



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: 9 October 2026

Appeal Ref: APP/M5450/C/25/3363590

Land at 16 The Chase, Edgware, Harrow HA8 5DJ

- 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 Wakaas Saqib against an enforcement notice issued by the Council of the London Borough of Harrow.
- The notice was issued on 6 March 2025.
- The breach of planning control as alleged in the notice is without planning permission:
 1. The Unauthorised Use of the outbuilding as a residential dwelling marked hatched blue on Plan 2 ("the Unauthorised Use").
- The requirements of the notice are to:
 - 1) Cease the unauthorised use of the outbuilding as a residential dwelling;
 - 2) Remove the kitchen from the outbuilding;
 - 3) Remove the bathroom and constituent elements including walls and pipework from the outbuilding; and
 - 4) Remove from the Land all materials and debris arising from compliance with the aforementioned requirements in 1, 2 and 3 of the notice.
- The period for compliance with the requirements is: Three (3) calendar months.
- 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 of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Preliminary Matters

1. The appellant's submissions indicate that an application for a lawful development certificate has been submitted to the Council. However, from the limited information provided it is unclear whether this application relates to the alleged breach of planning control referred to in the enforcement notice (the Notice). Indeed, a letter from the Council on the application refers to the conversion of a detached garage to habitable room rather than the use of an outbuilding as a residential dwelling. It would also appear that the Council has deemed the application to be invalid. As such, the referred to application for a certificate of lawfulness has no bearing on my assessment of this appeal.
2. A revised version of the National Planning Policy Framework (the Framework) was published in August 2026 and after the appeal was lodged. I have invited the views of the appellant and the Council on the revised Framework and I have had regard to the submitted comments in my assessment of the appeal.

Enforcement Notice

3. Under section 176(1) of the Act, I may correct any defect, error or misdescription in the enforcement notice or I may vary its terms, provided any such amendment

causes no injustice to the appellant or to the Council. Section 3 of the Notice sets out the matters the Council considers represent a breach of planning control and it refers to the unauthorised use of the outbuilding. However, to be consistent with Section 55(1) of the Act, the alleged breach of planning control should be corrected to refer to a material change in the use of the outbuilding.

4. Moreover, the land subject of the Notice includes a main house with the referred to outbuilding in its back garden. For clarity reasons, the alleged breach of planning control should refer to a material change of use of the outbuilding to an independent residential dwelling so as to distinguish its use from one that is incidental to, or part of the established residential use of the land.
5. Section 5 of the Notice sets out the steps that are required. To bring the requirements in line with the amended alleged breach of planning control, step 1 should be varied to refer to “an independent residential dwelling”.
6. 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. As such, I am satisfied that all of the corrections and variations would cause no injustice to the appellant or to the Council.

The appeal on ground (a) appeal and the deemed planning application (DPA).

7. The appeal on ground (a) of section 174(2) of the Act is made on the basis that planning permission ought to be granted in respect of the breach of planning control alleged in the Notice.

Main Issues.

8. Having regard to the Council's reasons for issuing the Notice, the main issues in the determination of the ground (a) appeal are (i) whether the development provides satisfactory living conditions for its occupiers having regard to the amount and quality of the internal space, cycle storage, waste storage and parking, and (ii) its effect on living conditions at neighbouring residences.

Whether the development provides satisfactory living conditions.

9. Part A of policy D6 of the London Plan 2021 (the LP) states that housing development should be of high quality design and provide adequately sized rooms. Under part F of the same policy, various minimum standards are set out, including under part F(1) a requirement that dwellings must provide at least the gross internal floor area and built-in storage areas as set out in Table 3.1 of the LP. Policy DM26 of the Harrow Council Development Management Policies 2013 (the DMP) relates to the conversion of residential premises to multiple homes and requires such proposals to comply with the LP minimum space standards.
10. The appellant has not sought to dispute the Council's estimate that the dwelling subject of this appeal has a total floor area of 15.42m². Under Table 3.1 of the LP, the minimum gross internal floor space standard for the smallest 1 person, 1 bedroom dwelling is 37m². As such, the internal floor space of the dwelling is significantly below the requirements set out in Table 3.1 of the LP.
11. On my visit, I saw the entrance door of the outbuilding leads straight into a galley kitchen area with a sink, hob, work surfaces and storage space for cooking equipment and items. To the side of the kitchen is the door to a bathroom that

