



Appeal Decision

Site visit made on 27 July 2026

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2026

Appeal Ref: APP/T5150/C/25/3365031

73A and the rear part of 73 Willesden Lane, Kilburn, London, NW6 7RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Yusuf Ramzan of 491 HOLDINGS LTD against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 27 March 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 House in Multiple Occupation (HMO), incorporating shared and self-contained accommodation.
- The requirements of the notice are:
 - Step 1 Cease the use of the premises as a House in Multiple Occupation (HMO), incorporating shared and self-contained accommodation, and its occupation by more than one household.
 - Step 2 Remove all internal partitions, items, materials and debris, associated with the unauthorised change of use, from the premises, including the removal of all kitchens, except one, and all bathrooms, except two.
- The period for compliance with the requirements is 6 months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (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.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld as corrected and varied in the terms set out below in the Formal Decision.

Enforcement Notice

1. The allegation in the notice is “the material change of use of the premises to a House in Multiple Occupation (HMO), incorporating shared and self-contained accommodation”.
2. At my site visit I saw that the premises include three entirely self-contained flats, which despite having a shared entrance door, hall and staircase, are each equipped with all the necessary facilities for private, independent day to day living, namely, cooking, washing and sleeping accommodation, behind a locked door. The remaining four rooms also contained fully equipped kitchens, and there are two shared bathrooms. Occupiers do not share any social spaces indoors or outdoors where they would interact with each other.
3. It is therefore my view that the breach of planning control is the material change of use of the premises to a mixed use comprising a House in Multiple Occupation (HMO) and self-contained residential accommodation. I have sought the views of the main parties on this matter, and both have agreed that the premises are in mixed use. I shall therefore correct the notice accordingly. As the original allegation specifically referred to the premises incorporating both shared and self-contained accommodation, no injustice would be caused by this correction.

Procedural Matters

4. The revised National Planning Policy Framework 2026 (the Framework) was published during the course of the appeal. I have taken this into account in so far as it is relevant to the appeal on ground (a), and do not consider it to affect the cases put forward by the parties. Any reference to the Framework in this decision is to the 2026 version.
5. The appellant's case repeatedly refers to the use of the premises as a HMO for no more than 8 people. However, I am only able to consider granting permission for the breach of planning control described in the notice (as corrected) or for part of those matters. The breach of control does not specifically relate to an 8 person HMO, nor does the evidence before me, or what I saw on site, point towards this.

The appeal on ground (a) and the deemed application

6. An appeal on ground (a) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Main Issues

7. The main issues are:
 - i. Whether the material change of use (MCU) provides acceptable living conditions for occupiers with regard to internal and external space, waste and bicycle storage facilities, noise and disturbance, and fire safety;
 - ii. The effect of the MCU on living conditions of neighbouring residents with regard to noise and disturbance and waste; and
 - iii. The effect of the MCU on the supply of family size accommodation within the borough.

Reasons

i) Living conditions for occupiers

Internal and external space

8. Policy BH7 of the Brent Local Plan 2019-241 (2022) (the local plan), requires accommodation with shared facilities to be of appropriate standards, including external amenity space and communal facilities. Policy BH13 requires all dwellings to have some private external amenity space, and the supporting text sets out that where this is not possible some communal amenity space may sometimes suffice. Policy DMP1, although more general, also requires development to be appropriate in terms of design and internal and external amenity standards. Policy D6 of The London Plan sets out the required quality and minimum space standards for all new self-contained dwellings, including for conversions and change of use.
9. The Council does not dispute that the rooms sizes, if used as bedrooms alone, would comply with the Technical housing standards – Nationally described space standard (NDSS) and Policy D6 of The London Plan. However, the Council's HMO Supplementary Planning Document 2022 (HMO SPD), which provides further guidance on the HMO standards referred to in Policy BH7 of the local plan, makes clear that the room sizes specified do not include the space occupied by ensuite

facilities, and that formal designated space for kitchen facilities in bedrooms (as opposed to basic beverage making or snack facilities such as kettles and toasters) is not considered appropriate. Furthermore, in addition to the minimum bedroom space, there should be shared communal living space so that occupiers are not confined to a single living and sleeping room.

