



Appeal Decision

Site visit made on 18 August 2026

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 August 2026

Appeal Ref: APP/N5090/C/25/3376088

Land at 48 Oldberry Road, Edgware HA8 9DB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Joseph Yeboah against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 3 November 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the making of a material change of use of the building to use as a House in Multiple Occupation C4 (use class C4).
- The requirements of the notice are to: Cease the use of the property as a House in Multiple Occupation.
- The period for compliance with the requirement is: 6 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in sections 174(2)(a) and (b) 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, the enforcement notice is upheld and planning permission is refused for the matters alleged in the Notice.

Preliminary Matters

1. The appeal was made only on ground (a) – that planning permission should be granted for the matters alleged in the enforcement notice (“the Notice”). However, the submissions suggest that the site is not, in fact, a House in Multiple Occupation (“HMO”). That is relevant to an appeal on ground (b) – that the matters alleged in the Notice have not occurred. For completeness, I have also considered the appeal on ground (b).

Ground (b)

2. As noted above, ground (b) is that the matters alleged in the Notice have not occurred. On this ground, the onus is on the appellant to prove their case to the standard of the balance of probabilities.
3. The appellant states that the dwelling is occupied as a single family dwelling. Indeed, at my site visit, I saw no outward indication that the dwelling might not be occupied in this way.
4. In making his appeal, the appellant has provided no substantive evidence, such as a commentary about who has lived at the house and whether they have paid individually for rooms or collectively for the premises. On the contrary, the Council has produced evidence that appears to suggest that rooms in the dwelling have previously been occupied by up to 6 people at various times. That would be consistent with a use as an HMO.
5. While the Council’s evidence does not clearly indicate who has occupied the property and when, it is sufficient to cast doubt on the appellant’s version of

events, that is little more than unsubstantiated assertion. Therefore, even if the dwelling is not currently an HMO and there is no breach of planning control today, I find that, on the balance of probabilities, the site has previously been used as an HMO.

6. The appeal on ground (b), therefore, fails.

Ground (a)

7. Ground (a) is that planning permission should be granted for the matters alleged in the Notice, that is, for the use of the building as an HMO.
8. Policy HOU04 of the Barnet Local Plan 2025 (“LP”) requires proposals for HMOs to meet an identified need. No such need has been demonstrated for an HMO in this location. Furthermore, the site is located within a suburban residential neighbourhood, and I have no evidence to counter the Council’s suggestion that the vast majority of surrounding housing is occupied as single family homes. Such would produce a calm, quiet character to the residential environment, consistent with that which I witnessed at around 5.30 pm on the day of my site visit.
9. In contrast, an HMO is likely to produce a more intense use of the site, that could lead to elevated levels of noise in communal areas, and greater disturbance from occupants arriving and departing separately. That is likely to have an adverse effect on the character of the area and living conditions of neighbouring residents. There is no substantive evidence in this case that such potential adverse effects would not arise.
10. Therefore, a use as an HMO would be contrary to those aims of policy D3 of the London Plan 2021, and LP Policies CDH01 and HOU04 that require development to respond to and safeguard an area’s character, and protect the living conditions of neighbouring residents.
11. For the above reasons, use of the property as an HMO would conflict with the development plan and material considerations have not been shown to indicate that a decision should be taken otherwise than in accordance with it. Planning permission should, therefore, be refused for the matters alleged in the Notice and the appeal on ground (a) should also fail.

Formal Decision

12. 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 Town and Country Planning Act 1990 as amended.

M Bale

INSPECTOR