," and that the property is "great for working professionals but all applications will be considered." The advertisement indicates that the rooms/studios are being let separately and do not state that the premises relates to a dwelling house for supported living where care is provided.
9. A Planning Contravention Notice (PCN) was sent to the appellant on 12 January 2024 to confirm the use of the property, but no response was received by the Council. A S196 was sent to the appellant and occupiers on 5 February 2024 for a site visit on 13 February 2024. A Council Officer visited the appeal property on 13 February 2024, but the occupiers of the property were unaware of the visit and so an internal inspection was not carried out. Another PCN was sent to the owners of the site on 14 February 2024, but no response was received to either PCN.
10. On 27 February 2024, Enforcement Officer's carried out a further site visit, with a representative from Oak Care Home present at the visit. It is understood that some of the young adults/occupiers of the premises were in part time education. During the visit, the manager of the care home confirmed that the appellant had submitted a planning application for the change of use of the premises from a Class C3 to a Class C3(B) use and was also applying for an HMO Licence. However, the Officer noted that there was no care giver present at the appeal property during the site inspection on 13 February and 27 February 2024. The Officer also noted that in addition to the communal dining room and kitchen on the ground floor there were

¹ Appendix 1 of the Council's Appeal Statement.

two bedrooms on the ground floor, three bedrooms on the first floor and a bedroom in the converted loft space (six bedrooms in total).

11. An application for a Lawful Development Certificate for a Proposed Use or Development (LDC) for the use of residential premises as supported housing for up to 6 people living together as a single household and receiving care was refused on 14 June 2024 (Council ref: 24/01171/CEA). The Officer's Report for this application states that the layout of the premises is "more like an HMO type situation," and that the application lacked clarity and details on the proposed use, and the level of care to be provided on site.
12. The application form for this LDC application, which was completed by the appellant, stated that the proposed use was for *the "change of use from C3 - dwellinghouse to C4 - HMO"*. The application form also stated that the *"C3 - dwellinghouse ceased use in August 2023."*
13. Indeed, the plans submitted with that LDC application show that the premises comprised a shared kitchen and living room on the ground floor, with two bedrooms on the ground floor, three bedrooms on the first floor and one bedroom in the converted loft space, which matched the layout observed by the enforcement officer during their site inspection in February 2024². All bedrooms had an ensuite wc. Again, the plans at this time show no onsite manager or care facilities provided within the premises, which corroborates the enforcement officer's site visit notes that there was no on-site carer presence at the time of their two-site inspections in February 2024.
14. Furthermore, on 6 August 2024, an email was received from the Metropolitan Police Constable (PC) who attended the premises on 5 August 2024 after an incident involving the occupiers of the premises escalated onto the street³. This email explains that the PC found the house "very chaotic with many residents screaming, shouting, banging and playing music extremely loudly" and that "residents were all smoking cannabis in their rooms and in the garden." This email from the PC on 6 August 2024 also indicates that at this time there was no onsite manager, or carer present at the premises.
15. In addition, an application was made for an HMO Licence and was granted on 19 September 2024 which adds further weight to the Council's contention that the premises was operating as an HMO, when the Notice was issued on 9 September 2024.
16. The appellant states that the premises is housing fewer than six residents living as a single household, with care provided to meet their needs, and that no development beyond the permitted use class has taken place. However, at the time the Notice was issued, there is very little evidence to support the appellant's contention that the premises is a Class C3(b) dwelling house for supported living.
17. When Council staff and the PC visited the premises there was no evidence of care being provided. Indeed, the lack of onsite care/management at that time has resulted in complaints being received by the Council's Environment and Street Scene Team and the Planning Enforcement Department as well as the Metropolitan Police. Furthermore, the site has an HMO Licence and the floor plans

² As shown in Appendix 2 of the Council's Appeal Statement.

³ Appendix 3 of the Council's Statement.

and details submitted with the refused 2024 LDC application, do not provide sufficient evidence to demonstrate a lawful Class C3(b) use. Indeed, the layout with 6 individual bedrooms with 6 occupants is more akin to an HMO accommodation with each of the 6 bedrooms containing ensembles with all occupiers sharing communal kitchen and cooking facilities with a shared living/dining area on the ground floor.