10. The appeal property comprises a three storey mid-terrace building with a small, enclosed walled garden area to the rear. Although part of the ground floor is occupied by a hair salon, a separate front entrance serves the remainder of the property, which is in residential use. The accommodation consists of seven units, all of which have their own kitchen facilities. Three of the units (the ground floor unit and the upper floor units to the front) also have their own bathroom facilities, and there are two shared bathrooms at first and second floor level.
11. Access to the rear garden is via a kitchen door at the rear of the ground floor self-contained unit and as such cannot be accessed by occupiers of any other units. Whilst there are public open spaces nearby, these are approximately a ten-minute walk away and cannot be used for basic things such as drying laundry. There is also no indoor usable shared communal amenity or living space. I did not view the basement, which was locked at the time of my visit, but was advised it is used for storage purposes, although the written submissions state it is a study. Regardless of which is correct, the basement, like the bathrooms, is not used socially by occupiers of different units at the same time.
12. It was evident from my site visit that the units are very cramped, due to having kitchens, and in some cases bathrooms, fitted within them. As a result, there was very limited space for circulation and the storage of personal belongings, particularly in the rooms occupied by 2 or more people. In some units, windows and doors were obstructed by furniture and the storage of personal belongings, which in turn obstructed light, ventilation and means of entry and exit.
13. Units 1, 4 and 7, which are entirely self-contained, also fall well below the minimum 37sqm internal space standard for new dwellings as set out in the London Plan, with the largest unit, the ground floor one-bedroom flat at unit 1, measuring just under 29sqm.
14. Whilst unit 1, which is a one-bedroom flat with a garden, does in my view provide an acceptable standard of indoor and outdoor space for a single person or a couple, I conclude that the remaining 6 units, with kitchens in bedrooms and no additional indoor or outdoor communal living space, do not provide appropriate living conditions for occupiers and the development therefore fails to accord with Policies BH7, BH13 and DMP1 of the local plan, Policy D6 of The London Plan and the HMO SPD.

Waste and cycle storage

15. As the property does not have any waste storage facilities, rubbish is stored in each unit and can be put out in separate waste and recycling bags on the street for collection. Local residents have stated that this has resulted in a build-up of rubbish on the street, but I saw and have been provided with no evidence of this and as collections take place daily, this is unlikely to be significant.
16. A large single-family household could potentially generate similar levels of waste as the mixed use HMO and self-contained units, although the use of the property as a

family dwelling, or as a small number of flats or HMO rooms with shared communal ground floor and garden space, would potentially enable better storage of waste onsite. However, as there is no space for wheelie bins to the front of the building, and no access to the rear garden other than through the living space and along a narrow hallway with steps, waste would still need putting out onto the street in bags for collection.

17. Likewise, in a family dwelling or small HMO with shared ground and outdoor space, it would be possible to park bicycles safely in the rear garden, but access would again be via a narrow hallway with steps and through shared living spaces. The appellant states that a cycle storage plan could be conditioned, but in the absence of any suitable suggestion as to where cycles could be securely stored in an easily accessible manner, I cannot be certain that such a condition could be complied with. Storage of bicycles in the basement or hallway would not be practical due to the narrow width of the hallway, the steps and the obstruction of safe passage along the hallway.
18. Whilst I noted that there is an on-street cycle nest nearby, at the junction of Willesden Lane and Torbay Road, I am not aware of the capacity, availability or cost of using this. Furthermore, the reliance of this by multiple occupiers of the development would reduce the availability of spaces for existing users and increase the pressure for further such structures in the highway.
19. However, notwithstanding the conflict with Policies DMP1 of the Local Plan and T5 of The London Plan, which require the provision of appropriate cycle parking and servicing facilities, given that the issue of waste and cycle storage is likely to be similarly problematic for this property regardless of its use or occupation, and given the alternative sustainable means of travel available to occupiers in this town centre location, which is well served by shops, services and public transport, I do not consider this matter on its own would be sufficient grounds on which to withhold the grant of planning permission.

