Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2026

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2026

Appeal Ref: APP/T5150/C/25/3370129
13 Walton Close, London, NW2 6EQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Mohammed Nawrozzadeh against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 23 June 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the premises to a mixed use as a HMO (House in Multiple Occupation) and short-term letting accommodation.
- The requirements of the notice are to:
  Step 1 Cease the use of the premises as a mixed use as a HMO (House in Multiple Occupation) and short-term letting accommodation.
  Step 2 Cease the use of the premises as a HMO (House in Multiple Occupation).
  Step 3 Cease the use of the premises as short-term letting accommodation.
  Step 4 Remove all advertisements relating to the unauthorised use of the premises as short-term letting accommodation and remove all items, facilities, fixtures and equipment associated with the unauthorised short-term letting and HMO use from the premises, including but not limited to locks on all internal doors, all ensuite bathrooms and associated partitions, all kitchen sinks, worktops, fridges, toasters, kettles and cupboards within the rooms.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (e), (f), (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Application for costs

1. An application for costs was made by the Council of the London Borough of Brent against Mr Mohammed Nawrozzadeh. This application is the subject of a separate Decision.

Preliminary Matters

2. The appeal property was originally a single dwellinghouse within use class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The alleged breach of planning control is a material change of use of the premises to a mixed use as a House in Multiple Occupation (HMO) and short-term letting accommodation. A licence was granted by the Council in January 2022 for an HMO for occupation by not more than five persons. During the course of the appeal planning permission (ref. 26/1865) was granted for an HMO use. The appellant has not denied that the property has been used as an HMO and for short-term letting accommodation, as alleged in the notice.

3. The appellant's grounds of appeal initially included ground (c), which is that the matters alleged do not constitute a breach of planning control. However, the

appellant withdrew this ground in their final comments. The appeal is therefore proceeding on grounds (e), (f) and (g) as set out in the banner heading above.

4. The Council requested that the appeal be determined by way of an inquiry. The Planning Inspectorate determined that the appeal can be appropriately considered under the written representations procedure. Given the evidence before me, and in light of the withdrawal of ground (c), I am satisfied that written representations is the appropriate procedure for the determination of this appeal, and no party has been prejudiced by me dealing with the appeal in this way.

5. The parties have referred to whether an extension and roof alterations at the appeal property are lawful. However, those matters do not form part of the breach alleged in the notice and I have made no findings in that regard.

Matters concerning the notice

6. I have a duty to get the notice in order, if necessary, before I move on to consider the grounds of appeal, and I have wide powers of correction under section 176(1) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act), but only where no injustice would be caused to either party.

7. Schedule 4 of the notice requires the appellant to cease the mixed use of the premises as an HMO and short-term letting accommodation and separately to cease the use as an HMO (step 2) and short-term letting accommodation use (step 3). As steps 2 and 3 effectively duplicate step 1, they are superfluous. In the interests of clarity and to ensure that the requirements are consistent with the description of the breach, I shall delete steps 2 and 3 in their entirety. I am satisfied that doing so will not lead to prejudice to the appellant or the Council.

The appeal on ground (e)

8. An appeal on ground (e) is that copies of the notice were not served as required by section 172 of the 1990 Act. In a ground (e) appeal the burden of proof is firmly on the appellant and the test is the balance of probability.

9. Section 172(2) of the 1990 Act requires the notice to be served on the owner and the occupier of the land to which it relates and on any other person having an interest in that land, being an interest which, in the opinion of the local planning authority, is materially affected by the notice. It is therefore for the local planning authority to decide who is materially affected, but they risk an appeal on ground (e) if they exercise their discretion wrongly.

10. The appellant contends that the individual tenants were not served copies of the notice which has denied them the opportunity to appeal against the notice, to obtain advice and seek alternative accommodation.

11. The evidence indicates that the Council delivered individual copies of the notice by hand to those persons present at each unit, sent copies by first class post, and a copy was affixed conspicuously to the front door of the property. Although the appellant says that the Council has not sought to obtain details of the occupiers, the evidence shows that the Council attempted, as part of the Planning Contravention Notice, to ascertain the identity of the occupiers, but the appellant does not appear to have provided that information in their response. The appellant has not identified any individual who should have been served with the notice but was not, nor any person who was unaware of the notice as a result. The evidence

therefore indicates that the Council took reasonable steps to ascertain those with an interest in the land and served the notice accordingly.

12. Even if copies were not served as required, section 176(5) of the 1990 Act states that if a person required to be served with a copy of the enforcement notice was not served, that fact may be disregarded if, the appellant or that person is not substantially prejudiced by the failure to serve. The appellant has not been substantially prejudiced as a valid appeal has been made by them. No other person has been identified who falls within the category of persons who should have been served, did not receive a copy of the notice and has, as a result of that failure, been substantially prejudiced.