18. I appreciate that during my site inspection on 4 March 2026, the second ground floor bedroom has been converted to an office, and that a member of staff was present in the office when I arrived at the site. Nevertheless, the evidence before me indicates that this office and onsite presence was not in existence when the Notice was issued on 9 September 2024.
19. As such, compelling evidence has been provided by the Council, which demonstrates as a matter of fact and degree and on the balance of probability that the material change of use of the premises to an HMO has taken place when the Notice was issued. Evidence which relates to after the Notice was issued is irrelevant to this ground b) appeal. If there has been a subsequent further material change of use of the premises since the Notice was issued this is not a matter for me to consider and is beyond the remit of this appeal.
20. Accordingly, the appeal on ground (b) must fail.

Ground (a) appeal and the Deemed Planning Application (DPA)

Main Issues

21. The main issues are:

- Whether the HMO use is acceptable, having regard to the effect on the supply of single-family dwelling houses;
- The effect of the use of the property as an HMO on the living conditions of neighbouring occupiers with particular regard to noise and disturbance and the character of the area; and
- The effect of the use of the property as a HMO on the living conditions of current and future occupiers of the HMO, with particular regard to floorspace and layout.

Preliminary

22. Amendments to legislation in 2010⁴ allowed changes of use from single dwelling houses (Use Class C3) to Houses in Multiple Occupation (Use Class C4) to take place without the need for planning permission. In October 2013, Enfield Council confirmed an Article 4 Direction covering the whole borough withdrawing permitted development rights for this change of use. Paragraph 2.3.7 of Enfield's Development Management Document, 2014 (DMD) explains that Policy DMD5 will be used to assess planning applications for HMOs.

Supply of Single-Family Dwelling Houses

23. Part 2) of Policy DMD 5 of the DPD states that all conversions of existing family units requires that compensatory provision for family accommodation (3

⁴ Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010

bedrooms+) is provided within the development. The supporting text for this policy highlights that the requirement for compensatory provision for family accommodation will ensure that there is no net loss of family housing or harm to the strategic objective to increase supply of family homes. For the purposes of this policy, compensatory family housing is housing providing three or more bedrooms (at least one of which is a double bedroom) with direct, ground floor access to dedicated amenity space.

24. This policy accords with the National Planning Policy Framework, 2024 (the Framework), which indicates that planning policies should reflect the housing needs of different groups, including families with children.
25. The material change of use of the property into an HMO result in the loss of a purpose built 3-bed dwelling house suitable for a family without suitable compensatory provision, for which there is an identified housing need in the Borough in conflict with Part 2 of Policy DMD 5 of the DMD.
26. I conclude on the first main issue that the development has an unacceptably harmful impact on the supply of family dwelling houses, contrary to Policy DMD 5 of the DMD and Core Policy 4 of the Enfield Core Strategy, 2010 (CS), which seek the aforementioned aims and states that the Council will use its development management powers to prevent the loss of all homes.

Living Conditions of Neighbouring Occupiers with Regard to Noise and Disturbance and the Character of the Area

27. The Council are concerned that the use of the appeal site as an HMO has resulted in noise and disturbance which harms the living conditions of neighbouring occupiers and the residential character of the area. In particular, this section of the road contains predominantly semi-detached and detached single family dwelling houses, and I observed during my site visit that this suburban residential area is reasonably quiet. Therefore, there is the potential for the quality of the environment and the residential character of the area to be harmed by a more intensive use of the site.
28. The appellant argues that the HMO premises occupied by no more than 6 persons, is similar to the property being occupied by a single family and I accept that there is not a harmful proliferation of bins or cycle parking at the front of the property. Nevertheless, these occupiers consist of up to six unrelated individuals, all of whom would have separate work/study/domestic regimes and would attract their own visitors and deliveries at different times during the day and evening. In this respect, the HMO use is more likely to increase the volume of movements to and from the property, than a single-family dwelling, and the range of times when these activities take place.
29. The introduction of the HMO has resulted in levels of noise and disturbance which adversely affect the living conditions of neighbouring occupiers. This derives from noise generated from 'comings and goings' outside of the building and increased vehicular and pedestrian movements. In reaching this conclusion, I note that a number of objections have been raised by neighbouring occupiers specifically referring to noise and disturbance and anti-social behavioural issues that have resulted from the use of the property as an HMO.