Noise and Disturbance

20. Even if occupancy was conditioned to no more than 8 people, this would be difficult to enforce and it is likely that some noise and disturbance would still be experienced within the units from occupiers and visitors of other units passing by the doors, and simply using the adjoining rooms, hallways and staircase. I acknowledge that this is likely to be an issue in many HMOs and flats, but it is an issue that will be increased in properties with higher occupancy levels of unrelated people.
21. In the absence of any substantial evidence demonstrating either that the units have been sound proofed or that a noise or other management plan is in place that could be conditioned to mitigate noise and disturbance between occupiers of each unit, I conclude the living conditions of occupiers are unlikely to be acceptable in terms of noise and disturbance. This is contrary to Policy DMP1 of the local plan, which requires development to be acceptable in terms of noise and general disturbance.

Fire Safety

22. Policy D12A of The London Plan requires that all development must achieve the highest standards of fire safety. The appellant states that the property is fully compliant, with fire alarm systems installed to appropriate British Standards, mains-

wired detectors, fire-resistant doors and materials, and an established assembly point on Willesden Lane. It is also stated that the site layout allows fire appliance access and safeguards residents and first responders.

23. I noted the presence of fire alarms and extinguishers in the hallways and on the landings but the only means of escape to the suggested assembly point on Willesden Lane, is via the ground floor front door. Whilst occupiers of the ground floor unit could escape the building through a back door or window, this would only be into a small enclosed rear yard, and not a place a safe distance away from any smoke and fire. I have not been provided with any evidence to demonstrate that fire insulation has been provided between units or of any management or fire plan. The provision of kitchens in bedrooms, the cramped living conditions, with many windows, doors, entry and exit routes being obstructed by furniture and storage, creates obvious fire and health and safety hazards, indicating that if a fire safety and evacuation plan is in place, it is not being effectively managed or enforced.
24. The use therefore fails to accord with Policy D13 of The London Plan.

Overall conclusion on living conditions for occupiers

25. For the reasons given above, I conclude that the existing configuration of the rooms, with sleeping, living and kitchen space all being in the same small room, together with the lack of communal indoor and outdoor amenity space, noise management measures, and fire safety, falls short of providing acceptable living conditions for occupants. This is contrary to Policies DMP1, BH7, B11 and B13 of the local plan, Policies D6 and D12A of The London Plan and the HMO SPD. These policies seek, amongst other things, to ensure that development is of acceptable use, layout and design that provides high levels of internal and external amenity and fire safety.

ii) Living conditions for neighbours

26. Occupiers of nearby dwellings state that there has been a marked increase in noise and disturbance in the area and that they have also noted a constant state of rubbish build up on the street. However, it is unclear what type of noise and disturbances have been experienced, its times or frequency, whether it is specifically from the appeal property, or how this differs from that of a large family dwelling. I have already considered matters of waste above.
27. I acknowledge that HMOs are occupied differently to family homes with occupants living separately. A greater number of unconnected people living within one property will in turn likely generate a greater number of separate visitors and deliveries to the property, increasing comings and goings. Although I acknowledge that multi-generational families may well have differing working and leisure hours, family members are more likely to have shared visitors, relatives and friends than unrelated HMO occupiers.
28. However, given the location of the site in a mixed-use town centre area, with its only access being from a shopping frontage on a main road, the increased comings and goings of people would be far less apparent than it would be from a quieter residential street. Whilst I have not been made aware of any noise management plan, the property appears well kept and a management plan could be conditioned. As the occupiers have good access to shops, services and public

transport, they are less likely to require a car and thus the lack of car parking is not an issue likely to affect neighbours.

