
Appeal Decisions

Site visits made on 14 April 2026

by **M Ollerenshaw BSc (Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st May 2026

Appeal A Ref: APP/T5150/C/24/3345814

Appeal B Ref: APP/T5150/C/24/3345815

2 College Road, London, NW10 5EN

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mrs Maria Louise Garramone (Appeal A) and Guiseppe Garramone (Appeal B) against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 2 May 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the premises to short-term letting accommodation AND Without planning permission, the material change of use of the premises to an HMO (House in Multiple Occupation) ("the unauthorised change of use").
- The requirements of the notice are:
STEP 1 Cease the use of the premises as short-term letting accommodation.
STEP 2 Cease the use of the premises as an HMO (House in Multiple Occupation) and its occupation by more than one household.
STEP 3 Remove all advertisements relating to the unauthorised use of the premises as short-term letting accommodation and remove all items, facilities, fixtures and equipment associated with the unauthorised short-term letting and an HMO (House in Multiple Occupation) use from the premises.
STEP 4 Remove from the outbuilding the kitchen and bathroom facilities and all associated drainage connections, partition walls, and all resulting debris, items and materials from the premises.
- The period for compliance with the requirements is 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2) (a), (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.
- Appeal B is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decisions: The appeals are dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Appeal C Ref: APP/T5150/C/24/3345824

Appeal D Ref: APP/T5150/C/24/3345825

2A College Road, London, NW10 5EN

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mrs Maria Louise Garramone (Appeal C) and Mr Guiseppe Garramone (Appeal D) against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 3 May 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the premises to short-term letting accommodation AND Without planning permission, the material change of use of the premises to an HMO (House in Multiple Occupation) ("the unauthorised change of use").
- The requirements of the notice are:
STEP 1 Cease the use of the premises as short-term letting accommodation.
STEP 2 Cease the use of the premises as an HMO (House in Multiple Occupation) and its occupation by more than one household.
STEP 3 Remove all advertisements relating to the unauthorised use of the premises as short-term letting accommodation and remove all items, facilities, fixtures and equipment associated with the unauthorised short-term letting and an HMO (House in Multiple Occupation) use from the premises.

STEP 4 Remove from the outbuilding the kitchen and bathroom facilities and all associated drainage connections, partition walls, and all resulting debris, items and materials from the premises.

- The period for compliance with the requirements is 6 months.
- Appeal C is proceeding on the grounds set out in section 174(2) (a), (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.
- Appeal D is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decisions: The appeals are dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Preliminary Matters

1. The appeals relate to two enforcement notices alleging the same breach of planning control at two adjoining properties and have been made by the same appellants and raise the same issues. Accordingly, I have dealt with the cases in a single decision letter to avoid duplication but have considered each appeal on its own merits.
2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The parties were given the opportunity to comment on the implications of the revised Framework for the appeals.

Matters concerning the notices

3. I have a duty to get the notices in order, if necessary, before I move on to consider the grounds of appeal, and I have wide powers of correction under section 176(1) of The Town and Country Planning Act 1990 as amended (the 1990 Act), but only where no injustice would be caused to either party.
4. Both notices allege a material change of use to short-term letting accommodation and the material change of use to a House in Multiple Occupation (HMO) ("the unauthorised change of use"). The notices require the alleged uses to cease, and all items associated with these uses to be removed. The evidence indicates that the properties were originally single dwellinghouses within use class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
5. The reference in the allegations to "the unauthorised change of use" suggests a single, mixed use comprising short-term letting accommodation and an HMO. However, these are distinct uses in my view. The short-term letting use is akin to a holiday/hotel type use which will result in more transient patterns of occupation compared to an HMO, whose occupants would likely live at the premises as tenants on a longer-term basis and share basic amenities.
6. There is no evidence before me to indicate that the two alleged uses have taken place simultaneously. The appellants applied for HMO licences for both properties in December 2019 and indicated at that time that there were tenants occupying the rooms in the main houses and also in the outbuildings to the rear of each property. There appears to be no dispute that both properties were used as HMOs at that time and that the breach of planning control occurred.
7. However, the Council confirms that it received complaints in June 2023 about the properties being used as hotels/guesthouses, or for short stay accommodation. In response to the Planning Contravention Notices alleging the change of use of the premises to a mixed use as residential and guest house/hotel, the appellants stated

