



Appeal Decision

Site visit made on 7 March 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/E5330/X/24/3344120

103 Courtlands Avenue, LONDON, SE12 8JJ

- 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 DS Associates UK Ltd against the decision of Royal Borough of Greenwich.
 - The application ref PP-12834174, dated 26 February 2024, was refused by notice dated 22 April 2024.
 - The application was made under section 192(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 second floor rear bedroom use for an administrative office, use of a desk, for a TFL Licensed Private Hire Operator for one member of staff.
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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 proposed use which is found to be lawful.

Main Issue

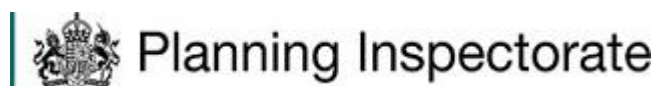
2. Whether the proposed development would result in a material change of use?

Reasons

3. The appellant proposes to run a chauffeur business from the property, which is the flat of his brother-in-law. All his bookings are made by text or SMS but the licence from Transport for London requires that he has an office address in a London postcode. Consequently, he intends to use the spare bedroom in the house as an occasional office. He estimates he would be there only once or twice a week. No visitors or drivers related to the business would be on the premises only the appellant. There is ample parking in the street and outside the flat for the appellant's car when he is using the office.
4. Based on the above information it seems to me the primary use of the property as a residential dwelling would remain unchanged. The low key and occasional office use of one room would not amount to a material change of use so the proposed use would be lawful.

Simon Hand

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 26 February 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto would have been lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason: the occasional use of one room as an office does not amount to a material change of use.

Signed

Simon Hand

Inspector

Date: **21 March 2025**

Reference: APP/E5330/X/24/3344120

First Schedule

Second floor rear bedroom use for an administrative office, use of a desk, for a TFL Licensed Private Hire Operator for one member of staff.

Second Schedule

Land at 103 Courtlands Avenue, LONDON, SE12 8JJ

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, 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 described in the First Schedule and to the land specified in the Second Schedule. Any use 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.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness