



Appeal Decision

Site visit made on 30 June 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2026

Appeal Ref: APP/Y0435/C/25/3365515

Flat 7, Heath Court, Lower End Road, Glebe Farm, Milton Keynes MK17 8XS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr R Khodabux (SGSL Limited) against an enforcement notice issued by Milton Keynes Council.
 - The notice was issued on 10 April 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised change of use of a private dwellinghouse (Use Class C3) into an office (Use Class E(g)(i)) ('the Unauthorised Change of Use') following refusal of planning application 22/00184/FUL) and the dismissed planning appeal reference APP/Y0435/W/23/3323547)
 - The requirements of the notice are to:
 - (i). Permanently cease the use of the Property as a Class E(g)(i) office use.
 - (ii) Permanently remove from the site all materials and debris that arise from carrying out step (i).
 - The period for compliance with the requirements is three months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (b), (c) & (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is varied by the deletion of "three months" and its substitution with "twelve months" as the time for compliance. Subject to that variation, the appeal is dismissed and the enforcement notice is upheld.

The Appeal on Ground (b)

2. An appeal on ground (b) is made on the basis that the matters alleged in the notice have not occurred as a matter of fact. The appellant does not dispute that the former flat is being used as an office to some extent and that was visible at the time of my site visit. One room in particular was set up as an office where on-site staff could work, with computers at two desks and a CCTV monitoring screen enabling them to view other properties and locations within the block of accommodation which comprises 7 self-contained flats, managed by the appellant.
3. According to the information before me, staff will complete observation notes, work on support plans for residents and be available for tenants for general queries and assistance. In addition, on site staff will support residents with cleaning, shopping, cooking, taking medication, accessing appointments, education, employment and the like.
4. In that sense, the unit is a base for on-site staff, with some of the administrative functions one would associate with an office. Residents from the managed accommodation are also free to visit the unit in question and the kitchen/ lounge area is set up as a communal space with television, games area and seating.

5. However, whilst the appellant does not dispute that part of the unit is used as an office, he contends that it is also used as overnight accommodation for staff on a shift basis such that the overall use is fundamentally not what is alleged in the notice.
6. The Council contends that the use, at the time the notice was served, was as an office, based upon information available at that time, including evidence submitted within the retrospective planning application. The description of development for which planning permission was sought, as described on the appeal decision, was “the use of Flat 7 as an office for the base of operations for supported living services to the residents of Flats 1-6 and Flat 8”.
7. From reading the appeal decision the Inspector was clearly aware that overnight sleeping accommodation formed part of the use for which permission was being sought retrospectively. Looking at the evidence it seems to me that there is no dispute between the parties as to how the former flat is being used, the question is whether the description given in the enforcement notice adequately covers what is taking place.
8. Class E(g)(i) of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO) relates to use “as an office to carry out any operational or administrative functions”. It seems to me that is perfectly apt to describe the use taking place within the building in question. Staff undertake an element of administration but also use it as a base for operational functions in terms of supporting those residing in the managed apartments.
9. The sleeping accommodation is essentially an ancillary part of that wider function. It does not form the main residence of any of the staff but is somewhere to sleep when working the night shift, the purpose of which is to make sure someone is on site at all times. In other words, staff are only there because they are working. Likewise, the kitchen will function much like any other staff kitchen which would commonly form part of an office use.
10. The bed itself is a fold down bed which is concealed within a wardrobe within the office room when not in use during the daytime. There is no separate bedroom. It is simply somewhere to get some sleep during the quieter night time period when presumably the demands on staff are less intensive. Thus, it seems to me that the primary use is an office within Class E(g)(i), with make-shift sleeping arrangements for staff to use whilst working overnight.
11. It is not a residential use with ancillary office accommodation, as alleged by the appellant, given that all staff live elsewhere and only use the unit when at work and the bed when working night shifts. The primary function is as alleged in the enforcement notice.
12. It follows that the material change of use as described in the enforcement notice has occurred as a matter of fact and the appeal on ground (b) must fail.

The Appeal on Ground (c)

13. An appeal on ground (c) is made on the basis that the matters alleged in the enforcement notice do not amount to a breach of planning control.

