



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: 10 August 2026

Appeal Ref: APP/G5750/C/25/3362536

32 Kerrison Road, Stratford, London E15 2TH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Taran Patel against an enforcement notice issued by the Council of the London Borough of Newham.
- The notice was issued on 12 February 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the property 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 as short term lets from all booking websites.
- The period for compliance with the requirements is: One month
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (e), (f) of the Town and Country Planning Act 1990 (as amended).

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

Application for costs

1. An application for costs was made by the Council against the appellant. This is the subject of a separate Decision

Preliminary Matters

2. The property is a two-bedroom flat within a purpose-built block and was formerly Council-owned before being purchased in 2023. The evidence indicates that its established and long-term use has been as a permanent residence within Use Class C3. It is common ground that a selective letting licence was issued for that residential use in 2023 and remains valid until 2028.
3. Caselaw has established that the onus of proof on the legal grounds of appeal, including grounds b), c) and e), 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. 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.
4. Non-legal grounds of appeal, such as ground f), are determined clearly and strictly on the basis of the wording of the statute. As such, they rely on the exercise of

planning judgment and the balancing of competing interests. Any variation to the requirements of the enforcement notice constitute success on ground (f).

Appeal on ground (e)

5. This ground is that copies of the enforcement notice were not served as required by section 172 of the Act, which requires service on the owner, occupier, and any other person whose interest is materially affected by the notice within the prescribed statutory timescales.
6. The appellant submits that the notice was influenced by personal bias and false allegations from nearby occupiers, including a former Council employee. Reference is also made to CCTV footage said to demonstrate malicious conduct, but no such evidence has been provided. In any event, these considerations do not explain how the notice failed to comply with the statutory requirements for service.
7. The Council states that following the relevant caselaw¹, it relied upon HM Land Registry records to identify all persons with an interest in the land. The Official Copy² identifies the owner as Taran Patel of 32 Kerrison Road, London E15 2TH. Furthermore, the appellant confirms that this is the correct address in their appeal form and that they are the owner of the appeal site.
8. Having regard to the evidence as a whole, I find that the appellant has not provided sufficient evidence to demonstrate, on the balance of probabilities, that there was any failure to serve the enforcement notice in accordance with section 172 of the Act.
9. The appeal on ground (e) therefore fails.

Appeal on ground (b)

10. 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. In this case, the appellant must demonstrate that the change of use alleged in the notice at the property has not occurred.
11. The Council submits that the property is advertised across a number of online booking platforms, including Booking.com, gites.fr, londonhotelsgb.org, bedandbreakfasts.co.uk and londonapartmentsguide. Screenshots from these websites have been provided in support of the allegation that the property is being marketed for short-term visitor accommodation.
12. In particular, the evidence from Booking.com indicates that 183 reviews were posted between 2022 and 2025. Based on the dates of those reviews, the Council estimates that the property was occupied by guests for at least 131 nights during 2023 and 107 nights during 2024. These figures are likely to represent a conservative estimate of actual occupation, given that guests are under no obligation to leave reviews. Moreover, additional stays may have arisen through bookings made via other online platforms, which would not be reflected in the Booking.com review data.

¹ London Borough of Newham v Miah [2016] EWHC 1043 (Admin)

² Appendix 4 of the Council's Statement of Case

13. Additionally, the photographs and descriptions contained within the online marketing material illustrate the current use of the property. They describe the number of bedrooms and bathroom facilities, the layout of the accommodation, and the furnishings and amenities available to occupiers, including television facilities and the provision of linen and towels. The emphasis placed on these features is characteristic of the marketing of holiday accommodation or short-term lets rather than a dwelling intended for occupation as a person's sole or main residence.
14. The appellant's own evidence contain references to "guests" staying at the property. They explain that, before any guest is approved, the individual must state the purpose of their stay and agree to comply with strict house rules prohibiting parties, smoking, loud music and occupation beyond the stated maximum of six persons. Guests are also required to pay a deposit as a means of securing compliance. In addition, a noise-monitoring device has been installed within the property to prevent disturbance to neighbouring occupiers. The language used and the management arrangements described are characteristic of short-term visitor accommodation rather than a conventional residential tenancy.
15. Taken together, the appellant's submissions and the online listings provide compelling evidence that the property is being actively marketed and operated as a short term let, strongly indicating that the change of use described in the notice has occurred.
16. In reaching this view, I have considered that the property benefits from a valid selective letting licence, which relates to a separate regulatory regime governing privately rented residential accommodation. It does not authorise, nor does it determine the planning status of, any short-term letting use. The licensing and planning regimes serve different purposes and operate independently of one another. Accordingly, the existence of a selective licence for a C3 dwelling carries little weight.
17. Drawing these matters together, and having regard to the evidence before me as a whole, I am satisfied on the balance of probability that the use of the property for short term letting has occurred as a matter of fact.
18. The appeal on ground (b) therefore fails.

