Planning Inspectorate

Appeal Decision

Site visit made on 27 October 2026

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2026

Appeal Ref: APP/B5480/C/25/3372055
The Durham Arms, 101 Brentwood Road, Romford RM1 2EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Iftakhar Ahmed on behalf of C4chatga Ltd against an enforcement notice issued by the Council of the London Borough of Havering.
- The notice was issued on 31 July 2025.
- The breach of planning control as alleged in the notice is: without planning permission the material change of use of Flat 2 on the first floor from a public house with ancillary accommodation (sui generis) to a small house in multiple occupation (Class C4).
- The requirements of the notice are to:
  1. Cease the use of Flat 2 as a small house in multiple occupation (Use Class C4) as shown coloured pink, green, blue and yellow on drawing 19/498/009 dated 27/9/2024 submitted as part of planning application P0957.24 and also attached hereto; and
  2. Remove from Flat 2 as shown on the said drawing 19/498/009 all furniture kitchen fittings and equipment and bathroom and WC fittings facilitating use as a house in multiple occupation and also all door locks associated with such use; and
  3. Provide free and unfettered access between Flat 2 and the public house on the ground floor; and
  4. Remove all other debris, rubbish or other materials accumulated as a result of taking steps 1 2 and 3 above.
- The period for compliance with the requirements is: three months.
- The appeal is proceeding on the ground set out in section 174(2)(f) 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.

Preliminary Matters

1. The Council has questioned in its submission whether there has been a material change of use of the ground floor of the property on the Land, from a public house to a restaurant. However, the allegation in the Enforcement Notice (Notice) does not relate to this part of the ground floor use, and I am not aware of any enforcement action being taken against it. I have therefore determined the appeal based on the ground floor having a lawful use as a public house.

2. The appellant has submitted planning merit arguments in support of their appeal. However, as ground (a) has not been pleaded I am unable to take them into account on this appeal.

The appeal on ground (f)

3. Section 174(2)(f) of the Town and Country Planning Act 1990 (as amended) (1990 Act) states that an appeal may be made on the ground that the steps required by the notice to be taken, 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.

4. Section 173(4) of the 1990 Act states the purpose of the Notice must be to either (a) remedy the breach; or (b) remedy the injury to amenity. It is evident to me when reading the Notice as a whole, its purpose is to remedy the breach of planning control in this case.

5. The appellant argues that requirement's 2 and 3 are excessive to remedy the breach of planning control. However, they have also confirmed that requirement 1 (to cease the use) has already been complied with and they have not disputed it, nor has any dispute been made against requirement 4. I shall accordingly confine my reasoning to requirements 2 and 3 only.

6. In regard to Requirement 2, I saw on my site inspection that flat 2 included a kitchen, along with a bathroom that had a sink, and a shower over a bath, along with a separate toilet and sink. Notwithstanding that some were broken, the individual doors within flat 2 all had locks on them. The appellant has said that since the unauthorised use has ceased in flat 2, it has been re-purposed to provide staff welfare facilities in relation to the public house, which is said to include the provision of a toilet with handwashing facilities, a small kitchen area to heat food and access drinking water, and spaces for staff to change, rest and eat.

7. The Council contend that the kitchen furniture and fittings, bathroom facilities, and door locks, have facilitated the breach of planning control and they should be removed to remedy that breach. The onus is on the appellant to prove otherwise.

8. I saw on my site inspection that the kitchen furniture and fittings, bathroom facilities and door locks are integral to, and would have facilitated the material change of use, the subject of the Notice. There is no evidence to demonstrate that the kitchen furniture and fittings, bathroom facilities, and door locks existed before the material change of use, took place. Moreover, the appellant's evidence refers to flat 2 being re-purposed to staff welfare facilities, after the unauthorised material change of use ceased. Without evidence of them existing before the material change of use took place, requiring their removal is consistent with the purpose of the notice of remedying the breach of planning control, and would not be an excessive requirement.

9. The appellant has argued that removing a toilet door lock is excessive in respect of privacy, but as the toilet itself would have to also be removed as part of requirement 2, that argument falls away. Furthermore, in response to its re-purposed use, requirement 2 would not prevent the accommodation the subject of the Notice from being used as staff welfare facilities, providing it was lawful as part of an ancillary use to the public house, and if so, after complying with the Notice, kitchen and bathroom facilities may subsequently be installed in the accommodation as part of staff welfare facilities. However, these would be separate and subsequent matters for a different use, unrelated to remedying this breach of planning control.

10. It is noted that the appellant says the staff welfare facilities are employer requirements and their removal could breach health and safety obligations. Although no statutory basis for providing the staff facilities that currently exist within flat 2 has been provided to substantiate those statements. There is also a lack of information to show why other facilities within the property on the Land are not available for staff members, including for example, why customer toilets could not be used by staff members. As such, these arguments have not altered my

findings above or demonstrated that requirement 2 is excessive to remedy the breach of planning control in this case.

11. Requirement 3 states that “free and unfettered access” should be provided between flat 2 and the public house on the ground floor. I saw on my site inspection that the internal access to flat 2 from the ground floor public house, was through three doors, two of which had locks.

12. It is not clear to me what is meant by “free” access, for example it could mean without a charge. Similarly, “unfettered” does not accurately define how the access between the public house and the first-floor accommodation should be provided. Consequently, the recipient of the Notice would also be uncertain as to how they would comply with that requirement, and I therefore find requirement 3 to be ambiguous and not precise, and that it should be deleted from the Notice.

13. To the extent that it relates to requirement 3, I therefore conclude that the appeal on ground (f) succeeds.

Conclusion

14. For the reasons given above, I conclude that the requirements of the Notice are excessive to remedy the breach of planning control. I shall vary the enforcement notice prior to upholding it. The appeal on ground (f) succeeds to that extent.

Formal Decision

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

    - in paragraph 5, remove requirement 3 in its entirety and re-number the requirements 1-3, accordingly; and,

    - in newly numbered requirement 3, delete the words “steps 1 2 and 3” and replace with the words “steps 1 and 2”.

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

A Hunter

INSPECTOR