



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/24/3355138

4 Park Drive, Romford RM1 4LJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Dr Ashfaque Ahmed Sorathia against an enforcement notice issued by the Council of the London Borough of Havering.
- The notice was issued on 11 October 2024.
- The breach of planning control as alleged in the notice is: The material change of use of the dwelling (C3) to a house in multiple occupation (C4).
- The requirements of the notice are: (i) Cease the use of the dwelling as a house in multiple occupation; **AND** (ii) REMOVE the bathroom facilities (toilet, wash hand basin and shower to bedroom 1 (ground floor front room); **AND** (iii) REMOVE the bathroom facilities (toilet, wash hand basin and shower to bedroom 4 (ground floor rear room); **AND** (iv) Remove all debris, rubbish or other materials accumulated as a result of taking steps (i) to (iii) above.
- The period for compliance with the requirements is: Three months.
- 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. The grounds of appeal under s174(2)(f) and (g) of the 1990 Act do not require consideration of any planning merits such as the effects of the House in Multiple Occupation (HMO) use on the living conditions of neighbours. There is also no deemed planning application and so I cannot consider such issues anyway. Consequently, a visual assessment of the appeal site and its surroundings was not necessary. I also have written statements from both sides that cover both grounds of appeal. Therefore, seeing the site would have served no purpose. I have thus determined the appeal without a site visit. Neither side has been prejudiced by this course of action.
3. The appellant has raised concerns about whether the Council followed the correct legal process when issuing the enforcement notice. They raise that they have not seen any report by the Council that led to the notice being issued. As such, it is claimed that the notice is ultra vires and the Council should thus withdraw it. However, the Council has supplied a report signed and dated by officers from the Council on 8 October 2024. It sets out background history of the appeal site and considers matters that I would normally expect to see when a Council is determining whether to take enforcement action against a breach of planning control. The appellant has seen that report and not offered any comments on it. I see no basis that the enforcement notice was not issued in a proper legal manner.
4. In any event, I do not have the jurisdiction to deal with submissions as to whether the Council acted outside its powers in issuing the notice. The proper course for

the appellant would be to challenge the notice by way of judicial review if any such concerns remain. On this basis, I shall not consider this matter any further.

Ground (f)

5. The notice alleges the change of use of the property to a HMO and then it requires that use to cease and for various bathroom facilities to be removed, and for all resulting debris and materials to be removed. It is clear, therefore, that 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.
6. 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, even if those works were internal and did not even constitute development, are removed. The Council has explained its approach to deciding what works should be removed. Based on that explanation, they appear to me to be minimum necessary in remedying the breach of planning control.
7. In view of the above, the requirements of the notice do no more and no less than that is required to remedy the breach. As such, they are not excessive. The ground (f) appeal fails.

Ground (g)

8. A consequence of the use ceasing will be that any current occupants will need to find alternative accommodation. However, there is no information about the circumstances of those occupants or if they would have any difficulties in finding somewhere else to live. There is also nothing about possible difficulties in evicting any tenants. Accordingly, it seems to me that the three months allowed to cease the use and carry out limited works could be adequately done within the specified three month timeframe. Therefore, the period specified in the notice is not unreasonably short and so the ground (g) appeal 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