



---

## Appeal Decisions

Inquiry held on 8 April 2026

Site visit made on 8 April 2026

**by R Merrett BSc(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1<sup>st</sup> May 2026

---

**Appeal A Ref: APP/T5150/C/25/3376236**

**Appeal B Ref: APP/T5150/C/25/3376237**

**Land at 63 Bassingham Road, Wembley HA0 4RJ**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mrs Saika Baig (Appeal A) and Mr Shehzad Baig (Appeal B) against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 16 October 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 an HMO and flats.
- The requirements of the notice are to STEP1 Cease the use of the premises as flats; STEP2 Cease the use of the premises as a House in Multiple Occupation (HMO); STEP3 Remove all items, debris and materials associated with the unauthorised use from the premises, including the kitchen, bathroom and internal partitions from the outbuilding; STEP4 Restore the internal configuration to the layout which existed prior to the unauthorised change of use took place, as shown in "Plan A" attached to this notice.
- The period for compliance with the requirements is 6 months.
- The appeals are proceeding on the grounds set out in section 174(2)(a), (c), (d), (f) and (g) 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 Decisions: The appeals are dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.**

---

### Procedural Matters

1. The appellants have submitted appeals on grounds which include (c) and (d). Grounds (c) and (d) are known as legal grounds of appeal. For the avoidance of doubt, with regard to the legal grounds of appeal, the burden of proof rests with the appellants to make their case, and the standard of proof is the balance of probability. It is not the case, as claimed by the appellants, that the burden of proof rests with the Local Planning Authority.
2. All factual evidence was given to the Inquiry on oath.

### The appeals on ground (c)

3. The appeal on ground (c) is that the matters alleged do not constitute a breach of planning control. In cases where there is a dispute as to whether a material change of use has occurred it is necessary to ascertain the correct planning unit, as it is the planning unit against which the question of a material change of use would need to be judged.
4. The planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct,

and occupied for different and unrelated purposes; the concept of physical and functional separation is key.

5. In accordance with case law, three broad categories of distinction may be recognised.<sup>1</sup> These are firstly a single planning unit where the unit of occupation has one primary use and any other activities are incidental or ancillary to the primary use. Secondly, a single planning unit where the unit of occupation is in a mixed use because the land is put to two or more activities (primary uses) and it is not possible to say that one is incidental to another. Finally, where the unit of occupation comprises two or more physically separate areas that are occupied for different and unrelated purposes. Each such area ought to be considered as a separate planning unit.
6. It is common ground that the appeal site remains a single planning unit. However, whilst it is the appellants' case that the site continues to function as a single family dwelling, the Council's case, by contrast, alleges a mixed use consisting of an HMO and flats.
7. The appellants previously gained planning permission in 2012 for development which included a two-storey side extension and alterations to the loft<sup>2</sup>. The side extension included a 'family room' and small 'utility' area at ground floor with two bedrooms and a bathroom above, which as built were connected by an independent staircase. The extension also comprised an external door to the side elevation, and internal doorway facilitating direct access to the hallway of the main dwelling.
8. The appellants' evidence is that the accommodation in the side extension was let to a family friend and his own family (eventually comprising 5 persons) between April 2021 and March 2025. However, in their view, despite the letting arrangements, the property remained a single dwelling during this time because it remained possible to gain unfettered access between the side extension and the main dwelling via the internal door. Indeed, the appellants refer to the sharing of facilities between the families, including use of the main entrance door to the house (and for the collection of mail there), storage and use of the main kitchen. It is apparent that there was shared use of the main kitchen, despite confirmation from the appellants during the Inquiry that cooking facilities were installed in the side extension, from the outset.
9. However, from the evidence and my visit, it seems to me the side extension accommodation was equipped with all the necessary facilities for private, independent day to day living. These facilities included cooking, washing and sleeping accommodation. In addition, the accommodation had been let to and occupied by a different family, and therefore household, to the appellants' own family. The separation of the accommodation was also aided by the absence of an open connection between the main dwelling and extension at first-floor level, despite such connectivity being shown on the 2012 approved drawings.
10. I therefore concur with the Council that, on the balance of probability, the side extension accommodation comprised a self-contained flat. Notwithstanding this, the presence of the internal connecting door, meant that it was still possible for the occupiers of the extension to gain unimpeded access to the remainder of the

---

<sup>1</sup> *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207.