that the buildings were used as furnished holiday lets. The appellants sought planning permission for the flexible use of both properties (use class C1 and C3) in 2023 and 2024¹. However, the planning applications were refused. It appeared to the Council in October 2023 that although the properties were unoccupied, they were set up for short-term letting accommodation, similar to guesthouses, with both being advertised on hotel accommodation type websites such as Booking.com. This is consistent with my observations during the site visit, when I saw that both properties appeared to be in use as short-term letting accommodation with the bedrooms each providing a similar layout, facilities and linen.

8. All of the above considered and having regard to the evidence before me, I find that at the time the notices were issued the properties were used for short-term letting accommodation. Although it would appear they have been used as HMOs within the last 10 years, that use had ceased by the date of the notices. Consequently, the allegations are incorrect as the alleged short-term letting and HMO use appears to present the use as a single, mixed use when the HMO use had already ceased by the time the notices were served.
9. While the notices are defective for this reason, I am satisfied that I can correct the allegation, without causing injustice to either party, by deleting the reference to the HMO use so that it relates only to the material change of use of the premises to short-term letting accommodation. This correction will form the basis of my assessment of the deemed planning applications arising under the ground (a) appeals. The requirements of the notices will need to be varied to follow the corrected allegation, by removing reference to the HMO use. This variation would not result in injustice to the parties or make the notices more onerous to comply with from the appellants' perspective.

Ground (a) and the deemed planning applications – Appeal A and C

10. An appeal on ground (a) is that planning permission ought to be granted for what is alleged in the notice.

Main Issues

11. The main issues are the effect of the developments on the supply of family housing; the effect on the vitality of town centres; the effect on the living conditions of the occupiers of neighbouring properties and the occupiers of the appeal premises; and whether adequate provision is made for cycle parking.

Reasons

Family housing

12. The appeal sites are two similar terraced properties which are located in a predominantly residential area characterised by long rows of terraced houses. Both properties contain spacious internal accommodation and have detached outbuildings and private gardens to the rear. There are public open spaces and various services and facilities including schools in the surrounding area. The appeal properties therefore provide accommodation suitable for family occupation.

¹ Council ref. 23/3019 and 23/3020 and Council ref. 24/0477 and 24/0478

13. Policy BH10 of the Brent Local Plan 2019-2041 (2022) (Local Plan) states that development resulting in the net loss of residential dwellings will be supported only in exceptional circumstances.
14. The short-term letting use does not provide permanent living accommodation and the changes that have been made to the internal layout of the properties to facilitate that use mean that they do not lend themselves to use as family dwellings. The appellants contend that the properties can be let out for over 90 days per annum in any case, but this would not alter their primary use as they would remain in use as permanent dwellings. Therefore, the unauthorised change of use has resulted in the loss of family dwellings, and does not meet any of the exceptional circumstances set out in Policy BH10. Family sized homes of three bedrooms or more are in high demand in the Borough and therefore the proposals would compromise the Council's ability to meet its housing targets.
15. For the above reasons, I conclude that the developments result in the unacceptable loss of housing suitable for family occupation which is harmful to the Council's supply of family housing. This is contrary to the aims of Policies DMP1 and BH10 of the Local Plan and Policy H9 of the London Plan (2021), which seek to resist the loss of residential dwellings.

Town centre vitality

16. The short-term letting use is akin to a hotel/guesthouse which is classified in the Framework as a town centre use. Paragraph 91 of the Framework states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
17. Policy BE9 of the Local Plan specifies that future hotel provision will be encouraged in the two major town centres of Wembley and Kilburn. Other visitor accommodation will be appropriate in town centres in accordance with the sequential approach.
18. The appeal sites are not located within either of the two major town centres identified in Policy BE9 but are in a mainly residential area. The appellants argue that there is no concentration of short stay holiday accommodation, but they have not demonstrated that the provision of such accommodation is appropriate in this location, nor shown that the sequential approach has been followed.
19. Therefore, based on the limited evidence that is before me, I conclude that the developments are not in a suitable location having regard to the Council's strategy relating to visitor accommodation, and are harmful to the vitality of town centres. Accordingly, there is conflict with Policies DMP1 and BE9 of the Local Plan and the Framework insofar as they seek to prioritise visitor accommodation in town centre locations.

