



Appeal Decision

Site visit made on 7 July 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 30 July 2026

Appeal Ref: APP/G5750/C/23/3332539

Land at 86 Thackeray Road, East Ham, London E6 3BW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss S Ring against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 25 October 2023.
 - 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 requirements of the notice are to: Cease the use as a Use Class C4 house in multiple occupation.
 - The period for compliance with the requirement is: 6 months
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. Caselaw has established that the onus of proof on legal grounds of appeal, including grounds b) and c) falls on the appellant, with the evidence tested on the balance of probabilities. Accordingly, an appellant is required to provide sufficient evidence in making their case. Also, an appellant's evidence should not be rejected simply because it is uncorroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted. The advice in the national Planning Practice Guidance (PPG) also reflects these Court judgments.

The ground (b) appeal

3. An appeal on ground (b) is a claim that the alleged matters (i.e. those matters stated in the notice which may give rise to the breach of planning control) have not occurred as a matter of fact.
4. In this case, the onus rests firmly with the appellant to demonstrate, on the balance of probabilities, that, at the date the notice was issued, the use of the appeal property as a house in multiple occupation (HMO) within Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 ("the Order") had not occurred. My assessment is therefore necessarily fact-specific and based on the evidence before me.
5. The appellant considers that the appeal site remains in lawful use as a Class C3(c) dwellinghouse. The Order defines it as the "Use as a dwellinghouse (whether or not as a sole or main residence)" by – "(c) not more than six residents living

together as a single household where no care is provided to residents (other than a use within class C4)". The Order does not define the term "single household" for the purposes of use class C3(c).

6. The parties agree that, when the notice was issued, the property was occupied by six individuals. While limited information has been provided regarding their individual identities, the evidence describes them as comprising a 'family' unit of four cousins and a separate unit comprising a married couple. In any event, it is not in dispute that the appeal site was occupied by no more than six residents, and there is no evidence that care was being provided to any of the occupants.
7. As the appellant contends that the appeal site falls within Use Class C3(c), the remaining principal matter is whether the residents were living together as a single household. Whether this was the case is a matter of fact and degree, to be determined having regard to the circumstances of the case as a whole. A range of factors may be relevant, including the composition and stability of the group, the nature of the relationships between occupiers, their reasons for living together and the extent to which they share their domestic life. The arrangements for occupation of the property, including tenancy and bill payment arrangements, may also be relevant.
8. Given the appellant seeks to demonstrate that the appeal site is within Use Class C3(c), there is a notable lack of precise and unambiguous evidence as to how the occupiers lived together as a single household.
9. During my site visit, I observed that the occupiers share kitchen and bathroom facilities. Additionally, many of the bedrooms contained personal household items such as toiletries, detergents, bottled water, cleaning products, snacks, shoe storage and refuse bins. One bedroom contained a small refrigerator, and several rooms had their own entertainment systems, including televisions and a projector. Clothing was being dried in multiple locations, including the living room, basement rooms and two separate areas within the rear garden. The communal facilities also appeared limited for a single household of six people. Although there was a living room with a television, its size and layout would be unlikely to comfortably accommodate all six occupiers at the same time. There was no dining room and no suitable furniture within the living room to support communal dining for all six occupiers. While the kitchen included a small table, it appeared capable of accommodating only a few people at once.
10. Additionally, the property displayed a number of features typically associated with managed shared accommodation. These included multiple signs indicating the location of fire exits, "No Smoking or Vaping" notices, and a prominently displayed set of "Kitchen Rules" dealing with food hygiene, safety and housekeeping expectations. Whilst such features may also be found in other forms of accommodation, their presence is more indicative of independent living within the property.
11. I have also considered the appellant's reliance on the dictionary definition of "cousin", with reference to the Oxford English Dictionary. However, the appellant's own evidence confirms that the property is occupied by two separate family groups comprising six individuals in total. This does not support the appellant's contention that the occupiers form a single household.

12. Furthermore, the appeal property benefits from a current mandatory HMO licence (reference 22/05057/HOHMOL). Whilst the licensing regime operates separately from the planning system and is not determinative of the planning use of the property, it remains consistent with my findings that the property is occupied as a Class C4 HMO.
13. Taking account of all these factors together, I find on the balance of probabilities, that the evidence does not amount to the precise and unambiguous evidence necessary to demonstrate that the occupiers share their domestic life together as a single household. Rather, the evidence as a whole indicates that the appeal site was occupied as a Class C4 house in multiple occupation at the date the notice was issued. Accordingly, I find that the matters alleged in the enforcement notice have occurred.
14. The appeal on ground (b) therefore fails.

The ground (c) appeal

15. For an appeal on ground (c) to succeed, an appellant needs to show that the matters alleged in the notice do not constitute a breach of planning control
16. S55 of the Act defines “development” as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. The carrying out of development without the required planning permission constitutes a breach of planning control.
17. As set out above, I have found, as a matter of fact and degree, that the appeal site is in use as a Class C4 HMO. Furthermore, I am satisfied that the nature and character of that use is significant and as such, constitutes a material change of use.
18. There is no evidence before me to demonstrate that the appeal site benefits from an express planning permission authorising this C4 Use. Furthermore, the Council's Article 4 Direction, which came into force on 3rd July 2013, removed permitted development rights for changes of use from Class C3 to Class C4. Consequently, planning permission has been required for such changes of use since that date.
19. Overall, I find that the appellant has failed to provide sufficiently precise and unambiguous evidence, tested on the balance of probabilities, that the matters alleged do not constitute a breach of planning control.
20. The appeal on ground (c) therefore fails.

Conclusion

21. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

S Lo

INSPECTOR