<sup>2</sup> Application reference: 11/3145.

dwelling. There is no dispute that such access occurred, as set out above. I find that this arrangement means, on the balance of probability, that the side flat formed a primary use of the property, but was insufficiently physically and functionally segregated to comprise a separate planning unit.

11. Whilst benefitting from planning permission in its own right, the outbuilding located at the bottom of the appellants' rear garden is included within the alleged unauthorised material change of use. Having regard to information provided by the appellants, responding to a planning contravention notice (PCN) served by the Council<sup>3</sup>, the outbuilding was previously occupied by two friends of the family (therefore another different household) for a period of six months. Despite the presence of a toilet and bathroom there, the appellants claim the outbuilding never had its own cooking facilities. They said in the Inquiry that the outbuilding residents would utilise the main kitchen in the dwelling as required.
12. The Council's evidence is that photographs taken during a site visit<sup>4</sup> show the presence of a kitchen unit with a surface void where a cooking hob has been removed; also that this is consistent with estate agency plans prepared when the house was recently marketed<sup>5</sup>, showing the presence of a kitchen in the outbuilding, and indicating a hob in the same position as the void unit.
13. Therefore, despite the appellants' claim that the kitchen unit in question was simply being stored, the above evidence leads me, on the balance of probability, to the more plausible conclusion that cooking facilities were previously present within the outbuilding. I am also mindful that in a previous email to the Council, the appellants appear to describe the outbuilding as a self-contained unit, also that it was occupied by two persons with no shared facilities<sup>6</sup>. This appears to contradict the information given in the PCN and adds weight to my conclusion.
14. A lack of physical segregation also suggests that use of the rear garden would probably have been shared by the various occupiers. I therefore conclude that, like the side extension, as a matter of fact and degree, the outbuilding would also probably have formed a self-contained flat, where the occupiers also utilised some of the facilities associated with the main dwelling. I find this arrangement means, on the balance of probability, that the outbuilding formed a primary use of the property, but was insufficiently physically and functionally segregated to comprise a separate planning unit.
15. The appellants confirm that a couple temporarily lived within the loft area of the main property; however relied on sharing cooking facilities in the main dwelling. In this case I do not find the Council's evidence suggesting independent cooking facilities were present in the loft space to be compelling. Accordingly, I am not persuaded this part of the property formed a self-contained flat.
16. As to whether the 'loft residents', could be regarded as part of the appellants' own household, in responses to different questions asked at the Inquiry, the appellants described the people in question as 'family friends' and then as 'nephew and niece'. Whilst a nephew or niece could be regarded as forming a single household with the appellant's own family, in accordance with the definition of such in Section

---

<sup>3</sup> Response dated 9 May 2025.

<sup>4</sup> Council POE Appendix 7.

<sup>5</sup> Council POE Appendix 14.

<sup>6</sup> Council POE Appendix 17.

258 of the Housing Act 2004, the aforementioned ambiguity does not resolve this point.

17. Section 254 of the Housing Act 2004 sets out the criteria to be met if a building or a part of a building is an HMO. The criteria include that it must consist of one or more units of living accommodation, not consisting of a self-contained flat or flats, and that the living accommodation is occupied by persons who do not form a single household. The definition of a self-contained flat, within the Act, includes where all three basic amenities (toilet, personal washing facilities and cooking facilities) are available for the exclusive use of its occupants.
18. The occupation of the loft area by residents sharing cooking facilities with, but part of the same household as, the appellants would not in itself have resulted in a change to an HMO. However, even if this specific arrangement did occur, the residents of the self-contained flats (separate households) were in practice also sharing the appellants' main kitchen, as set out above and in accordance with the appellants' own evidence. This sharing of amenities between different households, as shown by the lack of exclusive use of the main kitchen, would have been tantamount to the characteristics of a large HMO arrangement, even if it did not meet the statutory definition of such under the Housing Act. It seems to me that in practical terms there has been a degree of fluidity between the use of accommodation in the property as independent self-contained flats and as an HMO.
19. In my judgment the increase in the number of occupiers present at the property, in the manner set out above, is likely have resulted in noticeable changes to comings and goings. I would have reached the same view if only taking the side flat into consideration, let alone the outbuilding and loft, and irrespective of the number of utility meters present at the property. This is not to say that such change would inevitably have been harmful, only that it would have been material, as a result of being noticeable. For the above reasons, I consider the wording of the alleged development adequately describes the unusual and fluid domestic arrangements in this case, and I consider that a material change of use to the alleged mixed use occurred.
20. Drawing the above considerations together, I conclude on the balance of probability, that the matters alleged constitute a breach of planning control. The ground (c) appeals therefore fail.