includes a shower, a toilet and a sink. The part of the building away from the entrance door was being used as a living and sleeping space. Therefore, the dwelling provides facilities required for day-to-day private domestic existence.

12. The appellant suggests the independent residential use has been carried out for a significant period and that this demonstrates the outbuilding is suitable as a dwelling. However, I found the internal space to be cramped due to the outbuilding's limited footprint and its narrow width. Also, the set position of the kitchen area and shower room means the dwelling allows only limited versatility in the way it can be used. As such, it provides a constrained living environment where circulation space is restricted and where sleeping, eating, cooking, washing and all domestic activities occur uncomfortably close to each other.
13. Windows allow a suitable level of light and ventilation to the building. The glazing is partly obscured so as to provide a level of privacy, despite the outbuilding being adjacent to the back garden that is used by the occupants of the main house on the land. I am advised that occupiers of the outbuilding dwelling share the use of this garden and so they have access to a fairly private outdoor area. There is also a small private fenced off area outside the entrance door that could be used to store a cycle. It would be reasonable to impose planning conditions that require the approval and provision of cycle and bin storage facilities on the land identified under the Notice in the event of the ground (a) appeal being allowed. Therefore, I find no conflict with LP policy T5 on cycle parking and part A(f) of DMP policy DM26 on the storage of waste. However, acceptability in these regards fails to override the identified shortcomings in the size and quality of the internal space.
14. The Council's reasons for issuing the Notice refer to the unauthorised dwelling having unsatisfactory access, although this concern is not further explained in its submissions. Access to the outbuilding is along a drive to the side of the main house on the land. This drive is flat and of sufficient width to allow pedestrians to walk freely between the roadside pavement and the dwelling. Moreover, it is a fairly short walk from the appeal property to the range of shops, public transport links and other facilities at Burnt Oak Broadway. As such, the users of the development have sufficient access to services.
15. The Council also raises concern over the lack of parking to serve the dwelling. However, LP policy T6 explains that car parking should be restricted in line with levels of public transport accessibility and connectivity. LP policy T6.1 sets out maximum parking requirements for new residential development that should not be exceeded, rather than minimum standards. The appellant advises the appeal property lies in an area with a Public Transport Accessibility Level score of 3. As such, standards set out in Table 10.3 of the LP indicate that no more than 0.75 car parking spaces should be provided for the development. Therefore, the local policy context supports the lack of dedicated parking to serve the dwelling. In these regards, I find the development accords with LP policies T6 and T6.1 as well as DMP policy DM26 and its provisions on parking.
16. However, for the reasons given above, I conclude the development would not provide satisfactory living conditions for its occupants having regard to the amount and quality of the internal space. In these respects, it does not accord with LP policy D6 and DMP policies DM1 and DM26. These policies seek to ensure new developments achieve a high standard of amenity. In these respects, they are generally consistent with national decision-making policies in the Framework,

particularly those that seek well-designed places. The Council's reasons for the Notice also refer to LP policies D3 and D7 but I am taken to no part of these policies that are relevant to the assessment of this main issue.

Effect on living conditions at neighbouring properties.

17. The land subject to the Notice is within a residential area with neighbouring dwellings on either side. The outbuilding is seen from these nearby residences but I envisage the modest level of domestic activity associated with the dwelling is unlikely to affect residents in the adjacent houses. The development may lead to additional waste bins being kept on the land but a planning condition could be imposed to ensure this avoids detrimental impacts on living conditions at nearby houses and on the amenity of the street.
18. Therefore, I conclude the development is not harmful to living conditions at nearby dwellings. In these regards, it would accord with DMP policies DM1 and DM26 and their provisions that seek to ensure development protects the amenity of neighbouring occupiers.

