



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/G5180/X/24/3338038

81 Grove Park Road, London SE9 4NS

- 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 Mrs Olena Dzhyskaryani against the decision of the Council of the London Borough of Bromley.
 - The application ref 23/04398/PLUD, dated 16 November 2023, was refused by notice dated 1 February 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which an LDC is sought is demolition of existing sheds and erection of outbuilding for incidental family use and enjoyment of dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of the proposed development against the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). The proposed development is shown on drawings submitted with the application. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 81 Grove Park Road is a two-storey detached dwelling with a paved forecourt parking area and a long rear garden. The proposed outbuilding would be at the rear of the rear garden. Under Class E of Part 1 of Schedule 2 of the GPDO the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse is permitted development, subject to limitations set out in paragraph E.1. The Council accepts that the proposed outbuilding would be built in the curtilage of the dwellinghouse and that it would meet the limitations in paragraph E.1. They claim, however, that the outbuilding would not be for a purpose incidental to the enjoyment of the dwellinghouse.
4. The judgement in *Emin v SSE [1989] JPL909* confirmed that regard should be had not only to the use to which the building would be put, but also to the nature and scale of that use in the context of whether it was for a purpose incidental to the enjoyment of the dwellinghouse. The physical size of the building in comparison to the dwelling might be part of that assessment but is not in itself conclusive. The fundamental question is whether the building is genuinely and reasonably required or necessary to accommodate the proposed use and thus to achieve its intended purpose.

5. Planning policy, the visual merits of the proposed building and its effect on the character of the area and on the amenities of neighbours are not relevant matters in an appeal against refusal of an LDC. The only relevant matter, in this case, is whether the building is genuinely and reasonably required or necessary to accommodate the proposed use and thus to achieve its intended purpose. The building would include a boiler room, a sauna, a shower room, a toilet with wash hand basin, a snug and a playroom. The Appellant has given no reason why this accommodation is required or necessary; only that "...the internal configuration of the property carries some significant shortcomings". The Appellant has provided no reasons why the proposed outbuilding is required or necessary or any explanation of what its purpose would be. It must therefore be concluded that the building would not be for a purpose incidental to the enjoyment of the dwellinghouse and would not therefore be development permitted under Class E of Part 1 of Schedule 2 of the GPDO.

6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for demolition of existing sheds and erection of outbuilding for incidental family use and enjoyment of dwelling house at 81 Grove Park Road, London was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector