



Appeal Decision

Site visit made on 11 August 2026 by J Reed MPlan MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2026

Appeal Ref: APP/B5480/C/25/3372051

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 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 the material change of use of Flat 1 on the first floor from a public house with ancillary accommodation (Sui Generis) to a self-contained residential unit (Class C3).
- The requirements of the notice are to: 1. Cease the use of Flat 1 as a self-contained residential unit (Use Class C3) as shown edged red on drawing 19/498/009 dated 27/9/2024 submitted as part of planning application P0957.24 and also attached hereto 2. Remove all furniture kitchen fittings and equipment and bathroom and WC fittings facilitating use as self-contained flats and also all door locks associated with such use. 3. Provide free and unfettered access between Flat 1 and the public house on the ground floor 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)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The Appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused in the terms set out below in the Inspector's Decision.

Appeal Procedure

1. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

2. The Council in the Enforcement Notice make reference to a 'Flat 2'. However, 'Flat 2' is subject to a separate appeal against a separate Enforcement Notice, 'Notice 1'. As a result, for the avoidance of doubt my recommendation below will relate to 'Flat 1' as described in the evidence.
3. On 17 August 2026, a revised National Planning Policy Framework (the Framework) was published by the Government. This is a material consideration in the decision-making process from the day of publication. However, the changes made do not affect the main issues in this appeal and as such it was not necessary to seek the views of the main parties.

Main Issues

4. The main issues are:

- the effect of the change of use of Flat 1 on the operation or viability of the public house; and
- whether the development would provide suitable living conditions for occupiers with specific regard to noise, disturbance, internal accommodation and the provision of outdoor amenity space.

Reasons for the Recommendation

Operation/viability

5. The appeal site comprises a two-storey building with an associated external beer garden area. The ground floor has been operated as a public house, with a sui generis use, then was vacant for some time, and is currently operating under the name 'Arya'. The Council disputes whether this use falls within the use of the premises as a public house, however that part of the building is not before me to consider in this appeal. The appellant does not suggest that the public house use has ceased.
6. The appeal relates to 'Flat 1' which occupies part of the first floor. Historically this space has provided ancillary accommodation for the manager as part of the public house use, with the remainder of the first floor as ancillary storage. There is no dispute between the parties that Flat 1 has now been separated into a self-contained dwelling with its own access. The remainder of the first-floor space, known as 'Flat 2' has a varied planning history but was most recently in use as a small House in Multiple Occupation.
7. Policy 16 of the Havering Local Plan (2021) (the HLP) sets out the importance of the retention of social infrastructure facilities such as public houses stating that the loss of social infrastructure without realistic proposals for re-provision will not be permitted. This is also echoed in Policy S1 of the London Plan (2021) (the LP). In addition, Policy HC7 of the LP outlines that applications that propose the loss of public houses of value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future. Furthermore, Policy HC7 also states that development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.
8. The appellant has outlined that there is no longer a need for a manager or staff to live on the premises as a result of improved public transport allowing public house managers and workers to live elsewhere and commute to their place of work. However, no substantiated evidence, such as industry data, has been provided to support these assertions and how they are applicable to the appeal site.
9. The appeal site falls within a PTAL 4 rating for public transport. However public houses operate at unsociable hours with late opening hours and early morning deliveries. Without details of the hours of operation and how public transport could adequately cover these I cannot be sure that living off-site would be appropriate, safe or suitable for a manager.

10. I also note the appellant's case that removing ancillary accommodation would reduce overhead expenses. However, there is no financial information before me to support this claim in relation to the operation of the appeal site.
11. There is no viability assessment or other evidence such as information from the industry before me to support the appellant's claims. Consequently, it has not been demonstrated that the public house would be able to attract a manager without on-site accommodation, or that it would be able to operate viably in the absence of such accommodation. Accordingly, there is significant potential for the appeal development to compromise the operation or viability of the public house.
12. The Council has indicated that a condition could be imposed to restrict the use of the flat to a staff member of the public house. However, as that is not what is sought by the appellant, such a condition would not be reasonable.
13. For these reasons, it has not been demonstrated that the development would not harm the operation or viability of the public house. The development is therefore contrary to Policy 16 of the HLP and Policies HC7 and S1 of the LP. These seek amongst other things, for the retention of social infrastructure facilities such as public houses and their associated accommodation.
14. The development also fails to accord with Policy HC6 of the Framework and its requirement to retain key community facilities.

