Planning Inspectorate

Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

Appeal Ref: APP/B5480/C/24/3351732
211 Bell Avenue, Romford RM3 7DB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Rigers Lulaj against an enforcement notice issued by the Council of the London Borough of Havering.
- The notice was issued on 14 August 2024.
- The breach of planning control as alleged in the notice is: The material change of use of the dwelling from use class C3 to use as a large house in multiple occupation (sui generis).
- The requirements of the notice are: (i) Cease the use of the premises as a house in multiple occupation; and (ii) Remove all ensuites (bathing and washing facilities) which facilitate the use of the premises as an HMO to the following rooms: (a) Ground floor rear bedroom of left side; and (b) Ground floor rear bedroom right side; and (c) Ground floor front bedroom; and (d) Both bedrooms on the first floor. The main bathroom at the rear may remain in situ; and (iii) Remove all debris, rubbish or other materials accumulated as a result of taking steps (i) to (ii) above.
- The periods for compliance with the requirements are: For Step (i): Three months after the date when this Notice takes effect. For Steps (ii) and (iii): Four months after the date when this Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f) & (g) of the Town and Country Planning Act 1990 (as amended).

Decision

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

Preliminary Matters

2. There is no deemed planning application before me and the two grounds of appeal do not require consideration of any matters of planning merit, such as the effect of the occupation of the House in Multiple Occupation (HMO) on the living conditions of its occupiers, neighbours or traffic congestion in the local area. Consequently, a visual assessment of the building and its surroundings was not necessary. I have, therefore, determined the appeal without visiting the site. Neither side has been prejudiced by this course of action.

Ground (f)

3. The notice alleges the change of use of the property to a HMO. It then requires the HMO use to cease and for various ensuite bathroom facilities to be removed, and for all resulting debris and materials to be removed. Therefore, the purpose of the notice falls under s173(4)(a) of the 1990 Act which is to remedy the breach of planning control by discontinuing the use of the land and restoring the land back to its condition before the breach took place. This sets the context for considering the ground (f) appeal.

4. In change of use enforcement notices it is proportionate in seeking to remedy the breach of planning control that works undertaken to facilitate the unauthorised use are removed. Otherwise, the purpose of the notice to put the land back to its

condition before the breach took place cannot be achieved. The Council has explained its approach to deciding which ensuites should be removed. Based on that explanation, they appear to me to be the minimum necessary to remedy the breach of planning control. Whilst, therefore, it may not be uncommon for a house to have ensuite facilities to some of its bedrooms, the issue now under consideration is remedying the breach of planning control in accordance with the 1990 Act. It is not about punishing someone for breaching planning controls. The requirements of the notice do no more and no less than is necessary to achieve the purpose set out in the 1990 Act. As such, they are not excessive.

5. The ground (f) appeal fails.

Ground (g)

6. Although some existing tenants may leave the property because of the enforcement notice being upheld, the notice does not require the property to be vacated. Apart from associated works, it only requires the HMO use to cease. It may be the case that some tenants could carry on living there in a C3 use, albeit that would be a matter between them and the landlord. I have no evidence to suggest that evicting the tenants would be problematic in any event.

7. Despite what the appellant states about difficulties of getting builders, there is no evidence to back up that assertion. Also, it seems to me that removing ensuite facilities is a relatively straightforward operation. Furthermore, although the facilities would need removing by the end of four months, their removal would not need to be confined to just the fourth month. The whole four months period could be utilised to start dismantling some of the bathrooms as and when rooms were vacated. This time could also be used to contact builders to get quotes and arrange for the work to be done.

8. I find that the period specified in the notice does not fall short of what should be reasonably allowed. The ground (g) appeal therefore also fails.

Conclusion

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

Gareth Symons

INSPECTOR