



Appeal Decision

Site visit made on 22 September 2026

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2026

Appeal Ref: APP/H5390/C/25/3364663

1 Wood Lane, London W12 7DP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mr Kamran Raza (Rasons United Ltd) against an enforcement notice issued by the Council of the London Borough of Hammersmith and Fulham.
- The notice was issued on 20 March 2025.
- The breach of planning control as alleged in the notice is without planning permission, the conversion of the first and second floor residential dwelling to 5 self contained studio flats.
- The requirements of the notice are to:
 - 1) Cease the use as 5 self contained studio flats
 - 2) Remove the kitchen from each studio flat
 - 3) Reinstate the property to how it was prior to the breach as shown in As Built Plans WN 05 and WN 06 dated Oct 2022 (attached)
 - 4) Remove from the land all associated materials.
- The period for compliance with the requirements is: within 5 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal succeeds to the extent that the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

Enforcement Notice (the Notice)

1. Under section 176(1) of the Act, I may correct any defect, error or misdescription in the Notice or I may vary its terms, provided any such amendment causes no injustice to the appellant or to the Council. Reference is erroneously made in paragraph 1 of the Notice to Section 171A(l) of the Act, rather than Section 171A(1). The correction of this minor error would cause no injustice to either party.
2. Section 3 of the Notice refers to the alleged breach of planning control as including “the conversion of the first and second floor residential dwelling”. I find the word “conversion” to be uncertain in its meaning. Instead, I will replace it with the phrase “the material change of use”, which is consistent with the definition of development as set out in section 55(1) of the Act.
3. Moreover, the breach of planning control refers to “5 self contained studio flats”. This is also reflected in the first requirement in section 5 of the Notice to “cease the use as 5 self-contained studio flats”. These parts of the Notice should be corrected and varied by removing the specific number of units so as to prevent the use of the first and second floors for a fewer number of flats.
4. The corrections and variations referred to above would clarify the breach of planning control and the required remedial steps without changing the overall purpose of the Notice. Therefore, they would cause no injustice to the appellant nor the Council.

Ground (f) appeal.

5. An appeal on ground (f) is that the requirements of the notice exceed what is necessary in order to remedy the breach of planning control or, as the case may be, the injury to amenity that is caused by the breach. The Notice requires the cessation of the use of the first and second floors as self contained flats, the removal of kitchens from each studio flat and the reinstatement of the property to how it was prior to the breach and as shown on attached plans. The clear purpose of the Notice is to remedy the breach of planning control.
6. The appellant contends that steps 1 and 2 as set out in section 5 of the Notice are in themselves sufficient to remedy the breach. I saw kitchen facilities have been provided in each of the flats and it is clear they facilitate the self-contained flats use. There is no indication or evidence to demonstrate the works to provide the kitchens was undertaken in connection with a previous lawful use of the building. As such, the cessation of the use and the removal of the kitchens are reasonable and necessary requirements to remedy the breach of planning control.
7. However, the appellant contends the third requirement to reinstate the property to as shown on the attached plans numbered WN 05 and WN 06 (the Plans) is unnecessary and unreasonable. The appellant explains their desire to retain the ensuite shower rooms in each of the flats and how these would be utilised following the cessation of the breach of planning control.
8. The Plans are entitled “As Built Plans” and they indicate a use, such as bedrooms and living/kitchen/dining room, for each room on the first and second floors. However, to address the breach of planning control, it is necessary to only require the cessation of the self-contained flats use and removal of works that facilitate the change of use. A requirement to reinstate the first and second floors to any other use including the specific purposes as annotated on the Plans would go beyond remedying the breach. Therefore, I find the third requirement would be excessive and unnecessary and so it should be deleted from the Notice.
9. Requirement number (4) is not disputed by the appellant and I find no reason to disagree with this position. However, in light of the deletion of the third requirement, the last requirement should be numbered (3) rather than (4). For the above reasons, I conclude the appeal on ground (f) should succeed.

Ground (g) appeal.

10. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. The appellant has requested the compliance period be extended to 12 months. This request is made on the basis that the flats are occupied by tenants with a 4 months’ notice period. Notice has already been served on 2 tenants but 1 of these has failed to vacate with court action pending on the matter. Also, it is suggested that further time is needed to find builders to undertake the works required under the Notice.
11. Only limited information on the tenancy agreements has been provided, although I have no reason to dispute the 4 month notice period referred to by the appellant. Moreover, the requirements of the Notice may lead to the remaining tenants having to move and to find somewhere else to live. This would represent an interference with their rights to peaceful enjoyment of their possessions and to respect for a private family and home under Article 1 of the First Protocol and

Article 8 of the Human Rights Act 1998. With these factors in mind, I consider the 5 months compliance period as stated on the Notice would be unreasonable and it may indeed be impractical for existing tenants.

12. At the same time, I am unconvinced that 12 months would be necessary to comply with the amended requirements of the Notice, particularly as there is no evidence to substantiate claimed problems in arranging for builders to undertake the required works. Given the 4 month notice period for tenants to leave the flats and the extent of works required, I consider a compliance period of 6 months to be a reasonable balance between the difficulties and disruption that the appellant and the tenants may encounter and the public interest in this case. Therefore, I shall extend the compliance period to 6 months.

13. For the above reasons, I conclude the appeal on ground (g) should succeed.

Conclusion

14. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeals on grounds (f) and (g) succeed to that extent.

Formal Decision

15. It is directed that the Notice is corrected and varied by:

- In Section 1 the deletion of the words "Section 171A(I)" and their substitution with the words "Section 171A(1)";
- In Section 3 the deletion of the words "the conversion of the first and second floor residential dwelling to 5 self contained studio flats" and their substitution with the words "the material change of use of the first and second floor residential dwelling to self contained flats".
- In Section 5 the deletion of the words "3) Reinstate the property to how it was prior to the breach as shown in As Built Plans WN 05 and WN 06 dated Oct 2022. (attached)".
- In Section 5 changing the number of requirement 4) to number 3).
- In Section 6 the deletion of the words "within 5 months" and their substitution with the words "within 6 months".

16. Subject to the corrections and variations, the enforcement notice is upheld.

Jonathan Edwards

INSPECTOR