Planning Inspectorate

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/T5150/X/24/3345515

30 Village Way, London NW10 0LH

- 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 Violetta Czamocka against the decision of the Council of the London Borough of Brent.
- The application ref 23/3782, dated 2 December 2023, was refused by notice dated 29 January 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 existing outbuilding in rear garden to dwellinghouse.

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. The Appellant obtained an LDC for an outbuilding in the rear garden of 30 Village Way. The outbuilding was built, externally, in accordance with the plans approved by the LDC but not internally; the authorised single library room was sub-divided to create a shower room, and a kitchen, wardrobe and bed were installed in the library room. The Council issued an enforcement notice which required the removal of the unauthorised elements of the development carried out. The Appellant has complied with the requirements of the notice except for removal of the shower room. She maintains that the shower room is "…vital for the intended use as a library".

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 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. In this case the Council maintains that the shower room is not reasonably required or necessary.

5. Reading and possibly writing are activities carried out within a library. These are passive activities and do not justify the provision of a shower room. The authorised development did not include any sanitary accommodation so it is not clear why the Appellant now maintains that the shower room is "…vital for the intended use as a

library". It must have been assumed that users of the library room would go to the dwellinghouse to use sanitary accommodation. The Appellant has failed to provide any justification for retention of the shower room. The development as it is now with a shower room is not reasonably required or necessary and is not therefore for a purpose incidental to the enjoyment of the dwellinghouse.

6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for existing outbuilding in rear garden to dwellinghouse at 30 Village Way, 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