



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/W5780/X/24/3338474

157 Grange Road, Ilford IG1 1HA

- 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 Malah S Pannu against the decision of the Council of the London Borough of Redbridge.
 - The application ref 3545/23, dated 4 December 2023, was refused by notice dated 30 January 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is use of dwelling house as 2 separate flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 157 Grange Road was a two-storey end-terraced dwelling that was converted into two flats in 2016. This is corroborated by government records for the ground floor flat, no. 157A, and the first floor flat, no. 157, which indicate that they were separately registered for Council Tax purposes from 1 April 2016. Also, a letter dated 8 November 2016 from the Council to the Appellant confirms the separate postal addresses of the two flats. This evidence only confirms that two flats were created in 2016 and does not confirm their occupation. To be immune from enforcement action the Appellant must provide sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the two flats were separately and continuously occupied for the four year period prior to the date of the application.
4. The Appellant lives in the first floor flat and he has provided evidence, in the form of Council Tax records, which confirm that he occupied the flat for the aforementioned four year period. The ground floor flat is tenanted and the Appellant has submitted shorthold tenancy agreements, the first being for the period 27 February 2020 to 26 February 2021 and the second being for the subsequent year though the tenant stayed until 17 April 2022. The third agreement is for the period 26 April 2022 to 25 April 2023 but the tenant vacated the flat on 26 June 2022. The fourth one year agreement and the fifth two year agreement together cover the period 1 August 2022 to 31 July 2025. Bank statements confirm that the Appellant has received regular rent payments from tenants; the first being on 27 February 2020 which coincided with the commencement of the first agreement.

5. The short gaps in tenancy of the ground floor flat between 26 June 2022 and 1 August 2022 and between 17 April 2022 and 26 April 2022 are inconsequential as there is always likely to be a short gap between successive tenancies. The Appellant maintains that the tenancy agreements "...cover the 4 year period preceding date of application i.e. from 27 Feb 2020 to 27 Feb 2024". But the date of the application is 4 December 2023 so the four year period started on 4 December 2019. There is no evidence of a tenancy of the ground floor flat before 27 February 2020. So there is no evidence of any occupancy of the ground floor flat for the first twelve weeks of the relevant four year period. There is, consequently, insufficient precise and unambiguous evidence to justify a conclusion that the two flats were separately and continuously occupied for the four year period prior to the date of the application.

6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use of dwelling house as 2 separate flats at 157 Grange Road, Ilford 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