



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/N5090/X/24/3347241

21 Meadow Gardens, Edgware HA8 9LQ

- 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 T Yong against the decision of the Council of the London Borough of Barnet.
 - The application ref 24/1869/192, dated 13 May 2024, was refused by notice dated 10 June 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 erection of a rear outbuilding.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed operation which is found to be lawful.

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.
3. An application for an award of costs has been made by the Appellant against the Council. This application is the subject of a separate Decision.
4. The description of the development for which an LDC is sought differs from that stated on the application form but was suggested by the Council and agreed by the Appellant.

Reasons

5. 21 Meadow Gardens is a semi-detached dwellinghouse with a long rear garden. The proposed outbuilding would be in the rear garden.
6. 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 does not dispute that the proposed outbuilding would be built in the curtilage of the dwellinghouse and that it would comply with the limitations of paragraph E.1. They claim, however, that the outbuilding, would not be for a purpose incidental to the enjoyment of the dwellinghouse.
7. 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 the intended purpose.

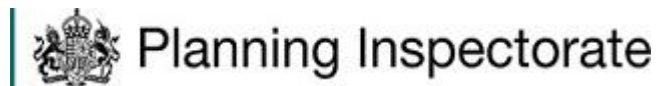
8. The proposed outbuilding would be, externally, 4.3 metres wide and 9 metres deep. It would be one room with a small toilet. The room would accommodate space for a table tennis table, gym equipment and a reading area. The reading area is inconsequential because the room is no larger than it would need to be to accommodate a table tennis table and gym equipment. In this regard, even on the Council's assessment of the space required for playing casual table tennis, the room would only just be adequate to accommodate the intended uses. The Council has compared the floor area of the proposed outbuilding to that of the dwelling and consider the former not to be subordinate in scale to the dwelling. But the principal room would be no larger than necessary and would be reasonably required for its intended purpose. It is worth noting that residents of modest sized dwellings, rather than residents of large dwellings, are those that may need additional space to fulfil their recreational wishes.

9. The dwelling would retain an adequate size rear garden, and the proposed outbuilding would be commensurate in size to the dwellinghouse and would be necessary to accommodate the proposed uses. The outbuilding is for purposes incidental to the enjoyment of the dwellinghouse and would therefore be development permitted under Class E of Part 1 of Schedule 2 of the GPDO.

10. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for erection of rear outbuilding at 21 Meadow Gardens, Edgware was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

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 13 May 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black in black on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The operations are development permitted under Class E of Part 1 of Schedule 2 of the GPDO.

Signed

John Braithwaite

Inspector

Date: 17 November 2025

Reference: APP/N5090/X/24/3347241

First Schedule

Erection of a rear outbuilding

Second Schedule

Land at 21 Meadow Gardens, Edgware HA8 9LQ

IMPORTANT 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 operations described in the First Schedule taking place on the land specified in the Second Schedule were 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 operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any 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: 17 November 2025

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Land at 21 Meadow Gardens, Edgware HA8 9LQ

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Scale: Not to Scale