14. As set out at s55(1) of the Town and Country Planning Act 1990 (the Act), the material change of use of buildings or land represents development. S57(1) identifies that planning permission is required for such development.
15. When considering whether a material change of use has occurred, the starting point is to identify the correct planning unit. In the case of apartment blocks it is commonly the case that each individual flat will represent a separate unit of accommodation. That would appear to be the case here. Whilst assistance is provided, each of the residents are free to come and go as they please and occupy the respective flats as their sole residence. The residents of each flat form a distinct household, unrelated to other households within the block. There is no suggestion by either party that there has been a material change of use of any of those units, which continue to be occupied by individual households within Use Class C3.
16. It is not clear if flat 7 was occupied by a resident or residents who were supported by the appellants before the unit was converted into an office base or whether it was occupied as a dwelling by someone unconnected with the present use. In any event, all of the evidence suggests it was a self-contained unit, much like the other seven units. Whilst there is some communal space, such as stairwells and external parking, each flat within the block represents a separate planning unit in my view.
17. Notwithstanding the provision of overnight sleeping accommodation, the characteristics of the use as an office within Class E(g)(i) and a dwellinghouse within Class C3 of the UCO are materially different. Unlike a dwellinghouse which will be occupied by people forming a single household, the primary function of those using the unit in question is as a place of work.
18. The two uses would therefore have different on and off-site impacts in a number of ways. Those using the unit are there to assist other residents and travel patterns would be different accordingly, given that staff are unlikely to be coming and going to other places of employment, schools or leisure activities etc. The previous planning appeal was dismissed due to the loss of a residential unit of accommodation, contrary to an adopted policy of the development plan which sought to retain residential properties, no doubt in response to a defined local need for residential accommodation. That policy conflict and impact on housing supply is indicative of a material change in the nature of the use, of itself.
19. I do not accept the appellant's contention that the use is ancillary to the wider use of the block. For the reasons given, each flat within the block contains an individual household. Although those households share a need for assistance provided by the appellant, they are otherwise unconnected. The block as a whole is not a single planning unit being run as a care home but a series of separate households to which assistance is provided. Thus, the use of flat 7 is not ancillary to the use of a larger planning unit but is a distinct use and planning unit, of itself.
20. There has been a material change of use from a dwellinghouse to an office use within flat 7 and planning permission is required for that material change of use. If the appellant considered that no material change of use had occurred, it is not clear why planning permission was sought for the change in use. As it is, permission was refused and dismissed at appeal. In the absence of planning

permission, the development represents a clear breach of planning control and the appeal on ground (c) must fail.

The Appeal on Ground (g)

21. The appellant contends that the requirement to cease the use of flat 7 as an office will result in all of the residents of remaining units having to be re-housed in the absence of on-site, overnight, support. Accordingly, an extension from the 3-month period given for compliance to an 18 month period is requested.
22. If the appellant's case is correct in that regard it is a situation where the home lives of those living within the block will be indirectly affected by the loss of the office support space. Whilst not directly raised by the appellant it seems to me that Article 8 Convention Rights are engaged¹. Such matters are of relevance to an appeal on Ground (g).
23. Rights under Article 8(1) are qualified rights and, in appropriate circumstances, interference may be justified in the public interest. Regulation of land use through development control measures is recognised as an important function of Government and is necessary to ensure the economic well-being of the country. In that sense, the regulation of development for legitimate planning aims can be said to be in the public interest. The aim is to strike the right balance between the general interests and rights of the wider community and the requirement to protect an individual's private rights. Central to the principle of a fair balance is the doctrine of proportionality.
24. In respect of the appeal on Ground (g) that requires me to take into account the severity of the potential impact upon the residents and balance that against the need for expediency in remedying the breach in the public interest. Clearly, the shorter the period for compliance, the greater potential for disruption, given that the appellant will have less time to find alternative accommodation for those involved.
25. That said, the information provided does not demonstrate that all residents would need to be re-homed. The Service Specification provided at Appendix 4 of the appellant's statement of case appears to be a generalised document relating to service providers for the type of "supported living" services and assistance provided by the appellant and his company. It does not set a general requirement for on site presence in the evening hours. Paragraph 10.1 identifies three main options from on-call support, sleeping night support and waking night support.
26. The document identifies that the type of overnight care required will vary depending on the needs of the user and that those needs may change as time goes by. It is not clear what the needs of each of the residents in the block are. Information has been provided in respect of two people, understandably anonymised for GDPR purposes, at Appendices 6 & 7. The information at Appendix 6 does not refer to a need for overnight support. Paragraphs 1.2 and 5.1, referred to by the appellant, do not make clear that such support is required or part of the agreed package.
27. In terms of Appendix 7 there is reference to a need to monitor the specific resident overnight due to a history of absence and choosing to go and live on the streets. It

¹ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998

would therefore appear that overnight support is required for that resident. No information is provided for any of the other residents in the block and it is far from clear that their tailored support package requires a 24 hour on-site presence, such that they would have to move without it.

28. Thus, there is some uncertainty in relation to the impact of the requirements on all residents of the site. However, what is clear is that each requires some form of assistance, the degree of which will no doubt vary according to their individual needs. The present operation is set up to provide assistance on site and from what I witnessed on my site visit, it appears to be a very well organised set up. It is not for me to revisit the merits of the development in the absence of an appeal on Ground (a).
29. However, in respect of the timing of the requirements, the appellant provides care to vulnerable individuals and the three month period currently provided for seems unduly short in my view in order to fully address the changed circumstances and make sure that alternative suitable support is in place. Some may well have to move as the appellant suggests and others may need alternative forms of support. All of that will no doubt be complex.
30. It may be that some form of alternative on-site base for workers could be provided without the need to lose a residential unit which was the primary reason for the previous appeal to be dismissed. It is not for me to comment on the merits of any alternative, which may require planning permission, but it seems reasonable to allow a period of time for such matters to be considered.
31. Putting all of that together, I find the 3 month period is unreasonably short. No real explanation as to why 18 months is needed has been provided. It is not a precise science but a 12 month period would allow other accommodation to be considered and found if necessary whilst also allowing a period to contemplate whether an alternative on-site solution could be achieved, alleviating the need for a broader upheaval.
32. In my view extending the compliance period to 12 months would strike a proportionate response and the appeal on Ground (g) succeeds to that extent.

Overall Conclusion

33. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable and I shall vary the enforcement notice prior to upholding it.

Chris Preston

INSPECTOR