
Appeals Decisions

Site visit made on 7 May 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 8th June 2026

**Appeals Refs: APP/Y5420/C/24/3344173 & APP/Y5420/C/24/3344174
621 Green Lanes, Hornsey, London N8 0RE**

- The appeals are made by David Benedikt of Sternglade Ltd and by Isaac Glausius under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: FCV/2020/00188) issued by Haringey London Borough Council on 27 March 2024.
 - The breach of planning control alleged in the notice is "the material change of use of the property from a House in Multiple Occupation to 8 self-contained flats".
 - The requirements of the notice are as follows: -
 - "1. Cease the use of the property as self-contained flats
 - 2. Remove from the self-contained flats all kitchens, including but not limited to, private cooking equipment, cabinets, drawers, worktop areas, sinks and drainage areas"
 - The period for compliance with these requirements is 5 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(b), (c), (f) and (g).
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Decisions

1. The appeals are allowed and the enforcement notice is quashed.

Reasons for the decisions

Ground (b)

2. The purpose of an appeal on ground (b) is to maintain that the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact.
 3. The appellants state that the house has been a large house in multiple occupation ("HMO") since at least 2007 and that at the time the notice was issued the licence was for a maximum of 14 people in seven units with a communal kitchen. The eighth unit in the single-storey rear extension granted planning permission in 2019 needed to be added to the licence at this time. This permission authorised the erection of a ground and first floor extension to existing HMO to provide additional living accommodation. Units 3 and 8 of the HMO are now in the extension.
 4. A survey report prepared when the appellants acquired the property in 2019 confirms that each of the units existing then already had their own kitchen units, including sinks and cooking facilities. The planning officer's report in 2019 in connection with the extension confirms that the property was in use as an HMO. The appellants state that the facilities provided have not changed
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since then, apart from the erection of the extension, but that they were advised in a routine licensing inspection report in 2024 to provide suitable work tops for food preparation in some of the units.

5. The Council state that the lawful use of the property is a large HMO and confirm that it has been licensed by the Council as an HMO since 2007. The Council accept that an HMO can include self-contained units of accommodation for the purpose of HMO licensing, but they maintain that the relevant test in deciding whether the units are self-contained flats requiring planning permission is based on the High Court decision in *Gravesham Borough Council v Secretary of State for the Environment* (1984) 47 P&CR 142. In this case it was decided that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day-to-day private domestic existence.
6. Following an inspection carried out by the Council in 2024, the Council concluded that the range of facilities provided within each of the eight units is sufficient for the units to be treated for planning purposes as flats and not as HMO units, in terms of meeting the criteria relating to self-containment and the ability to provide the facilities required for day-to-day private domestic existence, particularly as the units provide both private bathroom and independent cooking facilities for their occupants.
7. This conclusion was reached in spite of the fact that the Council's licensing standards for HMOs, which impose minimum requirements relating to personal hygiene and kitchen facilities in HMO units, permit each HMO unit to have the exclusive use of a bath and shower and a WC and a set of kitchen facilities exclusive to the letting of that unit. The set of exclusive kitchen facilities which is listed in the standards includes an oven, a grill and burners or hotplates and other items that the enforcement notice requires to be removed from all the units, potentially putting the appellants in breach of their HMO licence.
8. I understand the term 'flat' for planning purposes to refer to a part of a building that has the characteristics of a dwellinghouse in its own right, that is to say the ability to afford to those who use the flat the facilities required for day-to-day private domestic existence. It would satisfy the *Gravesham* test if it would be considered by reasonable people to comprise such accommodation.
9. I consider that if any of the units are to be regarded as being flats for planning purposes, they should at the very least be large enough to function adequately as a combined living room, dining room and bedroom area with their own toilet facilities and their own kitchen or kitchen area and be self-contained to the extent of not sharing with other units the communal kitchen, cooking, dining and clothes washing facilities provided in the HMO.
10. Units 3 and 8 are larger than the other units, as approved by 2019 planning permission to extend the HMO, but even they share with the other units the use of the communal facilities in order to provide them with the full range of facilities required for day-to-day domestic existence. All the other units are too small to be considered to be self-contained or to be large enough to accommodate the combination of accommodation referred to above. In my opinion, as a matter of fact, none of the eight units is a flat for planning purposes. The allegation in the notice that there has been a material change of

use of the property from an HMO to eight self-contained flats has not occurred and the appeal has therefore succeeded on ground (b).

Grounds (c), (f) and (g)

11. As a result of the success of the appeal on ground (b), the enforcement has been quashed. Grounds (c), (f) and (g) no longer fall to be considered.

D.A.Hainsworth

INSPECTOR