



Appeal Decision

Site visit made on 2 June 2026

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 4 August 2026

Appeal Ref: APP/G5750/C/25/3358326

Land at 42 Disraeli Road, Forest Gate, London E7 9JP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Ahmad Jamil of AJB International Ltd against an enforcement notice issued by the Council of the London Borough of Newham.
- The notice was issued on 27 November 2024.
- The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the premises to short term lets.
- The requirements of the notice are to:
 1. Cease the use of the property as short term lets.
 2. Remove the advertisement of the property for short term lets from all booking websites.
- The period for compliance with the requirements are: three months from the date this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) 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.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a correction in the terms set out below in the Formal Decision.

The Enforcement Notice

1. Section 176(1) of the Act states that, on appeal, the Secretary of State may (a) correct any defect, error or misdescription in the enforcement notice; or (b) vary the terms of the enforcement notice, if they are satisfied that the correction will not cause injustice to the appellant or the LPA. It is important to do this even where the issues have not been explicitly raised because of any potential further legal proceedings if the notice is not complied with.
2. The requirement in Section 5.2 of the notice would necessitate actions beyond the discontinuing of the use. This requirement would also necessitate undertaking something that may not be entirely within the control of the owner or occupier of the property. Whilst removing online advertising may be attempted, a different person or organisation would be responsible for the online system such as the booking service provider. If the advertisement is not actually taken off-line it could complicate subsequent legal action for non-compliance.
3. It is necessary for an enforcement notice to be precise and unambiguous, but this requirement is neither of those things. It also unnecessarily goes beyond requiring the alleged unauthorised use to cease. I am satisfied that this requirement can be removed without causing injustice to the appellant or the Council.

Application for costs

4. An application for costs was made by the Council of the London Borough of Newham against Mr Ahmad Jamil of AJB International Ltd. This application is the subject of a separate Decision.

Procedural Matter

5. Although the appeal was initially made under the ground (a) and (f) headings, the appellant's written submissions also raised points of relevance to ground (d) - i.e., that, at the time the enforcement notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. However, due to insufficient evidence of the continuous use of the property for short-term letting, the appeal on ground (d) could not succeed. In any event, the appellant's response to the Council's Planning Contravention Notice confirmed that the short term let use only began in February 2023. Accordingly, the use cannot have operated for sufficient time to accrue lawfulness in accordance with s171B of the 1990 Act.

Appeal on ground (a)

6. An appeal on ground (a) is brought on the basis that planning permission ought to be granted for the matters stated in the notice as constituting a breach of planning control.

Main Issues

7. The main issues are:
 - Whether the development results in an unacceptable loss of specialist accommodation;
 - Whether the appeal property is in an appropriate location for visitor accommodation; and
 - The effect of the development on the living conditions of the residents of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Specialist accommodation

8. The appeal building is a large two storey end terraced property that sits in a prominent corner location next to the junction of Disraeli Road and Knox Road. There is no dispute between the main parties that the last lawful use of the appeal building fell within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), as a residential institution with the provision of personal care and treatment for patients with severe mental illness. I have no substantive reason to question this.
9. Policy H3 of the Newham Local Plan, 2018 (the Local Plan) sets out that specialist provision of housing for vulnerable people (falling in Use Class C2) will be protected as community facilities/social infrastructure in accordance with policy INF8.

10. Policy INF8 requires evidence to be provided to satisfy one of three criteria listed under paragraph 3.e before a community facility can be released for other uses. These include demonstrating that the facility has been assessed and identified as surplus through a broader strategic approach changing the model of provision that is of local benefit. Evidence that the site has been marketed for a range of existing lawful uses for at least six months, at a price or rent based on market value and benchmarked against a minimum of three comparable properties in the area is also required. Alternatively, it is required to be shown that the facility is unsuitable in terms of its size and scale for its location, taking into account the spatial strategy, which prioritises Town and Local Centres.
11. Whilst the appellant argues that any impacts would be minimal, no such evidence has been provided to justify the loss. In the absence of any substantive evidence to the contrary I therefore find that the development results in an unacceptable loss of specialist accommodation. It thereby conflicts with Policies H3 and INF8 of the Local Plan.