Living conditions

15. The flat is situated directly above the public house below and therefore has a close physical relationship with the business on the ground floor. A public house often operates until late into the evening, with activity, noise and potential for significant disturbance of a residential dwelling, which is a noise-sensitive use.
16. As ancillary accommodation to the public house, occupied by a manager or staff member, there would be an understanding that the occupation would be related to the ground floor use, so a degree of tolerance and co-existence would be expected. However, as a self-contained dwelling Flat 1 could be occupied entirely separately from the ground floor use, with residents having no control or influence over the activities downstairs.
17. I note the appellant's comments that there can be occasions where different uses can successfully coexist. However, in the case of the appeal arrangement before me I do not consider this to be the case. Occupants of the flat are likely to expect a reasonable level of peace and quiet particularly when in the bedroom. It is reasonable to assume that the public house could have late opening hours, play music at an audible level and have groups of people using the premises and beer garden, and arriving and leaving during those times. I have not been provided with any licensing details to demonstrate that there are any restrictions on operating hours or times during which the outside space cannot be used by customers.
18. These activities would occur directly below 'Flat 1' and in turn below the occupant's bedroom where there is a clear likelihood that such activities are audible and cause disturbance. This would be exacerbated when such activities would occur at times when the occupants of the adjoining property may reasonably expect to sleep undisturbed.

19. There is potential for sound insulation to provide some mitigation internally. However, it has not been demonstrated that other activities generated by the public house use, including people coming and going and using the beer garden, and odour control, could be suitably managed to mitigate the resulting noise and disturbance. Therefore, it is likely that the arrangement would harm the living conditions of future occupiers of Flat 1 with regard to noise and disturbance.
20. The evidence before me is that there would be no outdoor amenity space available to the occupants of Flat 1 other than the beer garden. Both the HLP and the LP require new residential development to provide usable, high-quality private outdoor space for future occupants. Furthermore, LP Policy D6 requires the provision of a minimum of 5 sqm of private outdoor space per flat. In the absence of such provision, the development would not provide satisfactory living conditions for occupiers of Flat 1 with regard to outdoor amenity space.
21. The appellant's evidence is also that the internal floor-space of the flat would fall below the required space standards set out in LP Policy D6 for a one bedroom, one person flat. While the bedroom space may exceed the standards, the overall internal space would be slightly below the minimum required. The development therefore conflicts with HLP Policy 7 and LP Policy D6 in this respect, and would not provide adequate internal accommodation, to the detriment of the living conditions of occupiers of Flat 1.
22. I therefore conclude that the development fails to provide adequate living conditions for occupiers with regard to noise, disturbance, internal accommodation and outdoor amenity space. The development therefore fails to accord with Policy 7 of the HLP and Policy D6 of the LP. These seek amongst other things for development to provide a good standard of amenity for future occupiers.
23. The development also fails to accord with Policy P3 of the Framework and its requirement to provide healthy living conditions.

Other Matters

24. I note the appellant's case that the proposal would not harm the appearance of the appeal building. However, a lack of harm to the character and appearance of the host building and area is a neutral matter in the planning balance.
25. I do not have any details before me regarding the Council's current housing land supply situation. The development would result in an additional self-contained dwelling but would also result in the loss of managers accommodation at the appeal site, creating the need for a manager to have a dwelling elsewhere. Therefore, I give the nominal increase in the number of dwellings limited weight. As there was already accommodation on the site, it has not been demonstrated that the proposal would make more efficient use of a small site in a sustainable location, so this is a neutral matter.
26. Consequently, the benefits before me have limited weight and they are substantially outweighed by the adverse effects of the development when considered against the decision-making policies of the Framework, which include a requirement that developments provide healthy living conditions and retain community facilities.

Conclusion and Recommendation

27. For the reasons set out above, the development conflicts with the development plan and there are no material considerations, including the Framework, which justify granting permission contrary to the development plan in this case. Consequently, the Appeal on ground (a) fails and I recommend that the deemed planning application should be refused.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed, the enforcement notice is upheld and planning permission is refused.

L McKay

INSPECTOR