



Appeal Decision

Site visit made on 19 February 2026 by J Reed MPlan

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Appeal Ref: APP/N5090/C/24/3352995

Land at 41 Brent Park Road, London NW4 3HN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr L Lipman against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 27 August 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 land by the sub-division of the property into 2 self-contained flats.
- The requirements of the notice are to: 1. Cease the use of the property as self-contained flats 2. Permanently remove all but one set of kitchen facilities (units, sinks, cookers, and food preparation areas) and 1 bathroom from the property. 3. Restore the property to the state in which it was prior to the breach by removing any partition walls or entrances that create self-containment.
- The period for compliance with the requirements is: 6 months
- The appeal is proceeding on the ground set out in section 174(2)(a) 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.

Summary Decision: The Appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused in the terms set out below in the Inspector's Decision.

Appeal Procedure

1. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

2. Since the Enforcement Notice was issued, the Barnet Local Plan 2021-2036 was adopted by the Council in March 2025 (Local Plan). This replaces the previous Local Plan (2012) (comprising the Core Strategy (CS) and Development Management (DM) Policies Development Plan Documents), such that the policies cited in the Notice are no longer part of the development plan and have no weight. The main parties were given time to provide observations on the changes, and I have considered the relevant replacement policies set out within the recently adopted Barnet Local Plan.

Main Issues

3. The main issues are the effect of the development on:
 - The provision of family housing and character of the area;
 - The living conditions of occupants with particular regard to adequate internal space, noise insulation and provision of outdoor amenity space and
 - The adequate provision of bin storage.

Reasons for the Recommendation

Provision of family housing and the character of the area

4. Due to the change in the adopted plan, it is useful to set out the policy context for the development. Policy HOU02 of the Local Plan states that proposals that provide a mix of housing types and sizes to meet current and future housing needs will be supported. All housing schemes are expected to include a proportion of family-sized homes and reflect the plan's dwelling size priorities. For market housing, the highest priority is 4-bedroom properties, followed by 3- and 2-bedroom dwellings.
5. Furthermore, Policy HOU03 of the Local Plan outlines that the potential for housing delivery through residential conversions will be optimised subject to a number of criteria. This includes a minimum level of accessibility for the site, the development proposal providing at least one family-sized home with three bedrooms that is capable of four bed spaces with access to a dedicated private garden; a minimum gross internal floor area of 135m² for two flats, and the development should meet the space standards set out in Policy D6 of the London Plan and Policy CDH01 of the Local Plan. The developments should also not have an unacceptable impact on the character of the area; provide a good standard of living conditions for the occupiers of the units, and appropriate provision for car and cycle parking on site. It is indicated that proposals for residential conversions and re-development of larger homes seek the provision of a minimum of one three-bedroom with four-bed space unit to prioritise delivery of family homes from the existing housing stock.
6. From the information before me, and my observations on site, Brent Park Road is a typical residential street consisting of terraced blocks of four two storey properties. Both parties have highlighted that a number of properties on Brent Park Road have been sub divided and this is in line with my observation on site where there were a limited number of properties which appeared to be flats or had multiple bins outside. However, whilst this was the case these examples were limited in number with the overriding predominant character of the area being single family homes. As a result, the subdivision of the appeal site is in the minority of house types in the area. Whilst the conversion is clearly out of character with the predominant property type, I do not consider this in itself to be necessarily harmful. The use of the appeal site as two one-bedroom flats is unlikely to result in an over intensification of the site beyond what would be expected as a family home and as a result, I consider the scheme to be acceptable in this regard.
7. The appeal involves the conversion of a three-bedroom end terrace property into two, one-bedroom flats. As a result, the scheme fails to deliver a minimum of one three-bedroom unit in line with the aforementioned policy. Also, no substantial evidence has been provided to demonstrate that the two one-bedroom units are justified in terms of need or that the location complies with the specific accessibility requirements set out in Policy HOU03 of the Local Plan.
8. Given the above, the development is not compliant with the highest priority housing needs for the area and leads to the loss of a family-sized home, which is contrary to the objectives of Policies HOU02 and HOU03 of the Barnet Local Plan, as well as Policy H10 of the London Plan. These policies, among other things, require a mix of housing that aligns with the area's identified needs and mandate that a proportion of residential conversions include a family home with a minimum of three bedrooms that has good accessibility to public transport, services, and facilities.

Living conditions of occupants

9. As part of the Council's reasons for issuing the notice they highlight that the development has failed to demonstrate its compliance with the minimum floor space standard and the relevant building regulations criterion in regard to noise insulation. There have been no plans submitted as part of the appeal or sufficient details to demonstrate the development's dimensions, layout or sections of the appeal building. Without this I cannot be sure if the development satisfies the requirements set out in the London Plan (2021) for minimum space standards for one-bedroom units or whether any sound insulation has been installed as part of the dwelling's subdivision.
10. Turning to the provision of private garden and amenity space, I note the appellant's acknowledgement that the current arrangement only serves the ground floor flat and that they propose to sub divide the garden space in order to provide access to a private area for the upstairs flat. However, without any plans before me to demonstrate this would be possible, I do not consider this capable of being appropriately secured, and I consider the existing arrangement where the upstairs flat has no amenity space to result in unacceptable living conditions for the occupants of that unit.
11. In the absence of sufficient information, I cannot be certain that the development meets the minimum floor space requirements or has the relevant sound insulation measures in order to sufficiently safeguard occupants' living conditions. I also consider the existing garden arrangement to provide an unacceptable provision of outdoor amenity space for the first floor flat. The proposal therefore fails to accord with Policies CDH01, CDH03 and CDH07 of the Barnet Local Plan (2025) and Policy D13 of the London Plan (2021) which seek amongst other things for development to provide a good standard of amenity.

Bin storage

12. The Council have also cited in the enforcement notice that there are concerns regarding the lack of bin storage facilities at the site. The Council's Residential Design Guidance SPD (2016) (the SPD) requires development to make satisfactory arrangement for storage of waste and recycling. As outlined above there are no plans before me outlining the layout and facilities present at the appeal site. I did, however, observe on my site visit that bins were situated to the side of the property within the communal alleyway as well as in a dedicated area to the front garden. In both instances this arrangement reflects the precedent of bin storage on the street, and I therefore consider this arrangement to be acceptable.
13. The development is capable of providing adequate bin storage and therefore complies with Policy CDH01 of the Barnet Local Plan (2025) which aims to maintain the character and appearance of the street scene.

Other Matters

14. Reference has been made to a planning application to regulate the change of use at the appeal site. However, I have no details of this application including its decision status before me and I therefore afford this little weight.

Conclusion and Recommendation

15. For the reasons set out, I conclude that the development is contrary to the development plan and there are no other considerations which indicate planning permission should be granted. Consequently, the Appeal on ground (a) fails and I recommend that the deemed planning application should be refused.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed, 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.

A M Nilsson

INSPECTOR