Living conditions

20. During my site visit I observed that the appeal properties are situated in a relatively quiet residential area. There are residential properties on both sides, including 2B College Road which shares a party wall with No 2A, and there are residential properties further along and on the opposite side of College Road and to the rear on Burrows Road and Mortimer Road.

21. The short-term letting use appears to generate a regular turnover of visitors and more transient patterns of occupation than a traditional dwelling. It is also likely that the unauthorised use will result in greater numbers of individuals occupying the properties than would be expected from a typical family. There are also visits from staff members during or between stays. Consequently, there is likely to be increased noise and disturbance to the neighbouring occupiers from comings and goings to and from the properties, particularly given the cumulative impact arising from the use of both properties and the rear outbuildings. In addition, there is the potential for increased vehicular movements associated with the unauthorised use with limited off-street parking space to accommodate more vehicles.
22. Noise and disturbance will be most obvious to the neighbouring occupiers on either side, particularly No 2B as that property is attached to No 2A, but might also be apparent to other neighbours on the road given that this is a relatively quiet residential area. Such disturbance could occur later in the evening when residents would reasonably expect peace and quiet in their homes.
23. I accept that the properties can be managed to reduce some of this impact, and I have had regard to the mitigation measures and restrictions suggested by the appellants including in terms of the maximum number of occupants and the length of each stay. However, given the probable occupancy levels and the comings and goings associated with the unauthorised use, I am not satisfied that the adverse impacts can be adequately mitigated through the measures suggested.
24. Although not referred to in the allegations, the Council says that the rear outbuildings have the potential to function as separate units of accommodation. However, while the outbuildings each contain a kitchen, bedroom and bathroom, there is no substantive evidence before me to demonstrate that they have been used as self-contained units, or as HMOs given the degree of separation from the main buildings. It is therefore more likely that the outbuildings have been used for short-term letting accommodation in association with the main buildings.
25. The Council contends that the use of the rear outbuildings reduces the privacy of neighbouring occupiers, as well as that of the main building's occupants. However, the main windows in the outbuildings face sideways rather than directly towards the neighbouring properties or the appeal properties, and the high fences on the side boundaries reduce the potential for overlooking. Therefore, the proposals do not result in undue loss of privacy to the neighbouring occupiers or occupiers of the appeal buildings.
26. A further concern of the Council's is in relation to the lack of a management plan for waste disposal and maintenance. However, had I been minded to allow the appeals on ground (a) and grant planning permission, I am satisfied that this matter could have been addressed by means of a condition.
27. Turning to the standard of accommodation provided in the appeal properties, I observed during my site visit that the bedrooms in the main properties and the outbuildings are of adequate size. Some are en-suite and each is served by a window giving sufficient outlook and natural light. The communal spaces are also satisfactory in terms of size, layout and facilities. Moreover, the standards that the Council has assessed the developments against do not refer specifically to short-term letting/hotel type accommodation and are therefore of limited relevance to the appeals. The proposals do not therefore represent sub-standard accommodation.

28. Notwithstanding this, I do find that the developments have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. This is contrary to Policies DMP1, BH7 and BH10 of the Local Plan, and Policies D6 and H9 of the London Plan, which amongst other things seek to ensure that development avoids unacceptable impacts in terms of noise and disturbance.

Cycle parking

29. The Council is concerned that the developments do not encourage sustainable modes of travel due to the lack of on-site cycle parking provision. However, there is ample space to the front and rear of the properties for the provision of suitable cycle parking facilities, and this matter could have been addressed by way of a condition to ensure compliance with Policy BT1 of the Local Plan and Policy T5 of the London Plan, which seek to promote sustainable travel choice including cycling.

