



Appeal Decision

Site visit made on 20 January 2026

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2026

Appeal Ref: APP/T5150/C/23/3333008

Land at 15 Woodfield Avenue, Wembley, HA0 3NP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Shameem Anwar against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 6 October 2023.
 - The breach of planning control as alleged in the notice is:
 - Without planning permission, the material change of use of the premises to a House in Multiple Occupation (HMO) and flats (flats located in the outbuilding and on the first and second floors).
 - AND
 - Without planning permission, the erection of a part single storey part two storey rear extensions, hip to gable roof extension and rear dormer, and front porch.
 - The requirements of the notice are:
 - STEP 1 Cease the use of the premises as flats.
 - STEP 2 Cease the use of the premises as a House in Multiple Occupation (HMO).
 - STEP 3 Cease the use of the premises as a HMO and as flats.
 - STEP 4 Demolish the unauthorised part single storey part two storey rear extensions, hip to gable roof extension and rear dormer, and front porch and remove all items and debris, arising from that demolition, and remove all materials associated with the unauthorised use and development from the premises.
 - STEP 5 Restore the internal configuration to the layout which existed prior to the unauthorised change of use and unauthorised developments took place, as shown in "Plan A" attached to this notice.
 - The period for compliance with the requirements is 6 months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (f) 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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Summary Decision: The appeal succeeds, the notice is corrected, planning permission is granted for part of the matters alleged, and the notice is quashed in the terms set out in the Formal Decision.

The Notice

1. An enforcement notice must inform the recipient with reasonable certainty what the breach of planning control is and what must be done to remedy it. The notice must be clear on its face.
2. The appellant points to the allegation of a material change of use (MCU) and suggests that this part of the allegation and the associated requirements render it invalid. The allegation is of a MCU of the premises to a house in multiple occupation (HMO) and flats. The appellant says that it is not clear whether the allegation is of a mixed use, that it does not specify how many flats have been created, and that it does not refer to a class of The Town and Country Planning (Use Classes) Order 1987 as amended (the 1987 Order).

3. Whilst the lack of reference to a particular class of the 1987 Order is not, in my judgement, essential in this case, I have sympathy with the appellant's other concerns.
4. To my mind the ordinary meaning of the word 'flats' is self-contained units of accommodation. Similarly, I would also ordinarily regard a HMO as a planning unit of its own, whether that be a HMO occupying part or all of a building. In view of this, the notice could be read as alleging a MCU to separate planning units (i.e. a HMO and flats), although this is not clear for reasons I will come to.
5. If a MCU to separate planning units is alleged, although there is reference to a single HMO, it does not specify how many flats are accommodated in the premises. Neither does the notice say which part of the premises is a HMO. As for the location of the alleged flats, whilst the indication is that the outbuilding is one, if this is the case, I cannot be satisfied that a detached building used as a self-contained unit of accommodation is best described as a flat. Although this is not a critical matter in this case, this accommodation would be better described as a dwelling. Notwithstanding this, despite reference to flats on the first and second floors, the notice does not say whether some or all of the accommodation on these floors are flats. Neither does it say how many flats are accommodated on these floors.
6. There is further confusion in the notice in that it refers at schedule 3 to a 10 year period, consistent with the time limits for taking enforcement action set out in section 171B(3) of The Town and Country Planning Act 1990 as amended (the 1990 Act) for a change of use other than a change to use as a single dwellinghouse. However, if the flats referred to in the notice are self-contained, the relevant period would be 4 years, as set out in section 171B(2)¹. Accordingly, although the allegation does not refer to a mixed use, this suggests that the allegation **is** of a mixed use. Indeed, the third requirement of the notice is consistent with an allegation of a mixed use. There are, however, additional requirements at step 1 and 2 that might be consistent with an allegation of the creation of separate planning units. This adds to the confusion and ambiguity of the notice.
7. Although what is within the four corners of a notice must be sufficient to identify the breach of planning control that is alleged, for further clarity I have had regard to the Council's evidence submitted in this appeal. This does not, however, provide sufficient assistance in this case. Indeed, there is contradiction where it is suggested that a HMO can include flats, but then goes on to say that 'flats by definition are self-contained accommodation'.
8. Whilst it refers to 4 flats within the main building on the site, it does not specify their location, other than to say there are two on the first floor and two on the second floor. It is not clear whether these occupy the whole of the first and second floors or whether any of these floors are occupied by the HMO. There is also reference at paragraph 2.8 to a mixed use as flats and a HMO.
9. Further clarity was not provided by my site visit, not least because the premises was vacant and certain facilities referred to in evidence have been removed.

¹ Having regard to section 5 of The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024.

