



Appeal Decision

Site visit made on 3 August 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 5 August 2026

Appeal Ref: APP/G5750/C/25/3362879

174 Shakespeare Crescent, Manor Park, London E12 6NB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Dawood Fozdar against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 26 February 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the premises to a sui generis house in multiple occupation (HMO).
 - The requirements of the notice are to: Cease the use as a sui generis house in multiple occupation.
 - The period for compliance with the requirement is: five months
 - The appeal is proceeding on the ground set out in section 174(2)(f) 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. The appellant has referred to a willingness to submit a retrospective planning application and has requested a reconsideration of the application. These statements are indicative of an intent to pursue ground (a). However, the prescribed fee was not paid within the specified period, and the relevant section of the appeal form was not completed. Consequently, no valid appeal on ground (a), nor any deemed application for planning permission under section 177(5) of the Act, has been made. Accordingly, for the purposes of this appeal, there is no ground (a) for consideration.

Appeal on ground (f)

3. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
4. The notice requires the cessation of the use of the property as a *sui generis* House in Multiple Occupation in order to remedy the breach of planning control, pursuant to section 173(4)(a). Accordingly, the sole issue under ground (f) is whether the requirement exceeds what is necessary to remedy that breach.
5. On the basis of the evidence before me, I am satisfied that it does not. The requirement of the notice is directed solely at securing the cessation of the unauthorised sui generis HMO use. It does not require any operational works, alterations or additional steps beyond those necessary to remedy the breach. The

requirement is therefore precisely targeted at the unauthorised use and cannot reasonably be regarded as excessive.

6. An HMO licence (ref. 24/00331/HOHMOL) was granted on 7 March 2024. I recognise the appellant's position that the property is of a high standard, professionally managed and compliant with applicable HMO licensing requirements. Whilst that may be the case, planning and housing legislation operate under separate statutory regimes and serve different purposes. The grant of an HMO licence does not confer planning permission, nor does it authorise a use for which planning permission is otherwise required. Accordingly, I am satisfied that the existing use constitutes a breach of planning control.
7. The appellant has referred to the possibility of submitting a retrospective planning application and to the imposition of planning conditions that might regulate the use of the property. The appellant further contends that the enforcement action is disproportionate, referring to other properties within the locality that have allegedly been granted permission for HMO use. However, these matters are not relevant considerations in this ground of appeal, which is only concerned with whether the requirement exceeds what is necessary to remedy the breach. Human rights considerations do not arise in ground (f).
8. For these reasons, I conclude that the requirements of the notice do not exceed what is necessary to remedy the breach of planning control.
9. The appeal on ground (f) therefore fails.

S Lo

INSPECTOR