



Appeal Decision

Site visit made on 28 July 2026

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2026

Appeal Ref: APP/A5270/C/25/3365332

81 Ashness Gardens, Greenford, UB6 0RW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Yehoshua Landau, Manorlands Estates Ltd against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 16 April 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of premises to two small Houses in Multiple Occupation ("HMO's"), facilitated by the erection of a single storey rear/side extension, insertion of a window in lieu of the garage door in the front elevation; the alteration of the main roof profile from hip to gable and a rear roof extension ("the Unauthorised Use").
 - The requirements of the notice are to:
 1. Cease the use of the premises as two small Houses in Multiple Occupation ("HMO's")
 2. Remove all internal partitions, doors, windows, ensuite bathrooms and toilets, kitchens and signs that facilitate the material change of use
 3. Demolish the single storey rear/side extension
 4. Restore the rear elevation to its condition before the breach of planning control occurred
 5. Remove the roof extensions
 6. Restore the roof to replicate the original design, appearance and dimensions of the roof before the breach of planning control occurred and
 7. Remove all resultant debris as a result of compliance with the above steps.
 - Or
 1. Cease the use of the premises as two small Houses in Multiple Occupation ("HMO's")
 2. Alter the internal layout and external elevations of the host building to accord with the development granted planning permission under reference 234877FUL subject to its terms and conditions for "Conversion of existing single family dwellinghouse into two self-contained residential units; single side/rear extension; conversion of garage into habitable room and insertion of a window in lieu of the garage door; alteration of main roof profile from hip to gable; rear roof extension; and installation of two rooflights to front roofslope"; and in accordance with the accompanying plans or drawings under the reference(s): - Site Location Plan; E001; E002; E003; E004; P001 dated 12.02.2024; P002 dated 12.02.2024; P003 dated 12.02.2024; P004 12.02.2024; P005 12.02.2024
 3. Remove all resultant debris as a result of compliance with the above steps.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) 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.
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Decision

1. 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.

Preliminary Matters

2. Although the appellant did not initially appeal under ground (b), their contention that the alleged material change of use has not occurred amounts to an appeal on

ground (b). As the Council had the opportunity to respond to this matter, no injustice would be caused by me considering the hidden appeal on ground (b).

3. On 17 August 2026, the new National Planning Policy Framework (the Framework) was published. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to the comments received and the new Framework in my decision.

The appeal on ground (b)

4. An appeal on ground (b) is made on the basis that the matters stated in the notice have not occurred. The onus lies with the appellant to make their case on the balance of probabilities.
5. The appeal site comprises a two storey semi-detached property on Ashness Gardens. Originally a single dwellinghouse, the property is now in use as two Houses in Multiple Occupation (HMO), one at ground floor level and another across the first and second floor levels.
6. In February 2024, planning permission was granted under application ref. 234877FUL for 'Conversion of existing single family dwellinghouse into two self-contained residential units; single side/rear extension; conversion of garage into habitable room and insertion of a window in lieu of the garage door; alteration of main roof profile from hip to gable; rear roof extension; and installation of two rooflights to front roofslope' (the 2024 permission). An earlier lawful development certificate application ref. 234373CPL for a proposed use or development for 'Alterations from hip to gable end; rear roof extension; installation of two rooflights to front roofslope' was granted in December 2023. The extensions and alterations have since been undertaken.
7. The appellant argues that there has not been a change of use of the premises to two HMOs, but rather from the two flats approved by the 2024 permission, each into an HMO. The appellant suggests that the use of the term "premises" in the allegation implies a change of use of a single planning unit to two planning units as two HMOs, and therefore that if the property had already become two flats before the HMO use commenced, the breach alleged has not occurred. However, the term "premises" is broad enough to encompass the property whether it previously comprised one planning unit or two. The notice does not state what the previous use of the property is and it does not need to do so. If the notice does state the previous use, it can indicate why the Council believes there to have been a material change, which is more relevant to the appeal on ground (c), where the question is whether what is alleged constitutes a breach of planning control.
8. The appellant has not disputed that the property has been used as two HMOs, as alleged, or that it was in this use by the date of the notice. Consequently, the appeal on ground (b) fails.