#### **The appeals on ground (d)**

21. The ground of appeal is that at the date when the notice was issued no enforcement action could be taken in relation to the alleged breach of planning control.
22. For the avoidance of doubt, a mixed use is a single mixed use and thus 'sui generis' and outside of any use class. This type of breach of planning control is therefore governed by the enforcement time limits set out within s171B(3) of the 1990 Act.
23. In order to succeed on this ground, in accordance with s171B(3) of the 1990 Act, it would be necessary for the appellants to show, on the balance of probability, that the alleged mixed residential use of the site had commenced at least 10 years before the notice was issued, that is by 16 October 2015, and had continued in

such use over a ten year period. It must be shown that there has not been any significant interruption in the use, in order to demonstrate the necessary continuity.

24. In accordance with s171B(3) the immunity period begins with the date of the breach. Therefore any 10-year period of continuous use before the notice date would potentially be sufficient to accrue lawfulness. The onus rests with the appellant to demonstrate, on the balance of probability, that the use has been continuous over this period, with the exception of any non-material breaks in activity.
25. In support of their case the appellants have submitted various information, including sworn evidence in the form of statutory declarations, various Council tax and utility bills and a very brief 'contract' (said to be a tenancy agreement).
26. The declarations refer to a family friend having moved into the property as a single lodger, initially in approximately 2015. When questioned about this at the Inquiry, the appellants confirmed the lodger had initially, and for a short period, resided in the loft room. It was claimed they later moved to the outbuilding, before residing with a gradually expanding family in the side flat from April 2021. According to the appellants the lodger and his family left the property in March 2025.
27. With regards to the utility bills, there are documents from the water company dated November 2022 and December 2024, which are addressed to the lodger and his wife at the appeal property. There is also a Council tax bill dated December 2024 addressed to the lodger. The tenancy agreement is unsigned, and apparently relates to the time when the lodger first moved into the property in September 2015.
28. Overall, it seems to me that the supporting information provided is extremely vague in terms of a chronological record of who, aside from the appellants' own family, occupied and used the appeal property, and when they did so. The utility and Council tax letters help to corroborate the occupation of the side flat by the lodger's family over the claimed period between 2021 and 2025. However aside from this, it is entirely unclear whether the lodger (and subsequently other members of his family) occupied the property continuously from the time they were said to have first arrived in 2015; and when exactly the outbuilding was occupied by a different couple, as claimed by the appellants. Accordingly, there is a lack of evidence to persuade me, on the balance of probability, that the use of the appeal property as alleged has continued without interruption over the requisite 10-year period.
29. S171B(2) of the 1990 Act states that where there has been a change of use to a single dwellinghouse, no enforcement action may be taken after a period of four years of the breach having taken place<sup>7</sup>. For the reasons given earlier in this decision, I do not find the side flat to comprise a new dwelling in a separate planning unit. However, for the avoidance of doubt, even if it could be suggested that the side flat could be so described and was therefore subject to the provisions of S171B(2) of the Act, the evidence submitted is not sufficiently precise or unambiguous to prove, on the balance of probability, the continuous use of the unit over the requisite four year period. The same conclusion would apply to the outbuilding, which from the appellant's own evidence was, in any event, only

---

<sup>7</sup> Insofar as it relates to breaches of planning control that have taken place before 25 April 2024.

occupied by a separate household for six months, and purportedly the side flat lodger for an indeterminate period.

30. The appellants have not discharged the duty to demonstrate their case on the balance of probabilities. The ground (d) appeals fail.

### **The appeals on ground (a)**

#### **Main Issues**

31. The ground (a) appeals are that planning permission should be granted. The main issues are the effect of the development on i) the living conditions of occupiers, with particular regard to the standard of accommodation, amenity space and storage space; ii) the living conditions of neighbours, with particular regard to noise, disturbance and waste management and iii) the supply of family housing in the Borough.