30. Furthermore, an email correspondence has been submitted from a Police Constable (PC) to the Planning Enforcement Team which states that the PC attended the appeal property on 5 August 2024, following an incident involving the occupiers of the premises which spilled out onto the street. The PC stated that *“the house seemed very chaotic with many residents screaming, shouting, banging and playing music extremely loudly. Further, the residents were all smoking cannabis in their rooms and in the garden on police arrival.”* The noise and disturbance and anti-social behavioural issues generated from the HMO use, reported by neighbouring occupiers and the PC, is in stark contrast with the quiet, residential, suburban character and feel of the area.
31. I therefore share the Council’s views that the unauthorised material change of use of the property to an HMO has resulted in a harmful effect on the living conditions of neighbouring occupiers, with regard to noise and disturbance, and harms the residential character of the area in conflict with Policy CP 30 of the CS, Policy DMD5, DMD8, DMD37 and DMD68 of the DMD, and Policy D3 of the London Plan, 2021 (London Plan). Amongst other things, these require that all development must not lead to an unacceptable level of noise and disturbance for occupiers and adjoining properties; that developments that generate or would be exposed to an unacceptable level of noise will not be permitted; that development proposals should achieve safe, secure and inclusive environments; and that development that is not suitable for its intended function, which is inappropriate to its context, or which fails to have appropriate regard to its surroundings, will be refused.

Living conditions of current/future occupiers of the HMO – floorspace and layout

32. The property is a semi-detached HMO for up to 6 occupiers, and when the Notice was issued the premises contained 6 separate bedrooms, all with ensembles including a shower. The Council raises an objection that the property fails to meet the minimum gross internal space standards for bedroom and kitchen/living rooms and does not provide sufficient built in storage.
33. With regard to bedrooms, the Council does not make clear which bedrooms fails to meet the minimum floor space requirements, or state what the shortfall is. Nevertheless, during my site inspection I observed that the overall internal floor space within the individual bedrooms is reasonable for the intended occupiers of the HMO, and each of the bedrooms contained a bed, table, wardrobe/storage and sufficient circulation space and layouts with natural light and ventilation. In addition, 4 of the bedrooms contained small kitchenette cupboards, worktop surfaces, with sinks and refrigerators which could also be used for storage of food and personal possessions.
34. Whilst the bedrooms could also provide an element of living space, this does not remove the need for communal areas. There is also space needed to prepare, cook and eat food and for socialising. As a result, there is a significant reliance on the communal kitchen/dining/living room to provide day to day living space.
35. Part C2.5 of the London Plan Guidance Housing Design Standards, 2023 (Housing Design Standards) requires that 6 person units provide a combined floor area of living, dining and kitchen spaces of at least 31.sq.m. Whilst no specific measurements have been provided by the parties it is clear that the current kitchen/dining/living room falls well short of this minimum requirement.

36. The communal kitchen contains kitchen cupboards, and worktop surfaces, a gas cooker with extractor hood, a kitchen sink, microwave, combined fridge-freezer, washing machine, dryer and dishwasher. The overall floorspace of the kitchen area is satisfactory, for preparing and cooking food. However, only a modest living/dining area with a small breakfast bar, with 2 chairs is provided within the living/dining area. Therefore, the living/dining area, is insufficient as a 'break out' space for accommodating/seating many of the 6 occupiers at any one time. I also observed there was currently no other lounge or inside sitting area provided for occupiers of the HMO, which would result in the HMO occupiers spending considerable time in their own bedrooms to relax, socialise, work and eat.
37. As a result, the existing communal living/dining area can only provide a seating and lounge area for only a small number of the 6 occupiers at any one time, and results in substandard level of accommodation for current/future occupiers of these HMO.
38. I therefore find that that the HMO use results in substandard level of accommodation for current/future occupiers with particular regard to floorspace and layout, contrary to Policy CP4 of the CS, and Policies DMD5, DMD6, DMD8 of the DPD, Policy D3 of the London Plan, and the Housing Design Standards. Amongst other things, these require that all development must provide a high-quality form of accommodation which meets internal floor space standards in the London Plan and deliver appropriate amenity.
39. Furthermore, the change of use is contrary to the Framework which seeks to ensure all developments creates places with a high standard of amenity for existing and future user.

Conclusion on the Ground (a) appeal and the DPA

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development has an unacceptably harmful impact on the supply of family dwelling houses, results in the harm to the character of the area and provides unacceptable living conditions for occupiers of the HMO and for nearby occupiers, in conflict with the development plan taken as a whole. None of the other matters raised by the appellant, including the benefits of promoting social inclusion, and supporting vulnerable young adults integrate into the community outweighs the harms outlined above. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
41. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

Conclusion

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

R Satheesan INSPECTOR