



Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2026

Appeal Ref: APP/E5900/C/25/3370627

Land on the north side of 218 Bow Common Lane, London E3 4HH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ropery Ltd against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
 - The notice was issued on 19 June 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the creation of a residential unit in breach of PA/20/00820 for the construction of a two-storey office building (Use Class B1) shown in the approximate position outlined in blue on the attached plan.
 - The requirements of the notice are: 1. Remove the kitchen and bathroom from the building shown in the approximate location outlined in blue on the attached plan and return the interior to the office layout as approved under planning application PA/20/00820.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary matter

2. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.

Ground (b) appeal

3. The ground of appeal is that the matters stated in the enforcement notice as constituting a breach of planning control have not occurred. The burden is firmly on the appellant to show why their appeal should succeed on this ground, the relevant test of the evidence being on the balance of probability.
4. The appeal concerns a two storey building, located in the Ropery Street Conservation Area. The building was erected pursuant to planning permission granted in October 2020 for works which included constructing a two storey office building at the appeal premises.¹
5. The appellant claimed that the building was completed as offices and subsequently let out to a company which provides medical services. However, the documentary evidence supplied by the appellant does not show that there was no residential use of the building prior to the issuing of the notice. The copy of the lease agreement supplied is neither signed nor dated, whilst the copy of the heads of terms also supplied is dated 30 June 2025, i.e., after the date the notice was issued.

¹ Council Ref: PA/20/00820

6. Moreover, evidence supplied by the Council does not support the appellant's claim. Photographs taken during a visit to the premises in May 2025 show that a fitted kitchen which included base and wall mounted units, worktops and an oven together with an extractor hood, had been installed in the building, along with a bathroom which included a bathtub. No equivalent facilities are shown on the approved drawings.
7. The presence of the kitchen and bathroom meant that the building could afford to those who use it the facilities required for day-to-day private domestic existence, this being well-established as the distinctive characteristic of a dwelling. The Council's evidence also points towards the building having been marketed for sale as a residential unit during the first part of 2025. This followed a planning application made for change of use of the building to a three-bedroom dwelling, refused by the Council in June 2023.²
8. I acknowledge that the mere presence of a kitchen and bathroom are not conclusive of the building being put to residential use. Even so, to my mind the extent of those facilities exceed what might generally be considered as incidental or ancillary to an office use of a building of such relatively modest size, being similar to what might ordinarily be associated with use as a dwelling. The appellant did not provide a clear and convincing explanation as to why the kitchen and bathroom facilities had been installed, or why the ground and first floors had been subdivided into smaller rooms than shown on the approved drawings, if other than to facilitate a residential use of the building.
9. To sum up, based on the available evidence and as a matter of fact and degree, I consider it more likely than not that the residential use of the building did in fact occur before the notice was issued, the appellant having been unable to show otherwise.
10. The ground (b) appeal fails.

Conclusion

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

Stephen Hawkins

INSPECTOR

² Council Ref: PA/23/00684