10. All of the above leads me to conclude that the recipients of the notice, including the appellant, could not be reasonably certain of what they have done wrong in this case with regard to the allegation of a MCU. The appellant explains why this uncertainty has affected their approach to the appeal in this case; the ground (a) appeal in particular. Indeed, there is substantial uncertainty with regard to the development that is sought planning permission by reason of the deemed planning application.
11. Even if I was reasonably certain that a mixed use was alleged, I am not persuaded that a mixed use can comprise a number of primary uses that are, by their very nature, self-contained and where each primary use has a separate occupier.
12. IN the alternative, if I were to correct the notice to allege a MCU consistent with the creation of several planning units on the premises, I am not entirely certain of their number or location within the premises. Furthermore, I cannot be certain that the appellant would not have made an appeal on other grounds, particularly as a 4 year, rather than 10 year period of immunity would apply to a MCU to flats.
13. I have had regard to the appeal decisions referred to by the Council, and the suggestion that the description of the breach of planning control in those cases was not a concern. I note, however, that there are some differences in those cases with regard to how the breach is described. Furthermore, although I do not have the particulars of the case made by the appellants in those appeals, they do not appear to have made the case that they have any difficulty in understanding the alleged breach of planning control in those cases. That is part of the appellant's case in the appeal before me and I have set out above why I have sympathy with them, having regard to the particular circumstances of the case before me.
14. The enforcement notice is invalid for the reasons given above. Whilst I am mindful of my powers to correct or vary a notice under section 176(1)(a) and (b), it is not clear how I would correct the allegation insofar as it relates to a MCU. Even if I were, I cannot be satisfied that such a correction would not cause injustice.
15. The notice targets a breach of planning control including operations, in addition to a MCU. The appellant has raised no concerns with the notice insofar as it alleges a breach of planning control comprising operations and I have not identified any concerns in this regard. Furthermore, the requirements of the notice that seek to remedy this breach of planning control can be severed from those that relate to the allegation of a MCU. Accordingly, I intend to correct the notice by removing from it the allegation of a MCU and by removing or varying the requirements so that they remedy only the breach of planning control comprising the erection of a part single storey part two storey rear extensions, hip to gable roof extension and rear dormer, and front porch.
16. Accordingly, it will not be necessary for me to consider the grounds of appeal insofar as they relate to the allegation of a MCU and its associated requirements.

Ground (b)

17. The appeal on ground (b) is that the matters alleged in the enforcement notice, which appears to the Council to constitute the breach of planning control, have not occurred. The appellant's case under ground (b) relates only to the allegation of a MCU. No part of it relates to the separate allegation of operations. Accordingly,

there is no suggestion that the breach of planning control comprising the erection of a part single storey part two storey rear extensions, hip to gable roof extension and rear dormer, and front porch has not occurred. For this reason, the ground (b) appeal should fail.

Ground (a) and the deemed application for planning permission

Main Issues

18. The appeal on ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The notice, as I intend to correct it, relates only to the erection of extensions and a porch. Having regard to the reasons for the issue of the notice insofar as they relate to these operations, the main issue in this ground (a) appeal is the effect of the development on the character and appearance of the building on site and the area.

Reasons

19. The development plan for the area includes the Brent Local Plan 2019 - 2041, adopted February 2022 (BLP) and the London Plan, adopted March 2021 (LP). Within the BLP, Policy DMP1 (Development management general policy) requires new development to be, amongst other matters, of a layout, scale, materials, detailing and design that complements the locality. Policy BD1 (Leading the way in good urban design) informs that all new development must be of the highest architectural and urban design quality.
20. Policy D3 (Optimising site capacity through the design-led approach) of the LP informs, amongst other matters, that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape.
21. The Council also refer to the Residential Extensions & Alterations SPD, dated 2 January 2018 (SPD) which provides more specific design guidance for domestic development.
22. The enforcement notice includes plans showing the main building on the appeal site prior to the operations having taken place. These show a modest semi-detached property with a hipped gable roof. Woodfield Avenue is characterised by similar semi-detached properties, although some have been altered in a variety of ways.
23. There appear to be three distinct elements to the operations that are the target of the notice. I deal with each in turn as follows.

Part single storey part two storey rear extensions

24. The design and form of the part single part two storey addition to the rear of the property appears to follow the design and form of the extension previously approved by the Council (application 19/2809). The two storey element has a hipped gable roof design. Whilst this may not mirror the pitch of the roof, it is sympathetic to its form and materials. This element is set in off both side boundaries and its design and finished dimensions are in keeping with the scale of the host building, unlike other similar additions within this row of properties along Woodfield Avenue.

25. The single storey element has a flat roof and more boxy appearance. This extends some considerable distance into the rear garden, further than that recommended in the SPD. Nevertheless, I note that the original rear elevation of the host building is set back from No 17. Furthermore, I do not regard this addition as overbearing in relation to the adjoining property at No 13. It is not an incongruous form of development. Indeed, I note that the Council have granted permission in the past for a single storey rear extension with similar dimensions to this at a time when the SPD had been adopted.
26. The external elevations of both elements of this rear addition have been finished in a light coloured smooth render that matches the finish of the remaining elevations of the building. This finish and the other materials used are in keeping with the appeal property and the surrounding built development, the adjoining property at No 13 in particular.

