

APPEAL REFERENCE: APP/F5540/X/25/3365277

IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 195 OF THE TOWN AND
COUNTRY PLANNING ACT 1990 CONCERNING:

THE FIRS LODGE, 289 – 291 BATH ROAD,
HOUNSLOW TW3 3DB

APPELLANT'S COMMENTS ON THE
LOCAL PLANNING AUTHORITY'S STATEMENT OF CASE

I. INTRODUCTION

1. These are the Appellant's comments on the Local Planning Authority's Statement of Case ("**LPA's SOC**").
2. The Appellant does not reproduce matters already covered in its evidence and submissions. Similarly, the Appellant does not reproduce matters which will be dealt with in its proofs of evidence.

II. THE BED AND BREAKFAST USE OF 289 BATH ROAD

3. In 2011 the Council concluded that *'the use of 289 and [sic.] a bed and breakfast is immune from enforcement action'*: see the LPA's SOC at Appendix 3.
4. The Appellant agrees that the use of 289 Bath Road as a bed and breakfast was immune from enforcement action in 2011.
5. Since 2011 there has been no material change of use of 289 Bath Road. The Appellant notes that the Council, rightly, does not allege any such material change of use.
6. Accordingly:
 - 6.1. The use of 289 Bath Road as a bed and breakfast was immune from enforcement action at the date of the application the subject of this appeal ("**the Application**").
 - 6.2. The use of 289 Bath Road as a bed and breakfast was not in breach of an extant enforcement notice at the date of the Application.

- 6.3. Therefore, the use of 289 Bath Road as a bed and breakfast was lawful at the date of the Application.

III. THE BED AND BREAKFAST USE OF 291 BATH ROAD

7. To the extent that the Council presents any positive contrary evidence of the use of 291 Bath Road this consists of (1) the enforcement records; and (2) the historic ownership records.
8. The Council makes passing reference to the electoral roll at paragraph 9 of the LPA's SOC. However, no details or copy documents are provided so no comment can be made on this matter now.
9. As to the enforcement records:
- 9.1. The Council has given a partial and inconsistent account of its investigation in 2018. As demonstrated by the documents at **Appendix 1** to these Comments, the Council undertook another site visit in 2018 and concluded in January 2018 that 291 Bath Road was in use as a bed and breakfast.
- 9.2. In any event, the conclusion in the Enforcement Report at Appendix 2 is that: *'the property is now three flats and some flats are used for shorter term tenancy, but it unit [sic.] is not operating as a bed and breakfast. It is therefore recommended that the case is closed as harm created by two rooms for short term accommodation instead of long term flats is minimum'*. This will need to be the subject of cross-examination, but, at face value, it reveals the use of 291 as short term accommodation, albeit within flats and/or rooms.
10. As to the historic ownership records:
- 10.1. The Council's essential point appears to be that one of the leasehold titles within 291 Bath Road (referred to as 291A Bath Road) was formerly owned by Hilton International Hotels (UK) Limited ("**Hilton Hotels**").
- 10.2. As to this, the Appellant's position is that the use by Hilton Hotels of the land within that leasehold title was to provide very short term accommodation for staff members who worked unsociable shifts in the Hilton London Heathrow Airport Hotel.

11. None of these matters undermine the Appellant's case. To the contrary, they positively support it for the following reasons:
 - 11.1. Use of 291 Bath Road as short term accommodation, as alleged by the Council, was a use within Use Class C1. See, for example, Appeal Reference APP/X5210/C/24/3341183. This remains the case even if 291 Bath Road was laid out as flats and/or rooms as the Council alleges. Further, this remains the case even if those flats and/or rooms had the facilities required for day-to-day private domestic existence (although, notably, the Council does not make such an allegation).
 - 11.2. Use of the land within Hilton Hotels' leasehold title to provide very short term accommodation for staff members who worked unsociable shifts in the Hilton London Heathrow Airport Hotel is also a use within Use Class C1.
 - 11.3. Use of 291 Bath Road as a bed and breakfast at the date of the Application was also a use within Use Class C1.
12. It follows that:
 - 12.1. Even on the Council's case, at all relevant times the only use of 291 Bath Road has been for a use within Use Class C1.
 - 12.2. The change between different uses within Use Class C1 is not development: see section 55(2)(f) of the Town and Country Planning Act 1990 ("**TCPA 1990**").
 - 12.3. Accordingly, even on the Council's own case, at all relevant times there has been a continuous use of 291 Bath Road for a use within Use Class C1, up to and including the use of 291 Bath Road as a bed and breakfast at the date of the Application.
 - 12.4. At the date of the Application the use of 291 Bath Road for a use within Use Class C1 had continued for a period in excess of 10 years and thus was lawful pursuant to section 171B(3) TCPA 1990.
 - 12.5. The bed and breakfast use at the date of the Application was within Use Class C1 and thus lawful given this immunity from enforcement action, section 55(2)(f) TCPA 1990 and the absence of any enforcement notice preventing that use.

