



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/A5840/X/24/3347061

51 Glazebrook Close, London SE21 8RR

- 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 Ken Cheong against the decision of the Council of the London Borough of Southwark.
 - The application ref 24/AP/1038, dated 15 April 2024, was refused by notice dated 17 June 2024.
 - The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which an LDC is sought is division of house into two independent residential units with separate bathrooms and kitchen facilities each with independent access.
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Decision

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

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. 51 Glazebrook Close is an end-terraced property that was, originally, a single storey dwelling with an attic room. It has been sub-divided to create two residential units; one which occupies about two-thirds of the ground floor and the attic room, and one which occupies the remainder of the ground floor. The larger unit is Flat B and the smaller unit is Flat A. For the use of the property to be immune from enforcement action and thus lawful the sub-division must have occurred more than four years before the date of the application. The onus of proof is on the Appellant who must provide sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the use of the property as two residential units subsisted continuously through the four year period prior to the date of the application.
4. The Appellant submitted evidence with his appeal that had not been available to the Council when the application was determined. The Council, having considered this evidence, have concluded that "...this information (is) sufficiently precise and unambiguous to demonstrate continuous use only for Flat B". The evidence for Flat B included two Council Tax Bills for 2020/21 and 2021/2022 and a screenshot of a Council Tax statement for 2023/24, but there is no such evidence for Flat A. The Appellant was thwarted in his attempts to obtain Council Tax information because of the Council's responsibilities under the Data Protection Act 2018. Otherwise, the evidence for each flat is virtually the same.

5. The Council has stated that “It is understood from the statement of case and statements from the present occupiers of Flat A and Flat B, as well as from neighbours, that Flat A has been occupied since March 2020”. The date of the application is 15 April 2024 so the Appellant only needs to provide evidence of occupation of Flat A from 15 April 2024. The statement of Ruxandra Zaharia, who has lived in Flat B throughout the four year period, and the statements of two neighbours are important. They corroborate the claim, which is accepted by the Council, that Flat A, like Flat B, has been continuously occupied throughout the four year period.

6. The Appellant has provided sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the use of the property as two residential units subsisted continuously through the four year period prior to the date of the application.

7. For the reasons given above, and on all the evidence now available, the Council’s refusal to grant an LDC for division of house into two independent residential units with separate bathrooms and kitchen facilities each with independent access at 51 Glazebrook Close, London 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 15 April 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 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 works to sub-divide the house occurred more than four years before the date of the application and the two independent residential units have been continuously occupied throughout the four year period.

Signed

John Braithwaite

Inspector

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First Schedule

Division of house into two independent residential units with separate bathrooms and kitchen facilities each with independent access

Second Schedule

Land at 51 Glazebrook Close, London SE21 8RR

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 operations 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: 18 November 2025

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Land at: 51 Glazebrook Close, LONDON, SE21 8RR

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Scale: Not to Scale