#### **Reasons**

##### *Living Conditions of Occupiers*

32. Policy BH7 of the Brent Local Plan 2022 (BLP) sets out that residential accommodation with shared facilities (non self-contained or self-contained) will be supported subject to compliance with certain criteria.
33. These include that accommodation should be of an acceptable quality, meeting appropriate standards for the needs of its occupants. The Council seeks residential development to provide high quality living accommodation, with dwellings designed to meet the minimum internal space standards set out in the London Plan<sup>8</sup>. These standards include a minimum gross internal floor area requirement for two bedroom, two storey dwellings of 70 square metres. The side flat comprises self-contained accommodation over two storeys, and includes two bedrooms. It would therefore be reasonable to assess the side flat against this standard. Because the side flat is self-contained, the occupiers would be less likely to resort to sharing space and facilities more widely within the main dwelling. It would not therefore be appropriate, in my view, to assess this flat against the space standards in the Council's Houses in Multiple Occupation Supplementary Planning Document 2022 (HMOSPD).
34. From the Council's evidence, undisputed by the appellants, together with measurements taken at the site visit, it is apparent that the side flat would not meet this minimum floorspace requirement. Indeed, from the evidence provided it would appear that the amount of floorspace available falls significantly short of the requirement. If the minimum standards cannot be met, then it follows that the high quality of living accommodation provision, aspired to by the policy, will not be achieved.
35. With specific regard to the outbuilding, I am also mindful that Policy BH12 of the BLP seeks to resist the grant of planning permission for residential occupation of these structures, with a view to reducing the potential for overcrowding. Indeed, when planning permission was previously granted for the structure following an

---

<sup>8</sup> London Plan Policy D6, Table 3.1.

appeal, it was subject to a condition that it was to be used for purposes ancillary to the main dwelling<sup>9</sup>.

36. Notwithstanding the above, and even if it is possible for requisite internal space standards to be provided within the outbuilding it is still important to consider the provision of outdoor private amenity space for residents.
37. In accordance with Policy BH13 of the BLP all new family dwellings should normally provide external private amenity space of some 50 square metres, with 20 square metres for other housing. The appellants benefit from a relatively large rear garden. However irrespective of the amount of space available, the garden could reasonably be expected to be used by, and to a degree would be directly overlooked by, residents of different households associated with the appeal site. This would in turn result in the mutual privacy of residents of the various different households being compromised. Therefore, in the absence of any compelling justification or solution, this compounds my view that the development as a whole falls short of the requisite quality.
38. In terms of other criteria, HMOs are recognised within Council policy as playing an important role, allowing for flexibility and affordability. Furthermore, the Council accept that it would not lead to an over-concentration of such accommodation in the area; also that a condition could be imposed requiring that satisfactory management arrangements are operated.
39. Policy BH7 also states that the location should have good access to public transport and other amenities (normally within 400 metres). Whilst the appeal site is outside this distance threshold, it was apparent from my visit that it is within a ten-minute walk of a variety of shops, as well as bus stops for various routes; with overground and underground rail stations at Wembley Central a little further away. In my judgment the site therefore has an acceptable standard of access to public transport and other amenities.
40. I am satisfied that there is space available within the appeal site to ensure that adequate provision could be made for cycle storage. I am not persuaded that the development would result in the occupiers of the main dwelling and annex disturbing one another due to sub-standard construction methods.
41. Notwithstanding this, I have set out above that the development as a whole would fail to provide acceptable standards of internal and external space for its occupants. For this reason, the proposed development would fail to meet all of the specified criteria as required in Policy BH7, and would result in harm to the living conditions of occupiers. Accordingly, there is conflict with Policies DMP1, BH7, BH12 and BH13 of the BLP; with Policy D6 of the London Plan 2021 (LP); with the National Planning Policy Framework (the Framework) and with the Brent Design Guide Supplementary Planning Document 2018, insofar as they seek to safeguard such conditions.

### *Living Conditions of Neighbours*

42. The occupation of the appeal property by different households, is likely to give rise to a wide variation in movement patterns. A significant number of visitors to the

---

<sup>9</sup> Appeal reference APP/T5150/D/11/2156038.

property, associated with the unrelated identities of the occupiers, also cannot be ruled out.