Conclusion on ground (a) appeals and the deemed planning applications

30. The appeal proposals provide short-term letting opportunities for visitors in an accessible location, with resulting social and economic benefits. That said, there is no substantive evidence before me to suggest that there is a shortage of such accommodation in this locality. The appellants suggest that the unauthorised use ensures that the properties would not be vacant, but I have no reason to suppose that they would remain so given that they can revert to their lawful use with some adjustments to the internal layout. I attach only limited positive weight to these matters. Therefore, the harm I have identified is not outweighed by the other considerations advanced by the appellants. While I have not identified harm in relation to the effect on town centre vitality, the standard of accommodation provided for occupiers, or the provision for cycle parking, these are neutral considerations rather than benefits of the developments.
31. For the reasons given, I find that the appeal proposals conflict with the development plan as a whole and there are no material considerations which indicate that the decisions should be taken other than in accordance with the development plan. Therefore, the appeals on ground (a) fail and the deemed planning applications are refused.

Ground (f) – Appeals A, B, C and D

32. An appeal on ground (f) is concerned with whether the requirements of the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity.
33. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a) the remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.
34. In summary, the notices require the unauthorised use to cease and all items, fixtures and fittings associated with this use to be removed. Therefore, the purpose of the notices is to remedy the breaches of planning control.

35. The appellants suggest that the Council should have reviewed similar developments in the locality prior to taking enforcement action, and they indicate that the Council could have negotiated with them to reach agreement on an acceptable form of development. However, the appellants have not explained why they consider the requirements to be excessive, nor suggested any lesser steps to remedy the breaches of planning control.
36. There are no obvious alternatives to achieve the purpose of the notices with less cost and disruption. Therefore, the requirements of the notices do not exceed what is reasonably required to remedy the breaches of planning control. Accordingly, the appeals on ground (f) fail.

Ground (g) – Appeals A, B, C and D

37. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. In this case the compliance period for both notices is six months.
38. The appellants consider that this is insufficient and request a period of at least twelve months to enable them to find alternative living accommodation for the occupiers and for the physical alterations to be carried out. However, given the nature of the short-term letting use, there is no substantive evidence before me to indicate that it would not be possible to secure alternative accommodation and undertake the works within the stated compliance period. I am also mindful that the appeals have already delayed the notices from coming into effect, and the breaches of planning control should be remedied as soon as possible. Therefore, the appeals on ground (g) fail.

Conclusion

39. For the above reasons, I conclude that the appeals should be dismissed. I shall uphold the enforcement notices with corrections and variations, and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decisions

Appeals A and B

40. It is directed that the enforcement notice is corrected and varied by:

- the deletion of the wording in Schedule 2, describing the alleged breach of planning control, in its entirety, and the substitution of the following wording instead: “Without planning permission, the material change of use of the premises to short-term letting accommodation.”;
- the deletion of the wording in Schedule 4, describing the requirements to remedy the breach of planning control, in its entirety, and the substitution of the following wording instead:

“Step 1 Cease the use of the premises as short-term letting accommodation.

Step 2 Remove all advertisements relating to the unauthorised use of the premises as short-term letting accommodation and remove all items,

facilities, fixtures and equipment associated with the unauthorised short-term letting use from the premises.

Step 3 Remove from the outbuilding the kitchen and bathroom facilities and all associated drainage connections, partition walls, and all resulting debris, items and materials from the premises.”

41. Subject to this correction and variation, 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.

Appeals C and D

42. It is directed that the enforcement notice is corrected and varied by:

- the deletion of the wording in Schedule 2, describing the alleged breach of planning control, in its entirety, and the substitution of the following wording instead: “Without planning permission, the material change of use of the premises to short-term letting accommodation.”;
- the deletion of the wording in Schedule 4, describing the requirements to remedy the breach of planning control, in its entirety, and the substitution of the following wording instead:

“Step 1 Cease the use of the premises as short-term letting accommodation.

Step 2 Remove all advertisements relating to the unauthorised use of the premises as short-term letting accommodation and remove all items, facilities, fixtures and equipment associated with the unauthorised short-term letting use from the premises.

Step 3 Remove from the outbuilding the kitchen and bathroom facilities and all associated drainage connections, partition walls, and all resulting debris, items and materials from the premises.”

43. Subject to this correction and variation, 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.

M Offerenshaw

INSPECTOR