Provision of visitor accommodation

12. The appellant considers the use of the property to support London's tourism and short-stay accommodation needs, offering comfortable and convenient accommodation for short-term visitors. It has been put to me that there are many other similar short-term lets across the borough contributing positively to the hospitality sector and tourist industry in the United Kingdom. The impacts associated with providing visitor accommodation outside a town centre or employment hub, in the appellant's opinion, would be minimal.
13. However, the change of use of this building in a predominantly residential area, to short term lets, has a cumulative effect on the demand and need for purpose-built visitor accommodation in more appropriate town centre locations. This would in turn, undermine policies that seek to locate new visitor accommodation where it would assist in vitalising and regenerating town centres and employment hubs.
14. The appeal property is therefore not in an appropriate location for visitor accommodation. Accordingly, the change of use fails to accord with Policy J1 of the Local Plan, which seeks to focus quality visitor accommodation in town centres, or employment hubs with business and leisure visitor needs. It also conflicts with Policy E10 of the London Plan (2021) (LP), which directs serviced accommodation in outer London and outside London's Central Activities Zone (CAZ) to town centres and opportunity areas.
15. The Council has referred to LP Policy H9 in its evidence, which promotes the efficient use of existing housing stock. However, given that the development does not result in the loss of housing, I find no conflict with this policy. The Council has also not explained the relevance to this case of Local Plan Policies S1, S2, S6, SP1, SP2, SP3, SP6, SP8, and INF5 or LP Policy GG5, which are listed in the notice. Therefore, I am unable to find any conflict with these policies.

Living conditions

16. Disraeli Road is densely developed and has a relatively quiet residential character comprising a mixture of semi-detached and terrace properties that have modestly sized back yard areas.

17. The nature of the use as short term lettings has the potential to cause disruption to neighbouring residents through comings and goings. This could be late in the evening or early in the morning, and from associated noise, whether from the movement of luggage or from vehicles and guests. The use of the rear yard area could also be intensified. Furthermore, it cannot be ruled out that visitors with luggage may arrive or leave by taxi or private car. Due to the number of rooms and the level of associated activity with short term lets, which are located in close proximity to residential properties, the use is likely to result in an increased level of noise which could cause disturbance to neighbouring residents.
18. In the absence of any substantive evidence to the contrary I am unable to conclude that the use of the property for short term lets, is not likely to give rise to a higher level of activity than what might be reasonably carried out as specialist accommodation. Although the appellant refers to no complaints being recorded against them, I am mindful of the objections raised by a neighbouring occupier, and the co-owners of the property specifically referring to noise and disturbance issues and complaints which have resulted from the unauthorised change of use.
19. Whilst the appellant states that they have improved the guest communication process, including stricter check-in times and better instruction, no details of these changes have been provided.
20. I therefore find that the change of use of the property to short term lets has resulted in an unacceptably harmful effect on the living conditions of neighbouring residents with regard to noise and disturbance. This conflicts with Policies SP2, SP3 and SP8 of the Local Plan and Policies D1, D13, D14 and E10 of the LP. These policies require, amongst other matters, that all development achieves good neighbourliness and fairness from the outset by avoiding negative and maximising positive social, environmental and design impacts for neighbours on and off the site. They also seek improved health, wellbeing and quality of life.
21. In addition, conflict arises with Paragraph 135 of the National Planning Policy Framework which seeks to ensure all developments create places with a high standard of amenity for existing and future users.

Other Matters

22. It has been put forward that the property has been used for short term lets for a long time, that a number of people are employed by the business, and that a supply chain has been created in the area. It is also stated that no unauthorised internal works have been carried out and that the appeal property has been maintained to a high standard, with professional cleaning and regular maintenance.
23. However, no further information has been provided in respect of the number of employees, the operation of the business or any direct and indirect economic benefits and investments in the borough. It is also alleged that the material change of use of the property was undertaken in good faith, in agreement with the landowner. Nonetheless, ignorance of planning regulations is not a reason to justify development. As such, these matters do not outweigh or overcome the harm that I have identified.

Conclusion on ground (a)

24. Accordingly, the development conflicts with the development plan and there are no other considerations to warrant taking a decision otherwise than in accordance with it. The appeal on ground (a) should therefore not succeed, and I shall refuse the deemed application for planning permission.

Appeal on ground (f)

25. An appeal on ground (f) is brought on the grounds that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters stated in the notice or, as the case may be, remedy any injury to amenity which has been caused by such breach.
26. Section 173(4) of the 1990 Act states that the purpose of an enforcement notice is to (a) remedy the breach of planning control, or (b) remedy any injury to amenity which has been caused by the breach. The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.
27. In this case the requirements of the corrected notice are to cease the use of the property as short term lets. Accordingly, the purpose is clearly to remedy the breach of control.
28. There is little before me to explain why the appellant considers the steps to be excessive or to detail any proposed lesser steps. Therefore, as the notice does no more than seek remedy of the breach, it is not excessive. There are no lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the notice.
29. The appeal on ground (f) therefore fails.

Conclusion

30. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

31. It is directed that the enforcement notice is corrected by:
- The deletion of the wording at Section 5.2 in its entirety, requiring the removal of the advertisement of the property from all booking websites.
32. Subject to the correction 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.

Mark Caine

INSPECTOR