43. The pattern of occupation could potentially result in a large number of comings and goings, with a smaller proportion of shared trips taking place than would be expected from a single household, and potentially at times when neighbouring occupiers would reasonably seek to enjoy the peace and quiet of their homes.
44. However, the corner location of the appeal property at the end of the street, and the position of the main front entrance door, offset from the adjoining property, allows for greater separation from nearby dwellings than may otherwise have been the case. I have not been informed of any complaints from neighbouring or nearby residents, specifically with regard to noise disturbance arising from general comings and goings. I also acknowledge the representations made at the Inquiry from certain nearby residents, who endorsed the appellants as pleasant and considerate neighbours.
45. Furthermore, the appellants would be amenable to introducing a management plan for the premises. I agree that the wording of such a plan could be effective in terms of deterring disorderly behaviour and ensuring the maintenance of the property, including the storage of waste.
46. The Council also raises the concern that additional on-street car parking demand arising from the development would be a further source of disturbance. However, I have not been provided with evidence of significant on-street parking pressure in the locality or, in this context, that the proposal would be at odds with maximum standards specified in the London Plan. There are already two off-street parking spaces provided at the property. When also taking into consideration I have found the appeal site has an acceptable standard of access to amenities, as set out above, I am satisfied that car parking demand would not constitute a reason for refusing planning permission.
47. Drawing these considerations together, on balance, I conclude the development would not be harmful to the living conditions of neighbours. I do not find conflict with Policies DMP1 and BH7 of the BLP, with the LP or with the Framework insofar as they collectively seek to avoid development having unacceptable impacts in terms of noise and other forms of disturbance.

### *Family Housing*

48. The HMOSPD sets out that the majority of housing need in Brent is in relation to family dwellings, of 3 bedrooms or more<sup>10</sup>. Policy BH10 of the BLP is concerned with resisting housing loss, and the provision and safeguarding of the stock of family housing is recognised in the BLP as a Brent priority.
49. Policy BH11 of the BLP is concerned with the conversion of family sized dwellings (defined as those with 3 bedrooms or more) to provide additional dwellings. It says this will only be allowed subject to compliance with various criteria, namely a) the minimum size of the dwelling being 130 square metres (or capable of being acceptably extended to that size); b) that at least a 3 bedroom dwelling would remain, preferably with direct access to amenity space; and c) it is within an area of PTAL (Public Transport Accessibility Level) 3 or above.

---

<sup>10</sup> Houses in Multiple Occupation Supplementary Planning Document.

50. Despite there being no dispute that criterion a) of the Policy would be met, part of the Council's case is that the conversion of the dwelling, when having regard to the 2012 approved plans, would result in the loss of a three bedroom, family sized dwelling, and that it would be in an area with a poor PTAL rating.
51. I am satisfied that converting the property could still ensure the retention of a dwelling with at least three bedrooms, given the potential to use the room on the first floor, denoted as 'prayer room', as such. This, however, would be predicated on the property as a whole not operating as an HMO, but rather as self-contained flats. Notwithstanding the PTAL rating, I have found the appeal site to be adequately situated in relation to various services and amenities.
52. Drawing the above considerations together I conclude the development would accord with Policy BH10. Whilst it would technically be in breach of Policy BH11, on the basis of the poor PTAL rating, a family sized dwelling could be retained, if HMO arrangements are avoided, and would not be unacceptable with specific regard to proximity to services and facilities in this case.

#### *Other Matters*

53. Notwithstanding the above findings, the appellants were asked at the Inquiry, what they specifically sought to achieve by gaining planning permission. They confirmed, that they simply intended the side extension to be utilised by their recently married older son and his wife, as a residential annex to the main dwelling. The remainder of the property, including outbuilding and loft space, would, they said, be used by the appellants and their younger son as their home. The outbuilding would be utilised for storage purposes only.
54. There is no dispute that such an arrangement would comprise occupation of the property by a single family, and would constitute use of the property as a single dwelling. Therefore, even if the appeals fail and the enforcement notice is upheld, the desired living arrangement, as declared by the appellants at the Inquiry, would still be consistent with the requirements of the notice, and would not require an express planning permission.