The appeal on ground (c)

9. An appeal on ground (c) is made on the basis that the matters alleged, if they occurred, do not constitute a breach of planning control.
10. The subdivision of the property to two HMOs, whether from a single dwelling or two flats, is of a materially different character from the previous use, as it gives rise to higher levels of occupancy and potentially greater impacts on the surrounding area.

11. The basis of the appellant's ground (c) appeal is that the 2024 permission was implemented and that the subsequent change of use from two flats to HMOs was therefore permitted by Class L, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
12. The appellant has referred to *Impey v SSE & Lake District SPB [1981] JPL 363; [1984] P&CR 157* and *Welwyn Hatfield BC v SSCLG & Beesley (2011) UKSC 15*. In *Impey* it was held that, to ascertain the date of the making of a material change of use, regard should be had to two factors, neither of which is decisive: The physical state of the premises, with regard to viable facilities for living; and actual, attempted or intended use. *Welwyn Hatfield* emphasised the need to look at the matter in the round by considering what use the building has, or of what use it is. The appellant appears to rely on these cases in support of the contention that the approved use as two flats was implemented upon completion of the conversion works and prior to the subsequent HMO use.
13. The appellant's statutory declaration as to the implementation of the 2024 permission for two flats is contradicted by the evidence provided by the Council. The appellant has stated that work commenced on 8 April 2024, yet the drawings for the party wall agreement signed only a matter of days later on 19 April 2024 indicated a 10 room HMO layout. That does not indicate an intention to implement the approved two flat scheme. The current layout broadly corresponds to those drawings and is materially different to the layout for the 2024 permission. The appellant states that the party wall plans were produced to demonstrate possible potential of the property and that the builders were instructed to implement the approved two flat scheme. However, those drawings accompanied the party wall agreement and were expressly accepted as accurately depicting the works to be undertaken. I find it unlikely that materially different drawings would have been submitted for that purpose if the intention was in fact to implement the approved two flat scheme.
14. The appellant refers to an email from the Council's Enforcement Team in July 2024, in which it was stated that the layout appeared to be broadly in accordance with the approved plans. However, that was written whilst the works were on-going and does not demonstrate that the layout for the 2024 permission was provided and brought into use. The parties disagree as to whether the structural walls and beams indicated on the party wall drawings for the HMO layout were also shown on the plans for 2024 permission. Even if those structural elements were also shown on the plans for the two flat scheme, this does not overcome my concern that the party wall drawings depicting an HMO layout are those that have been most closely followed, nor address the lack of persuasive evidence that the approved two flat layout was ever completed in accordance with the 2024 permission, consistent with the principles in *Sage*¹. The lack of substantive evidence that the kitchens and utilities for the flats were installed and later removed, make it likely that the property was instead converted into two HMOs from the outset.
15. The appellant's statutory declaration states that by 1 October 2024 all works were completed, and the flats were let as single family units on 4 and 5 October 2024. Copies of tenancy agreements have been provided which indicate 6 month tenancies commencing on these dates. I have also been provided with copies of deeds of tenancy surrender dated 30 November 2024 which indicated that the

¹ *Sage v SSETR & Maidstone BC [2003] UKHL 22*

tenants were to remain living at the property until 14 December 2024. The appellant says that they decided to convert the property to HMOs, Building Control notices were duly served in respect of HMO conversion on 12 December 2024, and that the HMO rooms were ready to let by the end of January. By 9 April 2025, it is said that all rooms were let, as is confirmed by the submitted tenancy agreements.

