



Appeal Decision

Site visit made on 3 September 2026

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2026

Appeal Ref: APP/R5510/C/24/3348967

65 Blunts Avenue, West Drayton, UB7 0DS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Agustin Cobos Alvear against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 19 June 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use from a residential dwelling (Class C3) to a short-term letting residential property at 65 Blunts Avenue, West Drayton, UB7 0DS.
 - The requirements of the notice are to cease the use of the dwelling for short-term let residential use.
 - The period for compliance with the requirement is two months.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by:
 - Deleting the breach of planning control alleged in section 3 and its substitution with “Without planning permission, the material change of use of the property to short-term let accommodation (“the breach”).”
 - Deleting the requirement in section 5 and its substitution with “Cease the use of the property for short-term let accommodation.”
2. Subject to the corrections, the appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

3. The appeal relates to an extended, end of link house situated in a residential cul-de-sac, located close to Heathrow Airport.
4. I note the appellant’s response to the reasons for issuing the enforcement notice, disputing concerns relating to noise, general disturbance, privacy, highway safety/parking and whether the use has resulted in the loss of permanent residential accommodation. I also note the objection received setting out a contrary position on matters mainly relating to the effect on living conditions. Moreover, the Council and the appellant have made submissions considering the alleged development against relevant development plan policies, whilst the Council has also sought to clarify its housing land supply position.
5. However, I am unable to consider such matters, insofar as they relate to the planning merits, as the appellant has not sought to make an appeal under ground

(a), which is that planning permission should be granted for what is alleged in the notice.

The Appeal on Ground (b)

6. A ground (b) appeal is that the breach of planning control alleged in the enforcement notice, which in this case is the material change of use from a residential dwelling (Class C3) to a short-term letting residential property, has not occurred as a matter of fact. The burden of proof lies with the appellant to make his case on the balance of probabilities.
7. However, the appellant acknowledges that the property has been used for short term lets (whilst also asserting that it has been used as a house in multiple occupation (HMO)). Moreover, the Council has provided a screenshot listing the appeal property as “Airport Comfy Stay” on “Hotelmix.co.uk”, which describes it as a six-room apartment with rooms from £44. The listing also provides details of the location as well as check-in and check-out times, similar to any online accommodation booking platform. The Council has also provided a Tripadvisor screenshot for the appeal site, listing prices on Booking.com and Agoda, as well as a Booking.com screenshot under its accommodation tab. All of those screenshots are dated 17 November 2023, prior to the date of the enforcement notice.
8. Therefore, the use of the property for short term let accommodation has plainly occurred.
9. Nevertheless, the appellant argues that a change of use from a Class C3 (dwellinghouse) has not occurred as the property has been used as a Class C4 HMO for 10 years. In that regard, reference is made to an appeal decision from 2015 which refers to the property as an HMO at that time¹. An HMO licence is also provided, taking effect for five years from May 2018.
10. The Council’s position is that the use of the property as an HMO is unauthorised, but its preceding reasoning refers to the expiration of the HMO licence, rather than discussing its planning status. In any case, a change of use from Class C3 to Class C4 was permitted development under Schedule 2, Part 3, Class L of the GPDO². (I appreciate that the Council currently has a borough-wide Article 4 Direction in place which removes that permitted development right, but that came into force on 11 December 2025, after the date of issuing the enforcement notice. The Article 4 Direction in place at the time and prior to the date of the notice did not cover the area in which the appeal site is located.)
11. The appellant explains that the house is currently being rented by C&P Real Homes Ltd to provide accommodation for its employees based abroad when they come to London. He says it is financially more feasible for the company to rent a house rather than pay for hotels as the employees usually stay in London for extended periods of time, and the house is their only place of residence whilst in London. The appellant submits that its use on that basis aligns with its Class C4 use.
12. In support of his case, the appellant has provided bank statements which he argues to be proof of address for three employees who permanently reside at the

¹ Appeal Ref: APP/R5510/W/15/3002715

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

property. However, if that is their main residence, as stated, it would be reasonable to expect a broader scope of evidence from several independent sources, not just a single bank statement for each person, with relatively limited financial activity.

13. Moreover, the names of the three employees recorded in the bank statements, which correspond with the passport details of the individuals concerned, support the possibility of a family relationship. The two men share the same surnames and place of birth, which is consistent with them being siblings. The woman's first surname also corresponds with the men's second surname. Depending on the naming conventions being used, and the order in which the names have been recorded, this could be consistent with her being their mother. The age difference would certainly allow for that possibility.
14. Therefore, in the absence of an explanation to the contrary, the evidence points to the three employees being related. If that is so, their use of the property would likely have been as a single household. I have no details of any other tenants forming a separate household, so it is not shown that the use would fall within a Class C4 HMO use, which equates, amongst other things, to occupation by between three and six individuals who do not form a single household.
15. It is not therefore clear, based on the evidence before me, whether the previous use of the property, and at least any part continuation of the same, was as a Class C4 HMO or a Class C3 dwellinghouse. Given that uncertainty, and the fact that the notice need not recite the previous use, I shall correct the allegation to remove reference to Class C3 (as well as deleting the property address which is already set out in section 2). The single requirement should also be corrected to logically follow and tally with the corrected breach.
16. Nonetheless, for the reasons explained, what is clear from the evidence, is that the use of the property for short-term lets had occurred by the date of issue of the enforcement notice. The ground (b) appeal must therefore fail.

Other Matters

17. S25A of the Greater London (General Powers) Act 1973, as amended by the Deregulation Act 2015, provides that use as temporary sleeping accommodation of any residential premises in Greater London does not involve a material change of use³ if two conditions are met, the first of which is that the sum of the number of nights as use as temporary sleeping accommodation and the number of nights (if any) of each previous use as temporary sleeping accommodation in the same calendar year does not exceed ninety.
18. In that context, I note the appellant's assertion that the short-term lets are limited to ninety days annually, so do not require planning permission. That amounts to a hidden ground (c) appeal, that the matters alleged do not constitute a breach of planning control.
19. As it is for the appellant to specify the grounds on which the appeal is made, I have considered whether to revert to the parties on this matter but the appellant's own evidence in the form of a register of bookings shows that for the full calendar year before the enforcement notice was issued (2023), the number of nights of use

³ S55 of the 1990 Act states that "development" includes the making of any material change in the use of any buildings or other land.

as temporary sleeping accommodation exceeded ninety. Accordingly, reverting to the parties would serve no purpose as a ground (c) appeal would fail.

Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

Richard S Jones

INSPECTOR