#### **Planning Balance and Conclusion on ground (a)**

55. I have found conflict with the Council's development plan in terms of the standard of accommodation provided. Set against this is the contribution the development would make towards additional choice of living accommodation, in a location which has reasonable accessibility to local amenities, which would no doubt provide a degree of support to the local economy. However, in my judgment, this does not outweigh the harm because increasing accommodation choice and supporting the local economy is not dependent on the alleged development proceeding. Neither would the private benefit of rental income for the appellants be a sufficient reason to outweigh the harm.
56. I have not found harm in terms of the living conditions of neighbouring residents, or necessarily to the provision of family sized housing. However, this lack of harm is neutral in the planning balance.
57. Therefore, on balance, drawing the above considerations together, the factors in support of the use do not, in my view, outweigh the policy conflict I have identified. There would be conflict with the development plan when read as a whole. I

therefore conclude that it would not be appropriate to grant planning permission for the proposed use. The ground (a) appeals fail.

58. For the avoidance of doubt, I consider that if cooking facilities in the main dwelling continued to be shared, this would consolidate an HMO arrangement that would lead to the loss of family sized housing. This would result in further weight against the development.
59. The appellants suggest the imposition of a planning condition restricting the property to a six person HMO. However, this would still mean the loss of a family dwelling, for which a compelling case has not been made, when considering the retention of family dwellings is a policy priority, and also the stated intention of the appellants (as above) to utilise the dwelling for their own family needs in any event.
60. The appellants also refer to the development complying with Policy H9 of the LP. However, this policy is concerned with the efficient use of the housing stock and the protection of existing HMOs that are of a reasonable standard. It cannot be said that failure to grant planning permission in this case would be at odds with this policy, the outcome of which would not result in failure to protect an existing lawful HMO.

### **The appeals on ground (f)**

61. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the Act and include remedying the breach of planning control (s173 (4) (a)). The Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.
62. With regard to the alleged use, the objectives of the notice are to secure its discontinuation; to remove items and materials associated with the unauthorised use (and which facilitated that use), including various elements from the outbuilding; and to modify the layout of the extended property to that which was granted planning permission in 2012. This is so even if, as the appellants claim, the proposals were not fully implemented. The modification to the layout is sought to address the separation of living accommodation, helping to facilitate the unauthorised use. The purpose of the notice is therefore to remedy the breach of planning control. As such the requirements are proportionate, in the sense of being the minimum necessary to remedy the breach, and cannot be deemed excessive. The ground (f) appeals fail.
63. The appellants suggest acceptable lesser steps would be for a planning condition to be imposed restricting the use of the property to a single dwellinghouse or small HMO. However, as set out above, the desired living arrangement, as declared by the appellants at the Inquiry, would still be consistent with the requirements of the notice, and would not require an express planning permission.

### **The appeals on ground (g)**

64. The ground (g) appeal is that the compliance period falls short of what should reasonably be allowed. I am mindful of the importance of striking a balance

between enforcement that is intended to be remedial rather than punitive, whilst maintaining public confidence in the planning system.

65. I concur with the Council that the unauthorised use appears to have ceased, and the only remaining works required are the removal of the kitchen furniture and bathroom from the outbuilding, and the creation of an opening between the main house and the annex at first floor level.
66. I therefore conclude, taking into account the Council's reasons for issuing the notice and the aforementioned considerations, that the compliance period given would be reasonable and would not result in a disproportionate burden. Accordingly the ground (g) appeals fail.

### **Overall Conclusion**

67. For the reasons given above, I conclude that the appeals 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 Decisions**

68. The appeals are 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.

*R. Merrett*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                   |                      |
|-------------------|----------------------|
| Sui-gee Jenny Han | Advocate and witness |
| Saika Baig        | Appellant            |
| Shehzad Baig      | Appellant            |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                 |                                        |
|-----------------|----------------------------------------|
| Nigel Wicks     | Advocate                               |
| Anna Mascheroni | Principal Planning Enforcement Officer |

### **INTERESTED PARTIES:**

|                 |                |
|-----------------|----------------|
| Mohammed Sheikh | Local resident |
| Ms Aslam        | Local resident |

### **Documents submitted at the Inquiry:**

1. Council's written opening submissions.
2. Appellants' Statement of Case Appendix K.

### **Documents submitted following the Inquiry:**

1. Appellants' and Council's written closing submissions.