



---

# Appeal Decision

**by Elaine Gray MA, MSc, IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 April 2023**

---

**Appeal Ref: APP/T5150/X/22/3301536**

**The Coach House, 2 Crediton Road, London NW10 3DU**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Ms Elizabeth Mohan against the decision of London Borough of Brent.
  - The application ref 21/4443, dated 3 December 2021, was refused by notice dated 31 January 2022.
  - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which a certificate of lawful use or development is sought is described as 'C3 – dwellinghouses'.
- 

## Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing C3 dwellinghouse use which is found to be lawful.

## Preliminary Matters

2. The issue of an LDC depends entirely on factual evidence about the history and planning status of the building or land in question and the interpretation of any relevant planning law or judicial authority. The planning merits are not relevant in deciding an LDC application or appeal. The relevant test of the evidence is 'the balance of probability', and the burden of proof rests on the appellant. Although the application form refers to 'dwellinghouses' in the description, it is clear that the case relates to a single residence, so I have used the term 'dwellinghouse' for the purposes of the appeal.
3. As the determination of this appeal turns on matters of law, it was not necessary for me to carry out a site inspection.

## Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded.

## Reasons

5. The appeal site comprises a former service building located in the rear plot of the property at 2 Crediton Road. The appellant seeks to establish the lawfulness of the use of this building as a self-contained residential unit. For the appeal to succeed, she needs to submit sufficient precise and unambiguous evidence to show that the appeal site has been in continuous use as a self-

contained residential unit for four years or more prior to 3 December 2021, which is the date of the LDC application. The unit therefore needs to have been in occupation on or before 3 December 2017.

6. Since the LDC application was refused, the appellant has gathered a substantial body of evidence relating to the residential status of the Coach House. In her sworn statement, Mrs Mary Mohan, manager of the rental properties, explains that the Coach House was first let to Tanja Goossens in 2017. At that time, it was agreed that she and the tenants of the main building at No 2 would pay their rent together as a single sum.
7. When Ms Goossens' partner joined her, the rent for the Coach House increased and it was decided that it would be payable separately. They left in June 2021, and the building was let to Ms Cello Vashti Dutton David, at which time the payment of rent reverted to the joint arrangement. Bank statements are provided covering the period from December 2016 to April 2022 which support this statement.
8. Furthermore, I have been provided with a sworn statement from Ms Tanja Goossens, who confirms that she first occupied the Coach House on 20 June 2017, and lived there until 20 June 2021. She explains that the Coach House offered fully self-contained and independent accommodation, which was attractive to her, amongst other reasons, for the privacy it provided.
9. The sworn statement of Ms David explains that she initially moved into the main house at No 2 on 27 March 2021. At that time, Ms Goossens still occupied the Coach House, but on her departure, Ms David arranged to move to the Coach House from the main house. Ms David moved in on 1 July 2021 and continues to occupy the building. Ms Mohan also provides four tenancy agreements, dated 19 June 2017, 20 September 2018, 1 March 2020 and 1 April 2021, which back up her statement.
10. Having reviewed the further evidence that has been adduced through the appeal process, the Council now agree that the lawfulness of the material change of use of the Coach House to a self-contained residential unit has been established on the balance of probability. From the evidence now available, I have no basis on which to take a different view.

## **Conclusion**

11. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the use of the Coach House as a C3 dwellinghouse was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

*Elaine Gray*

INSPECTOR

---

# Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

---

**IT IS HEREBY CERTIFIED** that on 3 December 2021 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

It has been demonstrated that the building has been occupied as an independent residential unit continuously for four years or more, so as to establish a lawful material change of use of the building.

Signed

*Elaine Gray*  
Inspector

Date: 18 April 2023

Reference: APP/T5150/X/22/3301536

## ***First Schedule***

***C3 - dwellinghouse***

## ***Second Schedule***

The Coach House, 2 Crediton Road, London NW10 3DU

IMPORTANT NOTES – SEE OVER

## NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

# Plan

This is the plan referred to in the Lawful Development Certificate dated: 18 April 2023

**by Elaine Gray MA, MSc, IHBC**

**Land at: The Coach House, 2 Crediton Road, London NW10 3DU**

**Reference: APP/T5150/X/22/3301536**

Scale: Not to Scale