16. The Council has suggested that the tenants of the flats were not actual tenants, but persons associated with the appellant's company and its directors. The Council further submits that, if the tenancies were genuine, provision would have been made for compensation within the deeds of surrender. The appellant has strongly denied both claims. In any event, the appellant's evidence does not demonstrate that the property was occupied as two self-contained flats. The tenancy agreements and deeds of surrender indicate that there was a legal right to occupy the flats but do not demonstrate that the approved flat layout was physically implemented or that the property was occupied as flats. I have not been provided with evidence such as rent receipts, bank statements, council tax records, utility accounts or proofs of evidence from the tenants to confirm that they occupied the property. The electrical installation reports and other certification indicate that works were undertaken and tested, but do not establish that the flat layout was provided or occupied.
17. I accept that actual occupation is not necessarily determinative of whether a material change of use has occurred, consistent with the principles in *Impey* and *Welwyn Hatfield*. However, even taking those authorities into account and considering the matter in the round, on the balance of probabilities, I am not persuaded that the evidence demonstrates either the physical implementation of the 2024 permission or the establishment of a lawful use as two flats. I find it more likely that the property was converted from a single dwellinghouse into two HMOs. The Council argues that, if occupation of the flats did occur, such occupation for little more than two months would not amount to a genuine use. However, such a period of occupation could, in principle, be capable of establishing a use as self-contained flats. My concern is not the length of the alleged occupation, but the lack of persuasive evidence that occupation as two flats occurred at all.
18. Class L of the GPDO permits the change of use of a building from a use falling within Class C3 (dwellinghouse) of the Use Classes Order, to a use falling within Class C4 (HMO), subject to certain limitations. Development is not permitted by Class L (b) of the GPDO if "it would result in use as two separate C4 dwellinghouses of a building which was previously used as a single dwellinghouse."
19. There is a dispute between the parties as to the interpretation of the words "previously used" in Class L. I have considered the parties' arguments and the legal opinion and previous appeal decisions² which consider this matter in more detail. In summary, the Council says that the words "previously used" are not confined to the immediately preceding use of the building, but that it is sufficient that the building was at some earlier point used as a single dwellinghouse. The appellant argues that, if the property had become two flats before the HMO use commenced, the Class L limitation would not apply because the previous use was as two flats rather than a single dwellinghouse. In light of my finding that, on the balance of probabilities, the last use of the property was as a single dwellinghouse, it is unnecessary for me to consider whether the phrase "previously used" in Class L refers to any prior use or only the immediately preceding use. Whichever interpretation of "previously used" is

² Appeal ref. APP/A5270/C/25/3367259 and APP/A5270/C/25/3367385

adopted, the development would not benefit from the permitted development right at Class L of the GPDO.

20. I conclude that the change of use of the property amounts to a material change of use, for which planning permission is required but has not been granted. The development constitutes a breach of planning control. Accordingly, the appeal on ground (c) fails.

The ground (a) appeal and the deemed planning application

21. The appeal on ground (a) is that planning permission ought to be granted for what is alleged in the notice.

22. The main issues in this case are:

- the effect of the development on the character and appearance of the area;
- whether the development provides satisfactory living conditions for the occupiers, with particular regard to internal space and layout, privacy, daylight, outlook, disturbance, ventilation and external amenity space;
- the effect of the development on the living conditions of neighbouring residents, with particular regard to noise and disturbance, and the appearance of the site; and
- the effect of the development on on-street parking and congestion and whether it contributes to sustainable transport modes.

Character and appearance

23. The appeal property is situated on the western side of Ashness Gardens, a quiet, tree lined residential street. It is characterised by two storey semi-detached houses which are set back from the road with front driveways and gardens, and larger private rear gardens. Although some have been extended and altered there remains a sense of uniformity and rhythm partly due to the linear building lines, regular spacing between properties, and architectural details such as hipped roofs and bay windows. Consequently, the street has a pleasant residential character.
24. It seems likely that most properties are in use as single dwellings. Although there is no indication of an overconcentration of HMOs on this street, when compared to the previous use as a dwelling or its approved use as two flats, the unauthorised use results in increased levels of occupancy and comings and goings. That more intensive use of the site is not reflective of the quiet, settled character of the street. The unauthorised use has also resulted in a large bin store in the front garden, and it is proposed to provide cycle storage facilities at the front of the property, thus resulting in visual clutter and additional residential paraphernalia to the detriment of the street scene.
25. The extensions to the property were not considered harmful to the character and appearance of the area and have the benefit of permission. In my view, they remain acceptable in this regard. Notwithstanding this, I conclude that the development has a harmful effect on the character and appearance of the area due to the intensive nature of the use. Thus, it conflicts with Policy D3 of the London Plan (2021) and Policies 7.4 and 7B of the Council's Development Management Development Plan Document (2013) (the DMDPD). Amongst other things, these require development

to achieve a high standard of design that responds appropriately to local character and context, integrates successfully with the surrounding townscape, and preserves or enhances visual amenity.