Other considerations and the planning balance.

19. The conflict with the LP and DMP policies identified under the first main issue means the material change of use to an independent residential dwelling does not accord with the development plan when read as a whole. It follows to consider whether there is sufficient justification to allow the ground (a) appeal and the DPA contrary to the development plan. The other considerations include the relevant provisions of the Framework.
20. Policy S3 of the Framework states planning decisions should apply a presumption in favour of sustainable development. The land subject of the Notice is clearly within a settlement as it is in a residential area of London. Therefore, part 1a of policy S3 dictates that policy S4 of the Framework should be applied. This states development within settlements should be approved unless the benefits of doing so would be substantially outweighed by adverse effects, when assessed against the national decision-making policies of the Framework.
21. In terms of benefits, the development adds to the local housing stock, although the provision of 1 extra dwelling is a modest contribution. The appellant suggests that the Council is highly reliant on small windfall developments to ensure its housing delivery targets are met. However, there is no information before me to demonstrate an evidenced need for more dwellings or for small residential units such as that subject of this appeal. Therefore, the benefits of the development in terms of adding to housing supply attract only limited weight in my assessment.
22. Policy L2 of the Framework states that substantial weight should be given to the benefits of making better use of vacant and underutilised buildings. However, it is unclear from the submissions as to how the outbuilding was utilised prior to its use as an independent dwelling and there is no substantive evidence to indicate that it was disused or vacant. Therefore, the substantial weight referred to under policy L2 of the Framework should not be applied. Instead, I attach modest weight to the benefits in these regards.
23. Part 3 of policy DP3 of the Framework states that development should be refused if, without clear justification, it conflicts with any explicit design standards set out in

the development plan. The dwelling does not accord with the minimum floor space requirements as set out in Table 3.1 of the LP and so part 3 of Policy DP3 of the Framework strongly supports the refusal of planning permission.

24. Part 2c of Policy S4 of the Framework states that the benefits of approving development are likely to be substantially outweighed where a development fails to comply with one of the national decision making policies that state permission should be refused. In this case, policy DP3 of the Framework dictates permission should not be granted. Therefore, I find the benefits of the development are substantially outweighed by the adverse effects in terms of the substandard internal living environment. When read as a whole, the provisions of the Framework do not justify allowing the ground (a) appeal and the DPA contrary to development plan policies.
25. Dismissing the ground (a) appeal and refusing the DPA would lead to the current occupant of the dwelling having to leave their home. This would represent an interference with their rights to peaceful enjoyment of their possessions and to respect for a private family life and a home under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. However, these are qualified rights and a decision to dismiss the ground (a) appeal would accord with the law as it pursues the legitimate aim to ensure dwellings provide satisfactory living conditions.

Conclusion on ground (a) appeal and the deemed planning application.

26. For the reasons given above, the material change of use of the outbuilding to an independent dwellinghouse fails to accord with the LP and DMP policies and there are no material considerations that indicate a decision should be made other than in accordance with the development plan. Therefore, I conclude the appeal on ground (a) should fail and the DPA should be refused.

The appellant's alternative proposal.

27. The appellant has asked for consideration to be given to granting planning permission for an alternative proposal that would enable the outbuilding to be "utilised as an annexe to the main dwelling". The submissions include very little information on this proposed use other than the outbuilding would provide a useful space for occupiers of the host building and for an older family relative who would gain a degree of independence. It appears the proposed alternative could represent a material change of use of the outbuilding to an independent residential dwelling. I have already concluded planning permission should not be granted for such a use.
28. The appeal on ground (a) and the DPA are limited to the matters stated in the Notice as constituting the breach of planning control. Use of the outbuilding as an annexe other than a self-contained residence would be a different use that is not part of the matters stated in the Notice. That proposal is beyond the scope of this appeal.

