Planning Inspectorate

Appeal Decision

Site visit made on 16 September 2026

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2026

Appeal Ref: APP/T5720/C/25/3360916
50 Faversham Road, Morden, London SM4 6RE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Aftab Ahmad Khan against an enforcement notice issued by the London Borough of Merton.
- The notice was issued on 6 January 2025.
- The breach of planning control as alleged in the notice is the unauthorised conversion of a single dwellinghouse into 2 x self-contained flats.
- The requirements of the notice are:
  1. The unauthorised two self-contained flats shall be converted back to a single dwellinghouse to the pre-existing plans as shown in Appendix 1. This includes removing the additional kitchen area, by way of removing cooking facilities, fixtures and fittings.
  2. Following the compliance with No. 1, completely remove from the Land all associated materials, fixtures, fittings and debris and take off site.
- The period for compliance with the requirements is nine calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed.

Procedural matters

1. By virtue of section 174(2A) of the 1990 Act, an appeal on ground (a) is precluded in this case. Accordingly, there is no deemed application for planning permission, and I have no jurisdiction to consider the planning merits of the development under ground (a).

2. The site visit was due to be attended by the appellant and the Council. However, no Council representative was present at the arranged time, so I proceeded with the access required visit.

The appeal on ground (f)

3. The ground (f) appeal is that the requirements of the notice are excessive to achieve its purpose. Under s173(4) of the Act, an enforcement notice may seek either to remedy the breach of planning control or remedy injury to amenity. As the notice requires the two self-contained flats to be converted back into a single dwellinghouse including removing the additional kitchen area, with all associated materials, fixtures, fittings and debris removed from the site, its purpose is clearly to remedy the breach. Leaving any part of the two flats in place would not achieve that purpose.

4. Nevertheless, enforcement action should be remedial rather than punitive. The appellant wishes to retain the first-floor kitchen because the property may in the future be converted to a small house in multiple occupation (HMO) or conversion

into two flats might become permitted development in future, making removal of the kitchen a waste of resources.

5. However, in my judgement, the additional kitchen must be removed to return the property to the single dwellinghouse that existed before the unauthorised conversion. Any future proposal to develop or convert the property would need to comply with the planning requirements applying at that time.

6. The appeal on ground (f) therefore fails.

The appeal on ground (g)

7. The ground of appeal is that the time given to comply with the requirements is too short. The nine months would be sufficient to convert the two self-contained flats back into a single dwellinghouse and remove all associated materials, fixtures, fittings and debris. It would also allow current residents to find alternative accommodation.

8. I have taken account of the evidence submitted, including the personal circumstances of the occupants of the property; however, in these circumstances the appeal on ground (g) does not succeed.

Formal Decision

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

A A Phillips

INSPECTOR