
Appeal Decision

Site visit made on 21 April 2026

by **Richard S Jones BA(Hons), BTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2026

Appeal Ref: APP/G5750/C/24/3344280

Land at 95 Idmiston Road, Stratford, London, E15 1RG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr B Ludi (Ludi Properties Limited) against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 17 April 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use to a Use Class C4 house in multiple occupation (HMO).
 - The requirement of the notice is to:
 1. Cease the use as a Use Class C4 house in multiple occupation.
 - The period for compliance with the requirement is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (b) 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.
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Decision

1. It is directed that the enforcement notice is corrected by:
 - Deleting the words “Use Class C4” in section 3.
 - Deleting the words “Use Class C4” in requirement 1 of section 5.
2. Subject to the corrections, 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.

The Appeal on Ground (b)

3. The ground (b) appeal is that the breach of control alleged in the enforcement notice, namely a material change of use to a Use Class C4 HMO, has not occurred as a matter of fact.
4. Class C4 is the use of a dwellinghouse by not more than six residents as an HMO. HMOs with more than six occupiers fall outside of any use class (*sui generis*).
5. The appellant’s case under ground (b) is that the house is occupied by seven ‘sharers’, living in five separate households. A letter from the letting agents dated 8 May 2024 states that the house is currently occupied as such and has been continuously occupied by seven people for several years, save for short periods between lets, and that seven people were in occupation on the date the enforcement notice was served. Accordingly, it is argued that the property is not in use as a Class C4 HMO as a matter of fact.
6. That, however, contradicts the response given by the same letting agent to the Council’s Planning Contravention Notice (PCN) dated 2 May 2023, relating to a

suspected breach comprising the material change of use to a HMO, rather than specifically a Class C4 HMO.

7. The response given lists five occupants at that time, which is consistent with the emails to the Council from the same letting company, the first of which is from around the time of the PCN response (9 May 2023), whilst the second is dated shortly before the enforcement notice was issued (4 April 2024).
8. Given that level of occupancy is consistent with a Class C4 HMO, it is entirely understandable that the Council identified the breach as such. As sanctions apply to a PCN response, that attracts greater weight than the signed letter submitted with the appeal. Ordinarily, that would lead me to find that the ground (b) appeal should fail. However, I am mindful that the appellant refers to an HMO licence for seven occupants in five households.
9. In the circumstances, it is therefore unnecessary to specifically refer to Use Class C4 in the allegation. The parties agree that a material change of use to an HMO has occurred; the dispute is only whether it is in Class C4 or is sui generis. Therefore, correcting the enforcement notice by deleting reference to Class C4 would allow it to address either scenario.
10. As the appellant has actively pursued a ground (b) appeal that essentially confirms use as a large HMO, doing so would not cause injustice to him. Nor would it cause injustice to the Council because as drafted the requirement to cease the use as a Class C4 HMO wouldn't prevent the appellant from using the property as a sui generis HMO.
11. The appeal on ground (b) succeeds.

The Appeal on Ground (a) - the deemed planning application

Main Issues

12. The main issues are:
 - the effect of the development on community cohesion and the Borough's stock of family housing;
 - whether the property provides acceptable living conditions for its occupants, with particular regard to the provision of communal living space and the potential for noise and disturbance; and
 - the effect of the development on the living conditions of occupants of neighbouring properties with particular regard to noise and disturbance.

Reasons

Housing Stock

13. The appeal relates to a two storey, mid-terrace house, with two storey rear outrigger and single storey rear extension.
14. Newham Local Plan 2018 (LP) Policy S6, seeks to support population stabilisation with a greater focus on improving housing quality, protecting and increasing family housing, and restricting HMOs and flat conversions. LP Policy H4 similarly states

that the Council will specifically protect 3 and 4+ bed family housing¹. LP Policy S1 also seeks to protect family housing whilst LP Policy H3 states that large and small HMOs should be purpose-built or converted from premises other than family-sized dwellings.

15. Based on need, relevant development plan policies therefore clearly prioritise family housing over HMOs. Conventionally laid out, the appeal property would provide a three-bedroom house, so its use as an HMO results in the loss of family housing.
16. Just because the property may not have been used as such for many years, does not mean that the above policy requirements should be set aside. Rather, LP Policy S6 seeks to encourage de-conversion of family-sized Victorian and Edwardian homes that have been subdivided in the past, whilst Policy H1 seeks to secure a significant increase in the provision of family housing to replace that lost to conversion.
17. The appellant argues that the Council does not provide robust evidence that smaller HMOs serve to destabilise the community and harmfully contribute to population churn. Notwithstanding the lack of contrary evidence from the appellant, HMOs by their very nature, provide a more transient form of accommodation and a higher turnover of occupants who are less likely to be actively engaged in the community. Whilst the appellant states that the use is modest in scale and will have no more than six occupants (based on a Class C4 use), that argument could be repeatedly applied resulting in a very significant cumulative effect.
18. I therefore find that the use of the property as an HMO results in the loss of family housing and undermines the Council's ability to stabilise the community and reduce population churn, contrary to London Plan Policy GG4 and LP Policies H1, H3, H4, S1, S6, SP1, SP2 and SP3.
19. The Council in its corresponding reason for issuing the enforcement notice, also cites conflict with LP Policies SP2 (healthy neighbourhoods) and SP3 (quality urban design within places). However, I find those policies to have limited relevance to this main issue.

