



Appeal Decision

Site visit made on 28 July 2026

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2026

Appeal Ref: APP/T5150/C/24/3343790

10 Stewart Close, LONDON, NW9 8AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Olu Femiola against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 25 March 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the premises to a house in multiple occupation (HMO).
- The requirements of the notice are to: 1. Cease the use of the premises as a house in multiple occupation and 2. Remove all partition walls, fittings and fixtures facilitating the unauthorised change of use from the premises and remove all associated items, debris and materials arising from this removal from the premises so that the internal layout of the premises is returned back to that which existed prior to the unauthorised change of use took place.
- The period for compliance with the requirement is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) 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 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.

The Appeal on ground (a)

1. The main issues are the effect of the change of use on (i) the living conditions of the occupiers of the dwelling and their neighbours; (ii) the character and appearance of the area and (iii) the supply of family dwellings (C3 use).

Reasons

Living conditions

2. The Council says that existing room sizes fall short of the minimum requirements and the minimum external amenity space standards are not met.
3. According to the appellant, the layout of the property allows for an occupancy of 7 people. The appellant concedes that not all the rooms on the first floor meet current minimum space standards. The appellant suggests combining three bedrooms into two so that the property is a 6-person HMO. However, the appellant is not clear as to how this would result in an acceptable layout. I appreciate that other facilities in the house meet minimum standards but bedrooms are particularly important in shared houses as they are rooms where tenants can enjoy privacy.

4. The failure to provide minimum room sizes also suggests that the house is over intensely occupied. As well as being bad for the occupants, the intensity is more likely to lead to unacceptable noise transmission through the party wall with the adjoining semi. In addition, seven adult occupants are likely to have more comings and goings than an average sized family. This is particularly concerning at night, which can be disturbing for neighbours. I appreciate that the appellant proposes a management plan relating to tenant behaviour and property management but no management plan can overcome an over intensive use.
5. The Council has not explained why the external amenity space is not big enough. The Council's Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) requires external amenity space of 20m² for up to 10 people and the appellant says it is 161m². I noted at my visit that the property has a generous garden area, even when the fenced off section to the rear is not taken into account. The garden has a large patio and a lawn and it is clearly well over 20m². I note the appellant's offer to do some "urban greening" but additional planting would not be necessary to make the garden acceptable.
6. I noted that there is space for parking two cars on the drive. There are more adults residing in the house than you would normally expect in a family dwelling. The parking demand is therefore likely to be greater than for a family house.
7. Brent Local Plan (LP) Policy BH7 directs HMOs to areas with good access to public transport and other amenities. However, the site is in an area with a Public Accessibility Level (PTAL) score of 2, which is low. The HMO SPD indicates that in such locations there is more chance of residents having a car than in locations which score 3 or higher.
8. Stewart Close is a narrow road where there is little space on the street to park without blocking drives. I noted at my visit, which was during the day, that much of the on-street space was used up. I would expect even more cars parked on the street in the evenings and at weekends when residents are at home. I therefore consider that the parking demand for the HMO is excessive for its location where there is limited on street space. The additional parking demand could lead to being a nuisance and inconvenience for neighbouring residents. There is no mechanism before me to control car use. The HMO is therefore unacceptable in respect of car parking.
9. The low PTAL score is compounded by the lack of cycle storage facilities. The appellant has suggested a cycle storage building. However, providing additional structures would result in additional development on the site and would therefore constitute an alternative scheme to what is enforced against. I do not consider that it would form "part of those matters" under s.177(1)(a).
10. The appellant says that there have been no complaints about the HMO but this factor, if correct, does not equate to the development being acceptable. The appellant also says that there is not an overconcentration of HMOs in the street. However, this does not overcome the other harm that I have identified.
11. For the above reasons, I conclude that the HMO does not provide adequate living conditions for existing and future occupiers and that it is harmful to the living conditions of neighbours. Therefore, I find conflict with LP policies DMP1, BH7 and BT2. In summary, these policies seek to ensure, amongst other matters, that development provides high levels of internal and external amenity and avoids

harming existing on street parking provision. I find no conflict with conflict with LP policy BH13 as I have found that the external amenity space is adequate. I do not find London Plan Policies T6 and T6.1 to be directly relevant to living conditions.

