



Appeal Decision

Site visit made on 6 October 2026

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2026

Appeal Ref: APP/A5270/C/25/3370684

1 Salisbury Road, Southall UB2 5QJ

- 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 Sanjeev Manjania against an enforcement notice issued by the Council of the London Borough of Ealing.
- The notice was issued on 1 July 2025.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the property to two self-contained flats.
- The requirements of the notice are to:
 - A. Cease the use of the property as two self-contained flats;
 - B. Remove the kitchen in its entirety from the first floor;
 - C. Remove the door from the bottom of the staircase which facilitates the use of the property as two self-contained flats; and
 - D. Remove all resulting materials, debris and rubbish from the land.
- The period for compliance with the requirements is: 3 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 is dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

The Enforcement Notice

1. Under section 176(1) of the Act, I may correct any defect, error or misdescription in the enforcement notice (the Notice) or I may vary its terms, provided any such amendment causes no injustice to the appellant or to the Council. The alleged breach of planning control in Section 3 of the Notice refers to “the material change of use of the property to two self-contained flats”. To be consistent with the other parts of the Notice, the word “property” should be replaced with “land affected”. Also, Section 5 should be corrected to remove the specific number of units so as to prevent the use of the land for a different number of flats. As a consequence of these changes, requirement A under section 5 of the Notice should be varied to “Cease the use of the land affected as self-contained flats”.
2. These corrections and variations would clarify the breach of planning control and the 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.

3. An appeal on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The Notice requires the cessation of the use of the affected land as self-

contained flats as well as the removal of a first floor kitchen and an entrance door to the first floor flat at the bottom of the staircase. As such, the clear purpose of the Notice is to remedy the breach of planning control.

4. The appellant raises no concern over steps A, C and D as set out in section 5 of the Notice. However, they claim the removal of the first floor kitchen as required under step B would be excessive, particularly as its installation does not constitute development and so it does not require planning permission. Whilst noting these comments, it has been established through caselaw that an enforcement notice directed at a material change of use may require the removal of works that facilitate and are integral to the unauthorised use, even if such works do not constitute development. The first floor kitchen has clearly enabled the house to be sub-divided into flats and there is no evidence to show it was provided in connection with a previous lawful use of the building.
5. The appellant suggests the first floor kitchen could be useful for occupiers of the property once the unauthorised flats use is ceased. However, there is no obvious need for this kitchen as the property is modest in size and there is another equipped kitchen on the ground floor. The retention of the first floor kitchen would undermine the purpose of the Notice to remedy the breach and to restore the affected land to its condition before the breach took place. As such, the removal of the kitchen is a reasonable and necessary requirement to remedy the breach of planning control. Accordingly, I conclude the ground (f) appeal should fail.

Ground (g) appeal.

6. An appeal on ground (g) is that any period given for compliance within the Notice falls short of what should reasonably be allowed. The appellant has requested the compliance period be extended to 9 months as it is claimed the 3 month period as set out on the Notice would be insufficient to appoint a contractor and to schedule the works to remove the kitchen and the door. However, there is little information before me to substantiate these claims. The removal of the door would be a very minor alteration and it could be completed quickly. The removal of the kitchen would represent more substantial works as I saw it contains cabinets, a sink, a hob and an extractor fan. Even so, I find no reason why the removal of these fixtures could not be carried out within a short period of time.
7. On my visit I saw the first floor flat contained furniture but there was very few personal items to indicate it was currently being used as a self-contained dwelling. However, it may be the case that the requirement set out in the Notice to cease the self-contained flats use would lead to residents losing their homes. 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.
8. However, there is limited evidence to support the appellant's claims that an extended compliance period is needed to allow time for existing occupants to raise finance to fund relocation or to identify alternative accommodation. No detailed information has been provided on the availability of residential accommodation to support the suggestion of a shortage of housing. Also, the Council highlights its duty to assist those at imminent risk of becoming homeless to find alternative accommodation.

9. Moreover, the reasons for serving the Notice include that the self-contained flats provide insufficient living space. With this in mind, I find the 3 month compliance period strikes a reasonable balance between any difficulties and disruption that the appellant or residents may encounter and the public interest in enforcing against the breach of planning control. Interference with any residents' rights under the Human Rights Act 1998 as a result of the Notice would accord with the law as it pursues the legitimate aim to ensure dwellings provide satisfactory living conditions. Therefore, I conclude the appeal under ground (g) should fail.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the Notice with corrections and variations.

Formal Decision

11. It is directed that the enforcement notice is corrected and varied by:
- In section 3, the deletion of the word “property” and its substitution with “land affected”.
 - In section 5, the deletion of the words “A. Cease the use of the property as two self-contained flats;” and their substitution with the words “A. Cease the use of the land affected as self-contained flats.”
12. Subject to the corrections and variations, the appeal is dismissed, and the enforcement notice is upheld.

Jonathan Edwards

INSPECTOR