The appeal on ground (f).

29. An appeal on ground (f) is that 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. In this case, the purpose of the Notice is clearly to remedy the breach of planning control as it requires the

cessation of the use of the outbuilding as a residential dwelling as well as the removal of a kitchen and a bathroom including walls and pipework. Accordingly, the appeal on ground (f) can only succeed if it is shown that the steps set out in the Notice are excessive to meet that purpose.

30. The appellant contends that the removal of all cooking facilities including the hob, a microwave oven and fridge and kitchen sink would prevent the independent residential dwelling use. It is suggested that the removal of the kitchen cupboards and work surfaces and the bathroom would be excessive to remedy the breach of planning control, particularly as these facilities would serve a useful purpose if the outbuilding were utilised as a gym or games room by family members.
31. The kitchen as a whole and the bathroom facilitate the independent residential dwelling use of the outbuilding. Moreover, there is no indication or evidence to demonstrate the works to provide the kitchen and bathroom were undertaken in connection with a previous lawful use of the building. Therefore, their removal may be required by the Notice. A requirement for cessation of the use alone would not properly remedy the breach of planning control as internal accommodation would remain that could further facilitate the breach.
32. Moreover, the outbuilding is very close to the rear of the main dwelling house on the affected land. Drawings provided by the appellant show a downstairs shower room to the rear of the dwelling as well as a ground floor kitchen and dining area. Even if it were used as a gym or games room by the occupiers of the dwelling in association with its use, it would be unusual for the outbuilding to have a bathroom and kitchen cabinets and work surfaces, particularly as it is so close to existing facilities within the main dwelling. Therefore, I give only limited weight to the appellant's justification for the retention of the bathroom and the kitchen cupboards and work surfaces.
33. As such, I find the steps as set out on the Notice are reasonable and they are not excessive. Instead, they are necessary in order to remedy the breach of planning control. Accordingly, I conclude the appeal on ground (f) should fail.

The appeal on ground (g).

34. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. I am advised that there is a tenancy agreement with a tenant who is living in the outbuilding. The appellant has requested the compliance period be extended to 6 months to allow sufficient time for the tenant to relocate to another property without experiencing undue financial, physical or emotional stress.
35. No details of the tenancy agreement have been provided. As such, it is not shown that 3 calendar months would be insufficient to serve any required notice and for the existing occupant to find alternative accommodation. Nonetheless, I am mindful of the aforementioned provisions of the Human Rights Act and how a decision to uphold the Notice would lead to an interference of the tenant's rights. Also, it would be impractical to remove the kitchen and the bathroom until after the tenant has left the property. It is likely the removal of the kitchen and the bathroom fixtures and fittings would require the involvement of electrical and plumbing specialists. Therefore, I find the 3 calendar month compliance period to be unreasonable. The appellant's suggestion of a 6 month period to comply with the remedial steps would strike a reasonable and proportionate balance between the

difficulties and disruption the appellant and the tenant may encounter and the public interest in this case. I shall vary the period for compliance with the Notice to 6 months as suggested by the appellant. Therefore, I conclude the appeal on ground (g) should succeed.

Conclusion

36. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Formal Decision

37. It is directed that the enforcement notice is corrected and varied by:
- In Section 3 the deletion of “1. The Unauthorised Use of the outbuilding as a residential dwelling marked hatched blue on Plan 2 ((the Unauthorised Use)” and its substitution with “1. The material change in the use of the outbuilding to an independent residential dwelling marked hatched blue on Plan 2 (“the Unauthorised Use)”
 - In requirement numbered 1 in Section 5, the insertion of the word “independent” between the words “as a” and “residential dwelling”
 - In Section 6 the deletion of “Three (3) months” and its substitution with “Six (6) months”.
38. Subject to the corrections and variations, 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.

Jonathan Edwards

INSPECTOR