



Appeal Decision

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2026

Appeal Ref: APP/X5210/C/25/3372650

Land at 107 West End Lane, London, NW6 4SY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Ad Bhanthong, Hampton Enterprise Ltd. against an enforcement notice issued by the Council of the London Borough of Camden.
- The notice was issued on 31 July 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the building from a House in Multiple Occupation (HMO) with 12 studio units (sui generis) to mixed-use of HMO and temporary sleeping accommodation/visitor accommodation (sui generis).
- The requirements of the notice are to: Cease the use of the property for temporary sleeping accommodation/visitor accommodation.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the ground set out in section 174(2)(b) 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 correction in the terms set out below in the Formal Decision.

Preliminary Matters

1. The appeal has been made on ground (b) only, which is that the matters stated in the notice have not occurred. Third parties have referred, amongst other things, to the effects of the alleged material change of use on the living conditions of the neighbours. However, in the absence of an appeal on ground (a) and a deemed planning application, I am unable to consider the planning merits of the case.
2. No site visit was necessary as the appeal can be determined based on the written evidence. There were no objections from the parties to this approach, and I am satisfied no injustice would be caused.

The Notice

3. The allegation refers to a material change of use of the property from a House in Multiple Occupation (HMO) with 12 studio units to a mixed use as an HMO and temporary sleeping/visitor accommodation. Section 5 of the notice requires the cessation of the use as temporary sleeping/visitor accommodation. However, the notice should have required the mixed use to cease. I am satisfied that I can correct the notice to this effect as it will not cause injustice to the parties or make the notice more onerous to comply with.

The appeal on ground (b)

4. In order to succeed on a ground (b) appeal, the appellant must show, on the balance of probabilities, that the matters alleged in the notice have not occurred as a matter of fact.

5. The appeal site is 107 West End Lane, a substantial three storey terraced building. The evidence before me indicates that the site is a single planning unit and its lawful use is as a large HMO, which is a sui generis use.
6. The Council states that the basement unit located at the front of the property has operated as temporary sleeping/visitor accommodation since at least 2024. The Council considers that such use is materially different to an HMO use in terms of the more transient pattern of occupation and greater intensity of the use and potential impacts. The appellant has not sought to argue that the alleged mixed use does not constitute a breach of planning control.
7. The Council's evidence indicates that in 2025 the use of the basement unit for temporary sleeping accommodation had exceeded the 90 nights permitted for such use in a calendar year in Greater London, which is indicative of a material change of use of residential premises to temporary sleeping accommodation¹. The evidence indicates that the unit was advertised on accommodation booking websites including Booking.com, and generated a substantial number of visitor reviews in 2024 and 2025. The reviews provide evidence of use as short stay visitor accommodation, referring to the stays of between 2 and 8 nights at the property as 'leisure trips', with details of the facilities available in the room, the house rules including check in/out arrangements, and proximity to public transport and various local attractions.
8. The appellant has not submitted an appeal statement to expand on their case. Their evidence consists of tenancy agreements for each of the units, most of which are for six month terms. However, the agreements for some of the units predate the notice by several years, so they provide little assistance in establishing the use of these units at the time when the alleged use is said to have occurred. Moreover, the agreements only demonstrate that there was a legal entitlement to occupy the units and not that they were physically occupied or that the alleged use as temporary sleeping/visitor accommodation did not take place. Indeed, the information attached to the end of the tenancy agreements indicates that flats 8, 11 and 12 were used as short stay visitor accommodation for a total of 56, 72 and 82 days respectively, with bookings made through the Booking.com and AirBnB websites. Therefore, the appellant's own evidence points to the use of part of the building as temporary sleeping/visitor accommodation.
9. Whilst the evidence indicates that a number of units were used as temporary sleeping/visitor accommodation, it also indicates that the remainder of the property continued in HMO occupation.
10. All of the above considered and having regard to the evidence before me, I conclude, on the balance of probabilities, that a material change of use of the building to mixed use of HMO and temporary sleeping accommodation/visitor accommodation has occurred as a matter of fact.
11. Accordingly, the appeal on ground (b) fails.

Conclusion

12. For the reasons given above, I conclude that the appeal fails, and the enforcement notice is upheld with a correction as set out below.

¹ By virtue of S25A of the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015.

Formal Decision

13. It is directed that the enforcement notice be corrected by:

- The deletion of the requirement under section 5 and the substitution of:
“Cease the mixed use of the property as a House in Multiple Occupation and temporary sleeping accommodation/visitor accommodation by ceasing the use as temporary sleeping accommodation/visitor accommodation”.

14. Subject to this correction, the appeal is dismissed and the enforcement notice is upheld.

M Ollerenshaw

INSPECTOR