



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 3 December 2024

Appeal Ref: APP/F5540/X/23/3329219

190 Martindale Road, Hounslow, London TW4 7HQ

- 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 Mr Palwinder Singh Aulakh against the decision of the Council of the London Borough of Hounslow.
 - The application ref 00745/190/LAW1, dated 23 June 2023, was refused by notice dated 18 August 2023.
 - 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 the existing use of the outbuilding as a self-contained flat.
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Decision

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

Procedural Matter

2. For the reasons set out below, I have determined the appeal without visiting the site. Neither appeal party has been prejudiced by this course of action.

Reasons

3. The Council had an enforcement case open on this site which it closed in October 2023 on the basis that, following the submission of further documentary evidence by the appellant, the use was immune from enforcement action. Consequently, I have no evidence from the Council to contradict the appellant's evidence in this appeal. I therefore find, on the balance of probability, that the time limit for enforcement action under s171B(2) of the 1990 Act has expired and, as such, the use of the outbuilding as a self-contained flat is lawful by virtue of s191(2)(a) of the 1990 Act.

Conclusion

4. I conclude, on the evidence now available that, the Council's refusal to grant a certificate of lawful use or development in respect of use of the outbuilding as a self-contained flat 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).

Gareth Symons

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 23 June 2023 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:

The use of the outbuilding as a self-contained flat is now immune from enforcement action under the time limit set out in s171B(2) of the T&CPA 1990 (as amended).

Signed

Gareth Symons

Inspector

Date 3 December 2024

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First Schedule

Existing use of the outbuilding as a self-contained flat

Second Schedule

Land at 190 Martindale Road, Hounslow, London TW4 7HQ

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 3 December 2024

by Gareth Symons

Land at: 190 Martindale Road, Hounslow, TW4 7HQ

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Scale: Do not scale.