29. I therefore conclude, based upon the evidence before me, that the development is not causing unacceptable harm to the living conditions of neighbours with regard to noise, disturbance, property upkeep, or waste disposal. As such, it does not conflict with Policies DMP1 and BH7 of the local plan, insofar as they seek to avoid development having unacceptable impacts in terms of noise and other forms of disturbance.

iii) Loss of family sized dwellings

30. Whilst it is the appellant's case that the property remains a single planning unit under sui generis use, that no new dwellings have been created and there are no separate postal addresses or Council Tax registrations, a mixed-use sui generis planning unit is materially different to a single-family dwelling, hence the need for planning permission.
31. Policy BH7 of the local plan states that HMOs will be supported where, amongst other things, it has been demonstrated that there is a specific Brent need and the development would not result in an over-concentration of such properties in the area. The appeal property is within a terrace of nine properties, Nos. 69 to 85. The Council has stated that in addition to the appeal property, a further four properties within this terrace, Nos. 69, 71, 77 and 81 are operating as licensed and unlicensed HMOs. However, I have not been provided with any evidence relating to the lawful planning use of any of these properties or whether any unauthorised uses are immune from enforcement action. I therefore afford very limited weight to this information, and in the absence of any substantive evidence to the contrary, I do not consider that allowing the development would result in an over concentration of lawful HMOs in the area or that the use would be detrimental to the mix and balance of housing in the local community.
32. Policy BH11 of the local plan, resists the conversion of family sized dwellings unless, amongst other things, it results in at least a 3-bedroom dwelling, preferably with direct access to a garden. Whilst I acknowledge the busy town centre location would make the property less desirable to some families, it has not been demonstrated that family occupation is unlikely, and no 3-bedroom dwelling has been retained.
33. The supporting text to Policy BH11 states that family housing to meet local needs is a Brent priority. Policy DMP1 states that development will be acceptable where it results in no loss of buildings for which there is an identified need. The appellant has not demonstrated that there is no need for a family dwelling in this location or that such needs are being met. Whilst I have no doubt that there is also a demand for HMO rooms and smaller flats, there is nothing before me to suggest that that need is greater than the Council's identified priority need for family dwellings in Brent.
34. I therefore conclude that the use has an unacceptable effect upon the supply of family sized homes in Brent and is therefore contrary to Policies BH7, BH11 and DMP1 of the local plan.

Other Matters

35. The appellant has suggested that if I find the use of the property as a larger HMO unsuitable, I should consider granting permission for its conversion to a 6 person Class C4 HMO with dedicated communal space. However, as the notice relates to a sui generis mixed use as a HMO and self-contained accommodation, granting permission for a C4 use would go beyond the scope of the matters stated in the notice and would result in injustice to parties that have not had the opportunity to comment upon a Class C4 use.
36. Moreover, there are no plans before me to show how the layout of the premises would be altered, whether kitchens would be removed, what shared accommodation would be provided or where it would be located. Without this information, I am unable to consider the planning merits of a Class C4 HMO. It is open to the appellant to apply for planning permission for a C4 HMO use, supported by detailed plans and supporting information should they wish to do so, or indeed any other alternative scheme.
37. The fact that the accommodation has been found to be acceptable for HMO licensing purposes does not alter my conclusions as this constitutes a separate and independent regime of control.

Planning Balance and Conclusion on ground (a)

38. Although I have not found that the development is harmful to the living conditions of occupiers of nearby dwellings or that the lack of onsite waste and bicycle storage would be unacceptable, I have found conflict with the development plan in terms of the loss of family housing, and in terms of the standard of accommodation provided, with particular regard to internal and external space, noise and disturbance to occupiers and fire safety. I afford these matters significant weight.
39. I acknowledge the contribution the units make towards flexible and affordable living accommodation and making effective use of land in a location which has reasonable accessibility to local amenities. However, these benefits are little different to those that would be derived from the property being occupied as a large family dwelling or smaller HMO, and as such they do not outweigh the poor living conditions and the need to protect the supply of family homes for existing and future generations.
40. I therefore conclude that the use conflicts with the development plan as a whole and other material considerations, including the new Framework, do not indicate that a decision should be made other than in accordance with it. Consequently, the appeal on ground (a) fails and planning permission is refused.

