



Appeal Decision

Site visit made on 17 February 2026

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2026

Appeal Ref: APP/T5150/C/25/3360995

29 Manor Drive, Wembley HA9 8EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Rehan Sheikh against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 31 January 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the premises to a mixed use as a House in Multiple Occupation (HMO) and short-term letting accommodation.
- The requirements of the notice are to:
 - Step 1 – Cease the use of the premises as House in Multiple Occupation (HMO).
 - Step 2 – Cease the use of the premises as short-term letting accommodation.
 - Step 3 – Restore the internal configuration to the original layout before the unauthorised change of use took place.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the grounds 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 of Decision: The appeal is dismissed, and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Preliminary Matters

1. The appellant has stated that they are seeking consent for a House in Multiple Occupation only and not short-term letting accommodation. However, the terms of the appeal on ground (a) derive directly from the alleged breach of planning control set out in the Notice. Removing the short-term letting element of the use is likely to result in increasing the HMO element. That would result in a different use to the one the notice was issued against. I have therefore considered the appeal on ground (a) on the basis of the matters alleged in the Notice.

Main Issues

2. The main issues are the effect of the use on:
 - i) the supply of family housing,
 - ii) the living conditions of the appeal site's occupants with regard to the standard of accommodation,
 - iii) the living conditions of neighbouring occupants with regard to noise and disturbance, and;
 - iv) cycle parking provision.

Reasons

Family housing

3. The Council has set out the need to resist the loss of family-sized dwellings for which there is an identified need for in the borough. Policy BH10 of the Brent Local Plan 2019-2041 (Local Plan) states that development resulting in the net loss of residential dwellings will only be supported in certain exceptional circumstances. There is nothing before me that the appeal development meets any of the exception criterion defined by this policy.
4. Although the HMO element of the mixed-use development subject of this appeal provides low-cost accommodation, and Local Plan Policy BH7 seeks to protect against the loss of shared accommodation such as the HMO, this does not negate the harm arising from the net loss of a family sized dwelling, the provision of which is a priority in Brent. I note the Council performing well in terms of its overall housing delivery, but the evidence before me is of a high level of need in the borough for family sized accommodation.
5. Aside from the HMO use, the development also partly encompasses short-term accommodation which serves transitory visitors rather than the permanent housing needs provided by HMO's or self-contained accommodation. As such, the need for HMO accommodation, which forms part of the appeal development, does not negate the harm arising from the net loss of a family sized dwelling.
6. Reference to a number of other appeal decisions¹ in Barnet and Haringey has been made by the appellant. Although housing in London is a strategic issue, both referenced cases are in different local authority areas and relate solely to HMO proposals rather than the mixed-use development which is before me. As such, given the differing contexts, the referenced cases are not comparable to that before me.
7. I therefore conclude that the proposal has an unacceptable impact on the supply of family housing. As such, it is contrary to Local Plan Policies DMP1 and BH10 and Policy H9 of The London Plan, which seek, amongst other matters, to resist the loss of residential dwellings. It is also contrary to the National Planning Policy Framework (Framework), which seeks, amongst other matters, to deliver a sufficient supply of homes to meet an area's identified housing need.

Standard of accommodation

8. The appeal development provides adequately sized bedrooms, but it does include a bedroom that is accessed directly from a communal area, and which opens directly onto a shared external amenity area. This arrangement results in harmful noise and disturbance to those occupying this bedroom due to the proximity with spaces being used by other occupants.
9. The appellant has referenced a number of changes, including re-configuring bedroom 4 to a lounge. Given this amendment does not result in a change to the breach of planning control alleged in the Notice and is a matter that could be secured by condition, this would address any potential harmful noise and disturbance impacts.

¹ APP/Y5420/C/23/3315563 and APP/N5090/W/20/3251995

10. The Council has raised concerns on the inadequate provision of a suitably sized table with chairs for the people being accommodated. From my site observations, the development has sufficiently sized communal areas for this provision, and given the size of the external areas, adequate refuse storage arrangements could also be addressed by way of planning condition, had the development been otherwise acceptable.
11. I therefore conclude, for the reasons set out, that the appeal development is not harmful to the living conditions of its occupants, having regard to internal space standards. As such, it complies with Local Plan Policies DMP1, BH7 and BH10, Policies D6 and H9 of The London Plan and Paragraph 135 of the Framework, which seek, amongst other matters, an acceptable quality of accommodation to meet the needs of its occupants. It is also not contrary to the aims of the Technical housing standards – nationally described space standards and the Houses in Multiple Occupation Supplementary Planning Document, which seek, amongst other matters, good living standards.

Living conditions – neighbouring residential occupiers

12. The change of use has resulted in an increase in comings and goings, relative to the use of the site as a dwellinghouse. This is due to movements generated by differing individuals occupying the property, rather than a single-family household. Despite this increase, I have not been made aware of any objections over a number of years that the use has continued, with the appellant setting out that the notice was not issued in relation to a complaint.
13. The Council has identified additions to on-street parking demand but have provided limited information in respect of this concern other than reference to the appeal site being situated on a busy road. In relation to the HMO and short-term letting accommodation, which is aimed at those seeking low cost or short-term lodging, such occupants are likely to have limited access to private transport. The appeal site is also accessible to local shops and services by non-car modes, which reduces the need to own a private vehicle. As such, the development does not result in any harmful noise or disturbance arising to surrounding residential occupiers.
14. Given the above, I conclude that the appeal development does not have an unacceptable adverse impact on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance. As such, it is compliant with Local Plan Policies DMP1, BH7 and BH10, Policies D6 and H9 of The London Plan and Paragraph 135 of the Framework, which seek, amongst other matters, a high standard of amenity for existing and future users.

Cycle parking

15. The development has not made provision for secure on-site cycle parking. There is however sufficient space within the curtilage to accommodate such provision and a plan indicating how this could be provided has been submitted with the appeal. I therefore consider that, had the development been otherwise acceptable, this matter could have been addressed by planning condition.
16. I therefore conclude that the development is not unacceptable in relation to making adequate provision for cycle storage facilities. As such, it is compliant with Policy BT1 of the Local Plan, Policy T5 of The London Plan and the Framework, which

seek, amongst other matters, high quality cycling facilities to support sustainable travel.

Other Matters

17. The appeal development provides adequate outdoor amenity space. This is however a neutral consideration and not one which weighs in favour of the proposed development. The lawfulness of the HMO, which the appellant has stated subsisted for many years prior to 2022, is not a matter which is before me and is a different use to the mixed use alleged.
18. Reference has been made to a variety of other matters, including the concentration of HMO's, the Urban Greening Factor and the existence of a HMO licence, but these do not alter my conclusions in relation to the main issues.

Conclusion

19. The development conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.
20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Formal Decision

21. 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.

F Rafiq

INSPECTOR