26. These policies are consistent with Framework Policy DP3 which sets out that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings.

Living conditions of occupiers

27. Policy D6 of the London Plan requires housing development to be of a high standard, providing adequately sized rooms and functional layouts which are fit for purpose. It provides specification for room sizes and also requires development to be suitable in terms of daylight and sunlight, privacy, noise impacts and to ensure appropriate internal and external space.
28. There are five bedrooms and a kitchen in the ground floor HMO, and a further five bedrooms and a kitchen in the HMO on the upper floors. Given the small size of the rooms, it seems unlikely that each will be occupied by two persons. Nevertheless, double beds are provided in each of the rooms.
29. The parties have referred to the minimum floorspace standards contained within London Plan Policy D6 and the Ealing HMO Standards. However, the standards in Table 3.1 of Policy D6 relate principally to self-contained dwellings rather than HMOs, whilst the Ealing HMO Standards are primarily applied through the HMO licensing regime rather than planning control.
30. Nevertheless, during my site visit it appeared to me that the accommodation within both HMOs is cramped and overcrowded. The bedrooms provide limited usable floorspace once beds and other furniture are taken into account, and the shared spaces, including the kitchens, hallway and landings are constrained. The ground floor kitchen in particular feels cramped and claustrophobic given that there is no window or external door. It is a poor quality space which lacks natural light and outlook. The upper floor kitchen is in the loft area and is not conveniently located for the occupiers on the first floor.
31. Certain bedrooms fail to provide acceptable levels of privacy, outlook and daylight. The first floor rear left bedroom windows face the side of No. 79 and a habitable room window in that property at a distance of approximately 4.4m, resulting in overlooking, and a lack of outlook and natural light. Whilst that arrangement appears to have been allowed as part of the permission for the two flats, the effect of this relationship with No. 79 must be considered in the context of the accommodation that the HMO provides overall, and the greater amount of time that the occupant is likely to spend in their only private space. The ground floor rear bedroom only has a patio door and no openable window, which is also an inadequate arrangement. The position of the kitchens adjoining or located above bedrooms is likely to result in noise and disturbance to the occupiers of those bedrooms.
32. The HMOs could be occupied by up to six residents as per the application for deemed planning permission. Even if the number of occupiers is restricted to this number, the potential for twelve residents in the property would result in a marked increase in comings and goings and high levels of activity at the site, which is likely to cause disturbance to the occupiers of the appeal building and the neighbours.

33. I also have concerns regarding the adequacy of ventilation within the accommodation. The ground floor kitchen does not benefit from natural ventilation, and insufficient information has been provided to demonstrate that suitable ventilation measures are in place for this and the en-suite bathrooms, most of which also lack natural ventilation. In this regard, I note that the Council's Housing Team has not granted HMO licences for either property due to these deficiencies. Consequently, I am not persuaded that adequate ventilation is provided, resulting in potential mould and damp and consequent risks to the occupiers' health and wellbeing.
34. The appellant is willing to accept a condition to reduce the number of rooms within the HMOs, amalgamate some of the rooms to create larger communal spaces or limit the number of occupiers. However, no detailed plans or other substantive evidence has been provided to demonstrate how such alternatives would be achieved or how they would address the cramped nature of the accommodation, particularly the bedrooms. Even if such changes would be enforceable by condition, in the absence of further details I am unable to assess the effectiveness of these measures in addressing the harm I have identified.
35. Only one of the rooms provides access to the rear garden which means that there is no private external amenity space for the majority of the residents. The front garden is not private and is taken up with bins and potential cycle storage facilities. The lack of private external amenity space is therefore a further indication of inadequate living conditions. The front garden is of sufficient size for waste and refuse storage and could provide additional refuse storage, if required. Therefore, the proposal does not result in inadequate provision of waste, refuse and recycling facilities. However, it does add to visual clutter which is harmful to the character of the area and the living conditions of residents.
36. For the above reasons, I conclude that this over intensive form of development fails to provide satisfactory living conditions for the occupiers, having regard to internal space and layout, privacy, daylight, outlook, disturbance, ventilation and external amenity space. Thus, it conflicts with London Plan Policies D3, D6 and D14, and DMDPD Policies 7A, 7.4, 7B and 7D, which, in summary, seek to ensure that development provides occupiers with a high standard of accommodation. The development also conflicts with Policy DAA of the draft Ealing Local Plan – Initial Proposals (Regulation 22) (2024) (Draft LP) which requires development to achieve a high level of amenity through design, and to which I accord moderate weight given that the Draft LP is at an advanced stage. These policies are consistent with Framework Policy P3 which sets out the need to provide healthy living conditions for occupiers and users.