Living conditions of occupants

20. The Council refers to undersized accommodation but does not specifically identify any relevant space standard deficiencies. Nevertheless, I agree that it is clearly desirable to provide appropriately sized and equipped communal areas relative to the number of occupants as deficiencies in that regard will result in residents having to spend long periods of time in their individual bedrooms, which are not designed to be used as main living space for prolonged periods of time. That in turn can hinder social cohesion within the property.
21. However, in this case, I saw that the property benefits from a relatively large open plan kitchen/diner, with a table and six chairs, as well as a small sitting area. I also saw tables and chairs in the shared garden space, accessed directly from the kitchen, which were evidently being used by occupants.

¹ Notwithstanding the intention of LP Policy H4 to specifically protect family housing, the policy justification sets out circumstances where subdivision or conversion can have multiple benefits, or more desirable outcomes than the status quo. To address this, the policy includes criteria that would allow subdivision or conversion of existing units in specified circumstances. However, the appeal property would not meet the relevant criteria contained therein.

22. In overall terms, I do not find the level of communal space provided for occupants to be unacceptably deficient or contrary to LP Policy SP8, insofar as it expects development proposals to make appropriate provision for communal spaces and private amenity spaces in multiple-user buildings (including HMOs).
23. Given the solid doors to the ground floor bedrooms, I am satisfied that the privacy of occupants of those rooms would not be unduly affected by other occupants moving around the inside of the property.
24. However, to access all shared facilities (save for the upstairs toilet), occupants would have to walk past the door to the middle ground floor bedroom, which also faces towards the side of the stairs. It is therefore somewhat inevitable that the occupants of that room would experience greater levels of noise and general disturbance from activity within the property. Occupants of the front ground floor bedroom would be less affected, but any gains would be partly lost from noise and disturbance from occupants entering and exiting the property, given its position close to the main entrance.
25. In overall terms, the level of harm arising would not be sufficient to withhold planning permission on those concerns alone, but it adds weight to the above primary concern over the loss of family housing.
26. Consequently, the manner in which the property is arranged results in harm to the living conditions of occupants of the ground floor bedrooms, particularly the middle bedroom, contrary to London Plan Policy D6 and LP Policies SP2, H1 and H4. Those policies state, amongst other things, that qualitative aspects of a development are key to ensuring successful sustainable housing.
27. The corresponding reason for issuing the enforcement notice also cites conflict with London Plan Policy D4 (delivering good design), LP Policies S1 (spatial strategy and strategic framework), SP1 (Borough-wide place-making), SP3 (quality urban design within places), and H4 (protecting and re-shaping the existing housing stock). However, I find those policies to have limited relevance to this main issue.

Living conditions of neighbouring occupants

28. Depending on whether the property is used as a Class C4 or sui generis HMO, occupation could be up to six or seven persons in up to five households.
29. That amounts to a significant intensification in the use compared to what could reasonably be expected of a relatively modest, mid-terrace, three-bedroom house, as those unrelated individuals/couples come and go as part of their separate work and domestic regimes. Those unconnected individuals will also attract their own visitors and deliveries at different times during the day and evening.
30. Moreover, the number of separate individuals/couples using the rear garden for recreation and for entertaining visitors is also likely to result in a more intensive use of the garden than would be the case with a single family occupying the property.
31. Whilst I have no evidence of complaints arising from its HMO use hitherto, with different occupiers that could change. Within the context of a relatively tight knit residential terrace, the use is much more likely to result in unacceptable harm to the living conditions of neighbouring occupants through noise and general

disturbance, thereby conflicting with London Plan Policy D14 and LP Policy SP8. Those policies state, amongst other things, that all development is expected to achieve good neighbourliness and fairness from the outset.

32. The Council also cites conflict with LP Policy SP2 (healthy neighbourhoods) but again I find that policy to have limited relevance to this main issue.

Other Matters

33. I appreciate that the property may have an HMO licence for up to seven occupants, but it is necessary for me to be satisfied that the appeal development is acceptable in planning terms, without reliance on other legislative regimes where the considerations over the acceptability of the use may well be different.

Conclusion

34. For the reasons given above, I conclude that the material change of use to an HMO is contrary to the development plan as a whole, and material considerations do not indicate that the appeal should be determined otherwise than in accordance with the development plan. The ground (a) appeal should not therefore succeed. I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Richard S Jones

INSPECTOR