



Town and Country Planning Act 1990
Section 192 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By: Mr Bhavin Patel

Proposal:

Change of use from Class C3 (Dwellinghouse) to Class C4 (Small Scale HMO),
along with the erection of a single storey rear extension (Application for a Certificate
of Lawful Development for a Proposed Development)

Appeal Site:

13 Norwich Road, Northwood

LBH Ref: 38621/APP/2025/2825

PINS Ref: APP/R5510/X/26/3377487

Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon as the Local Planning Authority (LPA), in respect of the appeal against the submission and refusal of a Certificate of Lawful Development for the proposed change of use from Use Class C3 to Use Class C4.
- 1.2 The application was refused on 6th January 2026 because, at the time the decision was issued, permitted development rights for changes from C3 to C4 had been removed by an Article 4 Direction. The application was also refused as it included a proposed single storey rear extension which would not comply with provisions of Schedule 2, Part 1, Class A, provisions A.1 (f)(i) and A.1 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The decision notice includes the following reasons for refusal which are set out below:
 - 1.2.1 The proposed change of use from a single family dwellinghouse (Use Class C3) to a small House in Multiple Occupation (Use Class C4) fails to accord with Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as there is an Article 4 Direction in place which removes permitted development rights for changes of use from Class C3 to Class C4. As such, the development requires planning permission. In the absence of planning permission, the proposal is unacceptable and is therefore refused.
 - 1.2.2 The proposed single storey rear extension does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class A, provisions A.1 (f)(i) and A.1 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal is not permitted development as the enlarged part of the dwelling house would extend beyond the rear of the original house by more than 3 metres and the height of the eaves of the enlarged part would exceed 3 metres within 2 metres of the boundary of the curtilage of the dwellinghouse. Accordingly, the application is refused and planning permission would be required.
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.
- 1.5 The main points raised within the appellant's statement of case are as follows:
 - (1) Ground 1 - The Article 4 Direction Does Not Specify a Lawful Commencement Date

- (2) Ground 2 - A Committee Decision Does Not Bring an Article 4 Direction Into Force
- (3) Ground 3 - Signature and Execution Dates Do Not Support the Council's Position
- (4) Ground 4 - Failure to Publicise the Article 4 Direction
- (5) Ground 5 - Council's Own Public Statement Confirms No Implementation Date
- (6) Ground 6 - Absence of Transitional Arrangements and Legal Certainty
- (7) Ground 7 - Misapplication of Section 192 Test

1.6 Each of the above points will be addressed in the order in which they are presented within the Appellants SOC.

LPA Comments on Appellant's Statement of Case

Ground 1 - The Article 4 Direction Does Not Specify a Lawful Commencement Date

- 2.1 The Article 4 Direction (Appendix 3) clearly states that it comes into force on the 11th December 2025. There is no statutory requirement for the date to appear in a particular format within the body of the Direction itself, provided the date the Direction is made and takes effect can be clearly identified. The Direction was formally executed and brought into force on a defined date. Therefore, there is no legal uncertainty.

Ground 2 – A Committee Decision Does Not Bring an Article 4 Direction Into Force

- 2.2 The Council does not rely on the committee resolution as the mechanism that removed permitted development rights. The resolution authorised the making of the Direction. The Direction only took effect once it was formally made under delegated authority, and the statutory procedure was followed. That occurred on 10th to 11th December 2025 through the signing and publication of the agreement.

Ground 3 - Signature and Execution Dates Do Not Support the Council's Position

- 2.3 An Article 4 Direction does not need to be sealed as a deed to be valid. The relevant legal act is that it is made by the LPA. The signed Direction by the authorised officer constitutes the formal making of the Direction.

Ground 4 - Failure to Publicise the Article 4 Direction

- 2.4 The Appellant states that there was a failure to consult publicly prior to adopting the Article 4 Direction.
- 2.5 PINS will be aware that in accordance with Appendix D to the Department of Environment Circular 9/95: General Development Consolidation Order, there is no requirement to undertake a consultation prior to the adoption of an immediate Article 4 Direction. The adoption of an immediate Article 4 in itself

demonstrates the severity of the harm which is derived from the permitted development rights which are removed by the direction.

- 2.6 However, there is a requirement to undertake a public notification and a consultation with the Secretary of State for a period of no less than 6 weeks. In the case of an Immediate Article 4 Direction this consultation takes place within the 6month period for which the immediate Article 4 is valid for.
- 2.7 Having gathered the relevant evidence to support a cabinet report demonstrating the current harm and potential increase in harm derived from uncontrolled and unrestricted changes of use from C3 to C4, cabinet members voted in favour of adopting the immediate Article 4 Direction at the Full Council meeting dated 27th November 2025.
- 2.8 In accordance with Annex A of revised Appendix D to the Department of Environment Circular 9/95: General Development Consolidation Order the Council should ensure that the immediate Article 4 Direction is appropriate. In this case the cabinet report and decision evidence compliance with step 1. The second step is to draft the order, as required by Annex A of Appendix D the Council should prepare the draft Article 4 in accordance with the Annex C model. The Article 4 Direction was drafted in accordance with the Annex C model and forms Appendix 3 of this SOC.
- 2.9 Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 requires no fewer than 2 site notices to be displayed and a local advertisement to be undertake for no fewer than 6 weeks along with a consultation with the SOS. PINS will be aware that for an immediate Article Direction this notification can take place within the 6-month lifespan of the direction whereby the authority will decide whether to seek to adopt the direction on a permanent basis with the provision that the SOS does not object to doing so.
- 2.10 In accordance with Appendix D to the Department of Environment Circular 9/95: General Development Consolidation Order 2 sites notices were erected in two separate locations on 11th December 2025 and an advertisement placed in the local newspaper on 10th December 2025. These notifications are evidenced in Appendix 2 and confirm that the required notification has been undertaken in accordance with Appendix D to the Department of Environment Circular 9/95: General Development Consolidation Order.