Living conditions of neighbouring residents

37. The unauthorised use results in 10 separate households and therefore greater numbers of individuals occupying the property than would be expected from its previous use as a dwelling or permitted use as two flats. It is also likely to generate more transient patterns of occupation than a typical dwelling or two flats. Resulting noise and disturbance will be most obvious to the neighbouring occupiers on either side of the site, but might also be apparent to other neighbours on the road given that this appears to be a quiet residential area. Consequently, increased noise and disturbance to the neighbouring occupiers from comings and goings and activity at the property is harmful to the neighbours' living conditions. Such disturbance could

occur later in the evening when residents would reasonably expect peace and quiet in their homes.

38. The large bin store and proposed cycle storage facilities in the front garden result in visual clutter, and together with the underutilised and neglected condition of the rear garden, is likely to detract from the neighbours' enjoyment of their homes.
39. I therefore find that the over intensive use of the property has a harmful effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance, but also in terms of its effects on the character of the area. This is contrary to Policy D3 of the London Plan, Policies 7A and 7B of the DMDPD and Policy DAA of the Draft LP, which, amongst other things seek to ensure that development achieves a high standard of amenity for users and adjacent users.

Parking and sustainable transport

40. Policies T1 and T6 of the London Plan require that development should contribute to sustainable modes of transport and seek to restrict car parking, consistent with chapter 15 of the Framework. The site has a PTAL value of 2 which indicates poor access to public transport. It is also within a Controlled Parking Zone. Given the nature of the accommodation, it is less likely that residents will be car owners, but it is possible that some will be. Although only a snapshot in time, during my site visit at around midday on a Tuesday, there appeared to be some on street parking availability, but this is likely to be much more limited at other times of the day, for example, when residents are not at work. As there is a lack of parking on the site this will exacerbate demand for parking on the street. There is no planning obligation before me that would prevent occupiers from applying for parking permits. Such demand for parking on the street will be likely to increase parking congestion and cause inconvenience to neighbouring occupiers.
41. The Council is also concerned with the lack of secure cycle storage. Policy T5 of the London Plan requires the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well located. There is ample external space in the front garden for the provision of suitable cycle parking facilities, as indicated by the submitted plan showing a potential location for such provision, and this could have been secured by means of a condition.
42. Notwithstanding this, I conclude that the development fails to contribute to sustainable transport objectives due to increased on street parking. It conflicts with Policies T1 and T6 of the London Plan which require new development to support and facilitate 80% of all trips in London to be made by foot, cycle or public transport by 2041 and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.

Other matters

43. Whilst an enforcement notice cannot deprive a developer of permitted development rights, that principle is not engaged in this case because the development was not carried out in accordance with the terms of the lawful development certificate issued under ref. 234373CPL but was built as part of the overall unauthorised development. It did not therefore benefit from permitted development rights when constructed. The fallback position relating to the extensions carries limited weight, as it would depend upon the property being converted into two flats as per the 2024 permission. Such a scenario does not provide a fallback for the development alleged in the notice.

44. The evidence indicates that the property cannot be changed to two HMOs in the future due to the restriction imposed by the Article 4 Direction which restricts any such change. In any event, I have found that the development does not benefit from Class L of the GPDO. Therefore, this suggested fallback position does not provide justification for the continued use of the property as two HMOs.

