



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/G5750/X/24/3344887

299A Romford Road, Forest Gate, London E7 9HA

- 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 GTS Estates Ltd against the decision of the Council of the London Borough of Newham.
- The application ref 24/00433/CLE, dated 22 February 2024, was refused by notice dated 1 May 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 issue as an auto-repair garage.

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.
3. The Council maintains that “This appeal must simply consider the Council’s determination based on the evidence within the original application...”. This is incorrect. An appeal is determined on the basis of ‘all the evidence now available’ and an Appellant is entitled to bring forward additional evidence in support of his appeal. The Appellant, to be successful, must submit sufficient precise and unambiguous evidence to demonstrate, on the balance of probability, that the use as an auto-repair garage subsisted continuously for, in this case, the ten year period prior to the date of the application; the ten year period being 22 February 2014 to 22 February 2024.

Reasons

4. 299A Romford Road is a double garage with a frontage onto Sprowston Road. In a letter from Mr Kamzi dated 20 May 2024 it is stated that “I have used the garage...to do car repairs since 2008 and have used the garage continuously until I vacated in January 2022. Please find attached a copy of my tenancy agreement”. The agreement is for a 24 month period commencing on 3 April 2008 and does not demonstrate continuity of use for the purpose of ‘Garage Repairs Cars’ up to 2022. A tenancy agreement for Mr Ahmed dated 1 March 2022 is for a 12 month period and indicates the purpose to be ‘Garage only’. There is no evidence of use beyond 1 March 2023 and certainly not for use as an auto-repair garage.
5. Evidence of rental payments made simply show that the garage was rented and does not demonstrate what the garage was used for. The appeal statement includes eleven Streetview images of the frontage of the garage taken between 2008 and 2022.

In four of the images the up and over door is closed and in the other seven images the interior of the garage is visible. In none of the seven images is there any evidence of the garage being in use for car repairs; the images simply show the garage to be in use for the parking of cars. The Appellant's evidence does not demonstrate that the double garage has been in continuous use as an auto-repair garage during the ten 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 as an auto-repair garage at 299A Romford Road, Forest Gate, 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

