



Appeal Decision

Site visit made on 25 April 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2026

Appeal ref: APP/M5450/X/24/3350456

Ashridge, 30 South Hill Avenue, Harrow HA2 0NQ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended ("the Act")) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr S Shah against the Council of the London Borough of Harrow.
- The application Ref PL/1528/24, dated 4 June 2024, was refused by notice dated 30 July 2024.
- The application was made under section 192(1)(a) of the Act.
- The proposed use for which a LDC is sought is described in the application as follows: Change of use from 7 Bedroom HMO (Sui-Generis) to 8 Bedroom HMO (Sui-Generis).

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful development describing the proposed use which is found to be lawful.

Reasons

2. The **main issue** is whether the Council's decision is well-founded. Ashridge is a two-storey detached house with accommodation at roof level and located within a residential area. The property's existing use is constrained by the terms of planning permission granted on 9 March 2023 for a house of multiple occupancy (HMO) for up to 6 persons (Use class C4) to HMO for up to 7 persons (Use class Sui Generis)¹. For shorthand, the "2023 Permission". The type of use specified in the 2023 Permission is also certified through an HMO permit issued by the local housing authority², but for planning purposes, the land-use is regulated by the terms of the 2023 Permission and condition 2) requires the development to be implemented in accordance with approved plan ref SHA30-07-1001 Rev 1st; SHA30-07-1002C Rev C.
3. The proposal relates to a room on the first floor that is shown on 2023 Permission layout plans as a living room. The proposed plan ref SHA30-09-1002 shows a new bedroom. The Council contend that the living room has already been converted and contend that the room is ready for occupation given the fitting of an ensuite facilities, door keypad lock, room number, and the removal of general communal living features. I disagree as none of the facilities suggest change of use as a washroom could be used in connection with the use of the living room. In any event, the work identified by the Council as being indicative of a change in use are internal and do not fall within scope of s55(1).
4. Turning to the crux of the matter, a change of use can only be material by bringing about a definable change in the character of the main use of the whole building and not just one room.

¹ Council ref P/4030/22 granted on 9 March 2023 subject to conditions.

² Council ref WK/000715200 granted 14 September 2022. The number of licensed occupants is limited to 10.

In other words, there needs to be some significant difference in the character of the activities from what has gone on previously. On and off-site effects or environmental impacts might evidence such a change in character, but they are not the cause of the change.

5. The character of the area around the appeal site is residential comprising terraced housing. It is likely given the proximity of the site to transportation network and local shopping that some of the housing stock will have been converted to multiple residential uses and some will be in use as HMOs. Irrespective of the use of neighbouring properties, the shift from 7 bed to 8 would result in an increase in the intensity of the use. However, the evidence presented does not necessarily show that increase would automatically lead to a noticeable change in the character of the site's residential use. Ashridge is one of several two-storey properties in the road and are likely to be occupied by either large families, be subdivided into flats or be used as HMOs and therefore the change in the comings and goings from the appeal site from an additional occupier would go unnoticed.
6. The Council is also concerned about living conditions as there would no longer be a designated or communal living room. However, to me the effect of the latter's loss seems over-stated because the layout of the property includes a large open-plan and shared kitchen at ground floor level, which could easily provide reasonable space to accommodate a lounge area. In a similar vein, the delegated report does not provide cogent reasons showing how an additional occupant would result in off-site impacts arising from comings and goings or over capacity. For example, the increase from 7 to 8-bedroom HMO is likely negligible and it is unclear how an additional occupier would adversely affect neighbours' living conditions due to noise or general disturbance. Additionally, an additional occupier would lead to the production of more waste, but Ashridge has a spacious front garden sufficient to accommodate extra waste bins should that be required.
7. In addition, no evidence has been put forward by the Council that an additional occupier would result in real world impacts. Concern about pressure on cycle storage is misplaced because there is adequate storage in the rear garden. In a similar vein, there is nothing to suggest an additional bedroom would add to on-street parking demand or pressure on public transportation.

Other matters

8. The appellant submits various appeal decisions, but I have assessed this case on its individual merits and facts. The case law referred has been taken into consideration, but there is no need to summarise the cases as I have applied principles established by the Courts to the facts of this specific case. At final comment stage the appellant expressed disappointment that the Council's statement of case was returned because it was submitted after the deadline. Nonetheless, this appeal could have been decided purely based on the technical and/or legal interpretation of the facts. All the information needed is included with the application and appeal documents and so a decision can be reached on the papers.

Conclusions

9. My decision is likely to be disappointing for the Council, but I must determine the appeal based on the written submissions and my analysis and evaluation of the evidence before me.
10. For the reasons given above and having considered all other matters raised, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or

development in respect of the change of use from 7 to 8-bedroom HMO was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the Act as amended.

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED): ARTICLE 39

IT IS HEREBY CERTIFIED that on 4 June 2024 the matter described in the First Schedule hereto, constituting proposed change of use from 7 Bedroom HMO (Sui-Generis) to 8 Bedroom HMO (Sui-Generis), illustrated in drawing SHA30-09-1002, in respect of the land specified in the Second Schedule hereto and edged on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed change of use would not amount to a material change in use of Ashridge falling within scope of section 55(1) of the Act and therefore express planning permission is not required. The proposed change does not constitute a contravention of any of the requirements of any enforcement notice in force.

Signed

A U Ghafoor

INSPECTOR

Date: **22 May 2026**

Reference: APP/M5450/X/24/3350456

First Schedule

Proposed change of use from 7 Bedroom HMO (Sui-Generis) to 8 Bedroom HMO (Sui-Generis) as illustrated in drawing no SHA30-09-1002.

Second Schedule

Land edged as shown on the plan attached to this certificate and identified as Ashridge, 30 South Hill Avenue, Harrow HA2 0NQ.

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 192 of the Act. It certifies that the proposal described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the Act, on that date. This certificate applies only to the extent of the proposal described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation or use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the LPA.

Plan

This is the plan referred to in the Lawful Development Certificate dated: **22 May 2026**

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Land at: Ashridge, 30 South Hill Avenue, Harrow HA2 0NQ.

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Scale: Do not scale.