Conclusion on ground (a) and the deemed planning application

45. Policy S4 of the Framework states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.
46. I have found that the development is harmful to the character and appearance of the area, the living conditions of both occupiers and neighbours, and fails to promote sustainable transport. The adverse impacts of the development would not be sufficiently mitigated by the conditions suggested by the appellant.
47. Whilst the development makes efficient use of the building and provides additional, lower cost accommodation, the over intensive form of development fails to provide an adequate standard of accommodation for residents. This matter weighs significantly against the development. The appellant's argument that the change of use to two HMOs and the roof extension can be undertaken as permitted development does not represent a legitimate fallback position in terms of justifying the unauthorised development. Therefore, the benefits of the development are substantially outweighed by the adverse effects identified.
48. I have taken into consideration the Human Rights Act, 1998 which enshrines in UK law the most fundamental rights and freedoms contained in the European Convention on Human Rights. I recognise that dismissal of the appeal would interfere with the occupiers' rights under Article 8 and the appellant's rights under Article 8 and Article 1 of the First Protocol. However, given the harms identified, the action is in accordance with the law and pursues legitimate aims regulating land use in the public interest and is necessary and proportionate to the situation.
49. I conclude that the appeal on ground (a) fails and the deemed planning application is refused.

The appeal on ground (f)

50. An appeal on ground (f) is that the steps required by the notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. It is clear from the wording of the requirements that the notice seeks to remedy the breach of planning control, and this is confirmed in section 4 of the notice.
51. The appellant contends that the requirement to demolish the extensions is excessive because these were built not to facilitate the HMO use but rather for the change of use to the two flats granted by the 2024 permission. I have had regard to the case law referred to by the parties³. It is well established that a notice can require the removal of works integral to, and solely for, the purpose of facilitating an unauthorised use. However, it cannot require removal of operational development

³ *Murfitt v SSE & East Cambridgeshire DC* [1980] JPL 598, *Kestrel Hydro v SSCLG & Spelthorne Borough Council* [2016] EWCA Civ 784, *Caldwell & Timberstore Ltd v SSLUHC & Buckinghamshire Council* [2024] EWCA Civ 467.

which is fundamental to or causative of that change. The appellant says that the extensions are not “ancillary” to the change of use, but are causative of it. However, the extensions do not themselves constitute the material change of use. The breach arises from the use of the property as two HMOs. Whilst the additional floorspace the extensions provide is occupied as part of the HMOs, I find that they facilitate the unauthorised use, and their removal would therefore assist in remedying the breach.

52. The appellant says that, even if the change of use to two flats was not lawful, the notice cannot attack the extensions that facilitated that change of use. I have found that the approved two flat scheme was not implemented. As such, the extensions form part of the physical fabric of the building as it is now used as two HMOs. The additional accommodation they provide is occupied as part of that use. In those circumstances, I am satisfied that the notice may require the removal of the extensions.
53. The 2024 permission for the two flat scheme remains extant and appears capable of being implemented. That represents a realistic fallback position as an alternative to demolition of the extensions, and is provided for in the requirements of the notice, but it would not result in the same level of harm that I have identified above.
54. There are no other obvious alternatives or lesser steps to achieve the purpose of the notice. I therefore conclude that the requirements do not exceed what is reasonably necessary to remedy the breach of planning control. The appeal on ground (f) fails.

The appeal on ground (g)

55. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. The notice requires the works to be carried out within six months. The appellant has requested a minimum period of ten months to allow sufficient time for the tenants to vacate the property.
56. The tenancy agreements submitted with the appeal have expired, and it is unclear what the periods of notice are. There is no indication that tenants intend to resist repossession, particularly as they have not appealed against the notice. Thus, there is insufficient evidence before me to justify an extended compliance period of ten months. In my view, six months is sufficient for the occupiers to find alternative accommodation and for the physical works required to be undertaken. I consider it to be reasonable and proportionate to the breach of planning control. Moreover, in the event that the requirements do take longer than 6 months to comply with, it would be possible for the Council to extend the compliance period under the provisions of section 173A(1)(b) of the 1990 Act.
57. The appeal on ground (g) fails.

Overall Conclusion

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

M Ollerenshaw

INSPECTOR