13. In reaching my decision on this ground of appeal, I have had regard to the case law referred to by the appellant[1]. However, given my findings above, the cases referred to are not comparable to the circumstances of the appeal on ground (e) before me and so carry little weight.

14. The appellant states that any failure to notify tenants engages Article 8 of the Human Rights Act 1998 (right to respect for private and family life). However, ground (e) is concerned with whether the notice was served in accordance with the statutory requirements. For the reasons given above, I am not persuaded that any person who should have been served has suffered substantial prejudice arising from the service of the notice.

15. The appeal on ground (e) therefore fails.

The appeal on ground (f)

16. An appeal on ground (f) is concerned with whether the requirements of the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity.

17. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a) the remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach. In summary, the notice requires the unauthorised use to cease, and all items, fixtures and fittings associated with the use to be removed. Therefore, the purpose of the notice is to remedy the breach of planning control, as confirmed in Schedule 4 of the notice.

18. The appellant's initial case on ground (f) was that the cessation of the HMO use and removal of associated fixtures and fittings was excessive and disproportionate on the basis that such use is lawful. However, in their final comments the appellant has withdrawn their appeal on ground (c) and does not contest the requirement to cease the mixed use. Given that there is no longer any dispute between the parties on this matter, the cessation of the mixed use, as set out in step 1, is clearly necessary to remedy the breach. For the reasons set out earlier in this decision, steps 2 and 3 are unnecessary and will be removed.

19. In relation to step 4, the appellant does not now dispute the requirement to remove locks on internal doors, as well as kitchen sinks, worktops, and fridges from the individual rooms. They seek only to retain the en-suite bathrooms for use when the

[1] Mayes v SSW [1989] JPL 848 and R (on the application of Majed) v London Borough of Camden [2009] EWHC 1996 (Admin).

property reverts to its lawful use. There is no evidence before me to indicate that the kitchen facilities and en-suite bathrooms existed in each room prior to the breach. I consider that they are part and parcel of the unauthorised use and have facilitated that use. It is well established in case law that a notice can require the removal of works integral to, and solely for, the purpose of facilitating unauthorised development, even if such works on their own might not constitute development, or they would be permitted development or immune from enforcement, so that the land is restored to its condition before the change of use took place. It is not excessive for the notice to require the en-suite bathrooms, and all other fittings and fixtures installed to facilitate the material change of use to be removed.

20. Whilst the enforcement notice requires the removal of the en-suite and kitchen facilities within each bedroom, by virtue of section 180(1) of the 1990 Act the appellant may rely on the enforcement notice ceasing to have effect insofar as it is inconsistent with planning permission ref. 26/1865 which was granted on 15 September 2026 after the enforcement notice had been served. It is therefore not necessary for me to vary the notice to allow the appellant to alter the scheme to accord with the approved plans.

21. There are no obvious alternatives to achieve the purpose of the notice with less cost and disruption. Therefore, the requirements of the notice do not exceed what is reasonably required to remedy the breach of planning control. Accordingly, the appeal on ground (f) fails.

The appeal on ground (g)

22. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. The notice specifies a compliance period of 6 months.

23. The appellant says that this would not be sufficient to allow for the lawful termination of long-term tenancies, the rehousing of the occupiers, and the removal of internal fixtures and reconfiguration of the property which would involve significant building works, contractor scheduling, and financial planning. The appellant therefore requests a period of 12 months.

24. There is no substantive evidence before me to demonstrate that the property is occupied by long-term tenants. It is unclear what the length of the tenancies and periods of notice are. There is no indication that tenants intend to resist repossession, particularly as they have not appealed against the notice. Thus, there is insufficient evidence before me to justify an extended compliance period of 12 months. In my view, 6 months is sufficient for the occupiers to find alternative accommodation and for the physical works required by the notice to be undertaken. Moreover, in the event that the requirements do take longer than 6 months to comply with, section 173A(1)(b) of the 1990 Act provides a mechanism by which the Council may extend the compliance period if it considers it appropriate to do so.

25. The enforcement notice will interfere with the occupiers' rights under Article 8 of the Human Rights Act 1998, which states that everyone has a right to respect for private and family life, their home and correspondence. However, this is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. The notice provides a reasonable period for the residents to find an alternative home. The notice sets out the harm arising from the

breach which is of such weight that upholding the notice is a proportionate and necessary response that does not violate those persons' rights under Article 8 of the Human Rights Act 1998. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

26. For the reasons given, I consider the compliance period set out in the notice to be reasonable and proportionate. Therefore, the appeal on ground (g) fails.

Conclusion

27. For the above reasons, I conclude that the appeal should be dismissed. I shall uphold the enforcement notice with a variation.

Formal Decision

28. It is directed that the enforcement notice is varied by:

    - In Schedule 4 of the notice the deletion of STEP2 and STEP3 in their entirety.

29. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld.

M Ollerenshaw

INSPECTOR