



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal Ref: APP/E5330/X/24/3339704

48 Granary Mansions, Erebus Drive, London SE28 0GH

- 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 Rebecca Courtney against the decision of Royal Borough of Greenwich.
- The application ref 23/1491/CE, dated 4 May 2023, was refused by notice dated 29 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 an LDC is sought is 'I bought the property with a stud wall dividing the large living room making a 3rd bedroom and small lounge'.

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. The description of the use for which an LDC is sought, as set out above, is taken from the application form. It is not a use of land, rather a description of works previously undertaken that have altered the layout of 45 Granary Mansions from a two bedroom flat into a three bedroom flat. This is repeated on the appeal form along with "The 3 bedroom flat has been in continuous use since 2012 to date". The reason for applying for an LDC, given on the application form, is that the use is an existing use and is a Class 'C4 – Houses in multiple occupation' use.
4. The flat, however it is occupied, is a dwellinghouse and therefore falls within Class C as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended). Class C3 is use as a dwellinghouse (whether or not as a sole or main residence) by – (a) a single person or by people to be regarded as forming a single household, (b) not more than six residents living together as a single household where care is provided to residents; or (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4). Class C4 is 'Houses in multiple occupation'.
5. Section 55(2) the Town and Country Planning Act 1990 (as amended) sets out operations or uses of land that shall not be taken to involve development of land; these include (f) in the case of buildings...which are used for a purpose of any class...the use of the buildings...for any other purpose of the same class. The effect of section 55(2) is that the change of use of a building to a use within the same use class does not require a grant of planning permission. There is no Direction in place, made under Article 4(1)

of the Town and Country Planning (General Permitted Development) Order 2015, which restricts this permitted change of use.

6. Use of the appeal flat is either a Class C3(a), Class C3(c) or a Class C4 use. Planning permission is not required to interchange between these uses and nothing would be gained by granting an LDC for any of the uses. But it appears that the Appellant is seeking confirmation of the 3 bedroom layout of the flat rather than its previous 2 bedroom layout. As found by the Council documentary evidence, including that submitted at appeal stage, is inconclusive on occupation of the 3 bedroom flat though evidence does suggest that the works to alter its layout did occur in about 2012. However, given the provisions of Section 55(2)(a)(i) of the Town and Country Planning Act 1990 (as amended) planning permission is not required to alter the internal layout of a flat so nothing would be gained by granting an LDC for the layout.

7. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for 'I bought the property with a stud wall dividing the large living room making a 3rd bedroom and small lounge' at 45 Granary Mansions, Erebus Drive, Thamesmead, 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