Ground 5 – Council’s Own Public Statement Confirms No Implementation Date

- 2.11 As per the response to Ground 4 the Council has undertaken the required notification process in accordance with Appendix D to the Department of Environment Circular 9/95: General Development Consolidation Order.
- 2.12 Furthermore, the Council published its findings relating to concerns with HMO’s which resulted in the requirement for a greater level of control to prevent the

harm derived from poorly managed and potential over concentrations of HMO's. The information relating to the adoption of the Article 4 Direction was published on 27th November 2025 and clearly stated that the intention was to adopt an immediate Article 4 Direction. This does not amount to the legal act of making the Direction and it has no bearing on the legal status or commencement of the Direction.

Ground 6 - Absence of Transitional Arrangements and Legal Certainty

- 2.13 PINS should note that there is no statutory requirement to include transitional provisions for applications not yet determined.
- 2.14 A Certification of Lawful Development (CLD) must be assessed against the legislation at the date of decision, not the date of submission. It is a matter of logic that a decision must be based on the legislation at the time in which the application is required to be determined. For a proposed CLD the LPA issues an acknowledgement letter stating the date for which the Applicant can expect a decision notice to be issued. This date is 8 weeks from the date which the application was made valid. In this case the application was validated on 11th November 2025 therefore the expiry date was 6th January 2026, the LPA issued the decision notice on 6th January 2026, and this was after offering the Applicant the opportunity to withdraw the application and lodge a full application to prevent refusal.
- 2.15 The reason for why there are no transitional arrangements for an immediate Article 4 is because it recognises the severity of the potential harm derived from the type of development which needs to be subject to greater levels of control, control which is not facilitated by the conditions within the General Permitted Development Order.

Ground 7 – Implementation of the use (Section 192 Test)

- 2.16 The Council did not refuse the application because the use had not been implemented. The application was refused because the proposal no longer benefited from permitted development rights. Again, it is a matter of logic that commencement would be restricted to the actual operation of the site as an HMO on the date in which the Article 4 had been adopted. In layman's terms, the property would have needed to of been in use as an HMO prior to the 11th December 2025 for the property to be lawfully occupied as an HMO without the requirement for planning permission.
- 2.17 If the LPA were to approve the certificate the applicant still would not be able to occupy the property as an HMO as permitted development rights for C3 to C4 (Class L) had been removed on the 11th December 2025. What the Appellant infers in the appeal submission is that the LPA should have granted the CLD because it was submitted prior to adoption of the Article 4 Direction. However, even if this were to be the case that the property would still not have been

occupied as a Use Class C4 HMO prior to the Article 4 Direction being introduced.

- 2.18 If the property was not occupied as a HMO prior to the adoption of the Article 4 Direction, the application is refused as Class L permitted development rights have been removed for all properties on and after that date for as long as the Article 4 is in place.
- 2.19 This does not remove the ability for a property to be converted from Use Class C3 to C4 or another form of HMO. It requires planning permission to be sought which the Appellant is at liberty to do and grants the LPA the ability to control the level of harm derived from the over intensification and poorly managed HMO's and prevent the potential overconcentration in areas.

Conclusion

- 3.1 The evidence included within the cabinet report and submitted to members clearly justifies the adoption of the immediate Article 4 Direction removing permitted development rights for the change of use from Use Class C3 to C4. A decision was made to adopt the immediate Article 4 based on the evidenced gathered. The process of implementing the Direction in accordance with Appendix D to the Department of Environment Circular 9/95: General Development Consolidation Order has been undertaken, and this is evidenced within the documents appended to this statement. The Appellant dwells on the fact that there should be transitional arrangements in place however does not reference the fact that there is a separate planning process in place for seeking permission for the change of use from Use Class C3 to C4. The Appellant can apply for planning permission, and any future application would be subject to assessment in accordance with the relevant development plan policies. As such the LPA respectfully request that the decision to refuse the Certificate of Lawful Development is upheld and the appeal is dismissed.

Appendices

Appendix 1 – Planning Officer's Delegated Report

Appendix 2 – HMO Article 4 Notifications

Appendix 3 – Article 4 Direction

Appendix 4 – Annex A of revised Appendix D to the Department of Environment Circular 9/95: General Development Consolidation Order