Appeal on ground (c)

19. An appeal on ground (c) is that the matters alleged in the notice do not constitute a breach of planning control.
20. A breach of planning control is defined at s171A(1)(a) of the Act to include the carrying out of "development" without the required planning permission. Following on, s55(1) of the Act defines "development" as including the making of any material change in the use of any buildings or other land.
21. As set out in the PPG³ there is no statutory definition of a "material change of use". However, it is linked to the significance of a change and the resulting impact on the use of land and/or buildings. Whether a material change of use has taken place is a matter of fact and degree to be determined on the facts and circumstances in any particular case. Critically, a material change of use incorporates a significant

³ Paragraph: 011 Reference ID: 13-011-20140306

difference in the character of activity from what has taken place previously. Any on-site and off-site effects can be material considerations in making such a judgment, but it is the actual character of the use of the land that is determinative.

22. The use of the property I have previously described under ground (b) indicates a significant level of occupation by different guests over a sustained period. Taken together, I find that the nature, frequency and pattern of occupation have significantly altered the planning character of the use of the property. Unlike a dwellinghouse occupied by a single household, the appeal property is characterised by a regular turnover of short-term visitors, which is an inherent and recurring feature of its operation. The effects of this activity are experienced both on and off the site. The repeated occupation by unrelated groups of visitors gives rise to a pattern of use that differs from the settled and predictable nature of a permanent residential dwelling. It also results in increased comings and goings, with associated activity, noise and disturbance arising from arrivals, departures and short-term stays. I find that this pattern of occupation generates a level and intensity of activity that would not ordinarily be expected from a dwellinghouse within Use Class C3.
23. In reaching this view, I have considered the representation from the occupier of 26 Kerrison Road, who states that they have not experienced noise or disturbance arising from the appeal property. Whilst that may be the case, having regard to the overall pattern, frequency and nature of the occupation of the property, I am not persuaded, on the balance of probabilities, that this individual representation demonstrates that there has been no significant change in the character of activity associated with the use of the site. The occupier also asserts that they have been subjected to harassment by other local residents, including being asked to make a claim against the appeal property. Whilst I have taken this submission into account, it is not determinative of this ground of appeal.
24. I have also considered the appellant's references to local groups congregating outside the apartment and playing loud music from their vehicles, particularly during late evening hours. Whilst such activities may contribute to the ambient noise levels in the area, there is insufficient evidence before me to conclude that they are the principal source of noise and disturbance. In any event, those activities are unrelated to the manner in which the appeal property is occupied.
25. As a matter of fact and degree, having regard to all the evidence before me I am satisfied that the use of the property for short-term lets represents a significant change in the character of the use of the property and has resulted in a material change of use.
26. Since no express planning permission has been granted by the Council or by the Town and Country Planning (General Permitted Development) (England) Order 2015, the use therefore constitutes a breach of planning control. While the property benefits from a selective letting license, this is a separate regulatory regime and is not determinative of the planning status of the property.
27. The appeal on ground (c) therefore fails.

Appeal on ground (f)

28. An appeal on ground (f) is a claim that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to

remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

29. The notice seeks the cessation of the alleged use of the property as short term lets and the removal of any advertisements promoting that use from online booking platforms. Hence, the purpose of the notice is to remedy the breach of planning control, s173(4)(a).
30. Therefore, this ground (f) appeal is concerned only with whether the notice requirements exceed what is necessary in order to remedy the breach of planning control.
31. In relation to the first requirement, the appellant submits that the property is responsibly managed and that measures are in place to minimise disturbance, including guest vetting procedures, house rules, deposits and noise monitoring equipment. However, these measures are directed towards mitigating the effects of the use of the property for short term lets and would not fully remedy the breach itself, which the notice requires to cease. Consequently, the mitigation measures relied upon by the appellant would not achieve full compliance with the requirements of the notice. I therefore find that this requirement is not excessive.
32. In relation to the second requirement, it does not relate directly to any activity taking place on the land, as required by section 173(5)(c) of the Act. In this particular circumstance, I find that this requirement exceeds what is necessary in order to remedy the breach of planning control. I will therefore vary the notice by deleting this requirement.
33. For these reasons, the appeal on ground (f) succeeds.

Formal Decision

34. It is directed that the notice be varied in Section 5 to delete the wording “Remove the advertisement of the property as short term lets from all booking websites.”.
35. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld.

S Lo

INSPECTOR