Hip to gable roof extension and rear dormer

27. The roof addition includes an addition to the hipped gable, resulting in a flat gable on the side elevation. This is an addition that is generally considered acceptable in the SPD. The roof has also been extended with a rear flat roofed dormer across most of its width. This has resulted in extensive additions to the roof, altering the appearance of the roof and the building as a whole, particularly when viewed from the side and the rear. Nevertheless, the design of these additions have resulted in the retention of certain features of the former roof, including its eaves and the ridge line. Whilst I cannot tell if the degree of set down from the ridge and set in from the eaves accords with the dimensions specified in the SPD, the eaves of the building are still a prominent feature on the side and rear elevation. As is the ridgeline, particularly when viewed from the street.
28. The materials used in the external elevations of the gable and dormer addition match those of the remainder of the roof, which contrasts with the remaining elevations of the building. The contrasting materials are also separated from the light smooth rendered finish of the elevations by the prominent eaves detail. All of this means that the additions are read as additions to the roof of the building, unlike other such additions within this row of properties. The contrast in materials and the retention of the features mentioned above adds interest to the development. Unlike other examples in the street, the development has not created a bland and boxy three storey building that causes harm to the character and appearance of the existing building.
29. I acknowledge that the roof extensions, considered together with those to the rear, result in a series of extensive additions to this building. However, the design and the materials used in these additions are sympathetic to the character and appearance of the host building and the surrounding built development. It is because of this that I find the scale of development to be acceptable, on balance.

Front porch

30. Whilst the front porch extends beyond the depth of the bay window, it is not an addition to the bay window, as referred to by the Council. The bay window feature has been retained and is separate. The roof design, prominent eaves and materials used on all external surfaces are in keeping with the remainder of the building and the design of the addition adds interest to the front elevation. Its location, shape

and height complement the design of the host building, in accordance with the SPD.

31. Notwithstanding the above, I cannot ignore that this is a large addition to the front elevation of the building. The SPD tells us that 'front extensions will not be permitted unless these are the predominant character of the area'. Although there are properties within Woodfield Avenue without any porch or canopy over the front entrance, the majority have some form of front addition. Whilst there is a mixture in terms of their scale and design, there are a number of examples of front porch extensions that are similar to that subject of this appeal. The predominant character of Woodfield Avenue is of properties with front additions, many of which compare to that at No 15. Although some might be of a poor design that is unsympathetic to the host property, I cannot find the same with regard to that subject of this appeal for the reasons given above. The addition is not, therefore, out of accord with the SPD.

Summary

32. For the reasons given above, I conclude that the operations that are the target of the notice have an acceptable effect on the character and appearance of the building on site and the area. I cannot, therefore, regard the development to be out of accordance with the development plan policies listed above. Neither is it in conflict with the SPD and paragraphs of the National Planning Policy Framework referred to by the Council.

Other Matters

33. I have noted the representations of interested parties. These are, however, focused on the use of the premises, which is no longer the target of the notice, once corrected as I intend. No objection has been raised in these to the operations considered above.

Conditions

34. No conditions have been suggested by the parties that relate to the operations that remain the subject of this appeal. The development subject of the deemed planning application appears complete. In view of this, and as the permission I intend to grant will relate only to the operations, not to any change of use of the premises, the need for any conditions is not obvious to me.

Conclusion on ground (a)

35. Having regard to my findings above, I conclude that planning permission ought to be granted for the development alleged in the notice, once corrected as I intend. For this reason the ground (a) appeal should succeed.

Overall Conclusions

36. The breach of planning control alleged in the notice comprises two separate matters; a MCU and operations. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control and the steps required for compliance in so far as it relates to the allegation of a MCU.

37. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act, for the reasons I have given. However, as the error in the notice relates only to the alleged MCU, I will correct the notice to remove this allegation from the notice.
38. In these circumstances, the appeal on the grounds set out in section 174(2)(a), (b) and (f) of the 1990 Act and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act does not fall to be considered insofar as they relate to the allegation of a MCU.
39. Whilst the remaining appeal on ground (b) should fail, I conclude that the appeal should succeed on ground (a) insofar as it relates to the operations that will remain the target of the notice, once corrected. I shall grant planning permission for the operations as described in the notice, as corrected. The enforcement notice will be corrected and quashed.
40. In these circumstances the appeal on ground (f) does not fall to be considered insofar as it relates to the operations.

Formal Decision

41. It is directed that the enforcement notice is corrected by the deletion from schedule 2 of the words "Without planning permission, the material change of use of the premises to a House in Multiple Occupation (HMO) and flats (flats located in the outbuilding and on the first and second floors). AND".
42. Subject to this correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act for the development already carried out, namely the erection of a part single storey part two storey rear extensions, hip to gable roof extension and rear dormer, and front porch at 15 Woodfield Avenue, Wembley, HA0 3NP as shown on the plan attached to the notice.

J Moss

INSPECTOR