IV. ALTERNATIVE CASE BASED ON SMALLER AREAS OF THE APPEAL SITE

13. Without prejudice to the Appellant's primary case, as set out in the Application and the Appellant's Statement of Case, and without prejudice to the submissions above, the Appellant submits that:

13.1. Even if the use of 291 Bath Road as a whole as bed and breakfast accommodation is not lawful, a certificate should still be granted for the use of 289 Bath Road as bed and breakfast accommodation: see above at paragraphs 3 – 6.

13.2. Even if the use of only part of 291 Bath Road as bed and breakfast accommodation is lawful (e.g. if 291A Bath Road is not lawful but the remainder is lawful), a certificate should still be granted for the use of 289 Bath Road and part of 291 Bath Road as bed and breakfast accommodation.

10th July 2025

APPENDIX 1



Regeneration, Economic Development and
Environment Department
Email: planning@hounslow.gov.uk

Planning Enforcement
London Borough of Hounslow
The Civic Centre, Lampton Road
Hounslow TW3 4DN
www.hounslow.gov.uk
Email: planningenforcement@hounslow.gov.uk

Direct Line: 020 8583 5171

Date: 23rd January 2018

Our Ref: COND/2017/00525

Case Officer: [REDACTED]

Dear Sir / Madam,

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Site: 291 Bath Road, Hounslow, TW3 3DB
Breach Conversion of property into Bed and Breakfast

I refer to the above site and alleged allegation. Following a recent site inspection of the property, it is my opinion that the above development is in breach of the above act.

I consider the above development not to benefit from Planning permission and therefore is unauthorised and is at risk of formal enforcement action.

The development does not benefit from planning permission following an examination of the relevant planning records and it is not considered to benefit from permitted development rights.

Therefore, the Bed and Breakfast use seen to be unauthorised.

In order to regularise the development please undertake one of the following options:

1. Apply for planning permission to retain the development **within 28 days of the date of this letter.**

Or

2. If it not your intention to submit a planning application, within **7 days** of the date of this letter provide the Council with your intention as to how you propose to rectify the planning breach.

The issue of this letter must not be construed as an indication that permission will necessarily be granted. This is because each application is determined on its individual merits having due regard to all the material considerations, which can only be properly considered after an application has been submitted.

Planning applications can be made via the Planning Portal
(<http://www.planningportal.gov.uk/planning/applications/planningapplications>). Alternatively you can download the application forms at

http://www.hounslow.gov.uk/index/environment_and_planning/planning/planning_application_forms.htm, print them off and return to:

*Planning Service
London Borough of Hounslow
Civic Centre
Lampton Road
Hounslow
TW3 4DN*

Please be advised that whilst the breach of planning control remains outstanding, this property is at risk of enforcement action.

This action might include the issue of an enforcement notice, taking out an injunction and/or prosecution. The Council is considering issuing a planning enforcement notice relating to the above land. An enforcement notice is served on all of the owners, lessees, mortgagees and other persons having a material interest in the property. Failure to comply with an enforcement notice is an offence that may result in a fine of up to £20,000 upon conviction in the Magistrate's Court, and an unlimited fine if convicted by the Crown Court. An enforcement notice is also entered on the Local Land Charges records, which could make the future sale or financing of the property more difficult.

I wish to note that the views and opinions expressed in this correspondence are of the officer only and not of the Council and shall not prejudice any decisions given on any forthcoming planning applications.

I look forward to hearing from you in due course. Should you have any queries concerning the content of this letter please contact me, the case officer.

Yours sincerely

M Smith

Chief Planning Officer



Regeneration, Economic Development and
Environment Department
Email: planning@hounslow.gov.uk

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M Smith

Chief Planning Officer