Appeal on ground (f)

41. An appeal on ground (f) is made on the basis that the requirements of the notice exceed what is necessary to either (a) remedy the breach of planning control or (b) remedy any injury to amenity which has been caused by the breach. The purpose of the notice in this case is to remedy the breach of planning control.
42. The appellant argues that the requirements to remove all but one kitchen and all but two bathrooms is excessive and would result in a waste of resources both financially and environmentally. It is not unusual to have multiple family and ensuite bathrooms in larger family homes, particularly where the accommodation

is spread over several floors. As there is only one bathroom on the ground floor and only one bathroom plus one ensuite on each of the upper floors, I agree that the removal of the bathrooms is excessive and is unnecessary to remedy the breach of control. As it is also unclear what the internal partitions, items, materials and debris the Council is referring to in the notice, I shall delete this from the requirements.

43. However, it is unusual to have more than one kitchen in a family home, or to have kitchen facilities in bedrooms. The kitchen facilities are fundamental to the MCU that has occurred and there is no evidence before me to suggest that more than a single kitchen and perhaps a separate utility/laundry room is necessary for a single household. Whilst the appellant's comments regarding a waste of resources are of no relevance to ground (f), I see no reason why the remaining surplus kitchen units and appliances could not be sold and reused to reduce waste and financial losses.
44. I shall vary the requirements of the notice and the appeal on ground (f) succeeds to this extent

Appeal on ground (g)

45. An appeal on ground (g) is made on the basis that the period for compliance specified in the notice falls short of what should reasonably be allowed. The period specified in the notice is 6 months. The appellant has requested that this be extended to 12 months.
46. The purpose of the time period within an enforcement notice is to allow for the physical works associated with the notice to be completed, taking into account the private interests of the appellant and the public interest of ensuring compliance with the notice.
47. The appellant states that 6 months is not sufficient time for existing tenants to find alternative accommodation and for the works to remove the kitchens and bathrooms to be carried out.
48. I note from the tenancy agreements submitted that the appellant is only required to give the occupiers of the units 30 days notice. However, securing and moving into alternative accommodation at such short notice would undoubtedly cause significant stress and disruption to the lives of the occupiers. Furthermore, it would not be reasonable to require kitchens to be removed from rooms prior to the occupiers moving out of them.
49. The notice as varied does not require the removal of any bathrooms and the removal of the kitchen units and appliances, would not be particularly complex. If specialists are required, and are unavailable, to remove any remaining plumbing, electrical or gas fittings associated with the kitchen appliances within the required timescale, the Council has discretionary powers to extend the timeframe accordingly.
50. I therefore conclude that the periods for compliance should be extended to require the use to cease within 6 months, in the interests of minimising stress and disruption to tenants residing at the address, and to allow a further 3 months for the removal of the unnecessary kitchens, following the cessation of the use. This would be a more proportionate response to the breach of planning control and

would achieve an appropriate balance between the need to resolve the breach of planning control and the interests of the occupiers of the premises.

51. I shall vary the requirements of the notice and the appeal on ground (g) succeeds to this extent

Conclusion

52. For the reasons given above, I conclude the appeal should succeed only in part. I shall uphold the notice with a correction and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

53. It is directed that the enforcement notice is corrected by changing the alleged breach of planning control at Schedule 2 to:

“Without planning permission, the material change of use of the premises to a mixed use, comprising a House in Multiple Occupation (HMO) and self-contained residential accommodation.”

54. And is varied by:

Replacing steps 1 and 2 of Schedule 4 with:

STEP 1 Cease the use of the premises as a mixed use, comprising a House in Multiple Occupation (HMO) and self-contained residential accommodation, and its occupation by more than one household.

STEP 2 Remove all except 1 kitchen and 1 utility/laundry room from the premises, including any associated appliances and their fixtures and fittings.

Replacing the period for compliance at Schedule 6 with:

STEP 1 6 months after this notice takes effect.

STEP 2 9 months after this notice takes effect.

55. Subject to the correction and variations above, the appeal is dismissed, the enforcement notice is upheld as corrected and varied, and planning permission is refused on the application deemed to have been made under Section 177(5) of the 1990 Act as amended for the breach of planning control alleged in the notice.

R Bartlett

INSPECTOR