Character and appearance

12. The Council has identified the matter of the waste storage as a living conditions matter but in the absence of an explanation as to the effect on living conditions, I will deal with it as a character and appearance issue.
13. The house is situated at the head of a cul-de-sac in a residential area. There is no dedicated bin storage or waste management plan. Bins could theoretically be left in the side passage or the rear garden which has access via the side passage. However, I note that the side passage is also being used as the access to an unauthorised dwelling to the rear. I understand that an enforcement notice on that dwelling has not been complied with. The Council says that the use of the side passage by the unauthorised dwelling restricts the external access to the rear garden of the appeal property. For these access reasons, I am not assured that the rear garden is a realistic place to store the bins.
14. In general, bins and other refuse at the front of properties look untidy and seven adults will need more waste storage than an average sized family. There were no bins left out at my visit but that does not mean that they are not left out at other times. The HMO SPD requires an attractive storage shelter and a waste management plan. The appellant has offered to provide a bin store. A waste management plan could potentially be required by condition. However, as with the cycle storage, I do not consider it is appropriate to attach a condition requiring a bin store. The “welcome pack” which is given to tenants to inform them about waste disposal and property management is not enforceable in planning law. Therefore, the waste and bin situation is unacceptable.
15. I conclude that the HMO harms the character and appearance of the area and is therefore contrary to LP Policy DMP1 which seeks to ensure that development complements the locality.

Loss of a family dwelling

16. The HMO was previously used as a family dwelling. LP Policy BH7 indicates that HMOs will be supported where the development proposal demonstrates that there is a specific Brent need. The loss of existing accommodation will only be acceptable where it is demonstrated that there is no Brent need for the accommodation type, or resident’s needs can be better met by other existing accommodation or it is a replacement of unsatisfactory existing accommodation which cannot be improved to achieve current standards.
17. LP Policy BH11 also seeks to retain family sized housing. The explanation to this is that “family housing to meet local needs is a Brent priority”. LP Policy DMP1 says that development will be acceptable where it results in no loss of buildings for which there is an identified need.
18. The appellant has not demonstrated that there is no need for a family dwelling and whilst I have no doubt that there is a market demand for rooms in an HMO, that does not mean that a need is generated from within Brent or that it trumps the Council’s identified need for family dwellings.

19. I therefore conclude that the use has an unacceptable effect upon the supply of family sized homes in Brent and is, therefore, contrary to development plan policy.

Conclusion on ground (a)

20. I conclude that permission should not be granted for the change of use to an HMO and the appeal on ground (a) should fail.

The Appeal on ground (g)

21. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant argues that 6 months would be too little time to get the occupants to leave and then to undertake the physical alterations. He asks that the period for compliance is 9 months.
22. I have found planning harm in respect of the loss of a family dwelling, living conditions and character and appearance. The enforcement notice will interfere with the occupants' rights under Article 8 of the Human Rights Act 1998, which states that everyone has a right to respect for private and family life and their home. This is a qualified right, whereby interference may be justified if in the public interest, but proportionality is crucial.
23. The Council's decision to enforce was legitimate and in the public interest, given the harm caused by the development. However, I consider that the notice does not afford the occupants reasonable time to look for alternative accommodation, especially as they would have to leave the premises before the restorative works are carried out.
24. I consider 9 months would provide a proportionate and reasonable amount of time to give notice to the tenants and to undertake the work. To this extent, the appeal on ground (g) succeeds.

Formal Decision

25. It is directed that the enforcement notice be varied by deleting "6 months" and substituting it with "9 months" as the period for compliance.
26. Subject to the variation, the appeal is dismissed and 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.

Siobhán Watson

INSPECTOR