



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/F5540/X/24/3347397

65 Park Close, Hounslow TW3 2HN

- 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 R Singh against the decision of the Council of the London Borough of Hounslow.
 - The application ref 00853/65/LAW2, dated 9 November 2023, was refused by notice dated 4 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 erection of single storey outbuilding in the rear garden.
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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.

Reasons

4. 65 Park Close is a semi-detached two-storey dwelling with front and rear gardens. Vehicular access into the property is at the rear of the rear garden off Park Road. The proposed outbuilding would be in the rear garden.
5. Under Class E of Part 1 of Schedule 2 of the GPDO 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, as set out in the reason for refusal of the application, "...would not be incidental to the main house due to the presence of primary living accommodation".
6. The Council has not submitted an appeal statement and is therefore relying on the Delegated Officer's Assessment. The assessment is a series of questions and the

pertinent question is, under the heading 'Assessment under Class E – Outbuildings', "Is the purpose of the building or enclosure incidental to enjoyment of the house ? i.e it does not include primary living accommodation such as a bedroom, bathroom or kitchen". The negative response to this question is qualified by "The outbuilding is proposed to be used as a gym, parking and storage. The outbuilding would also contain a WC which is considered to be primary living accommodation and therefore the outbuilding would not be incidental to the use of the main house".

7. Appeal Decision APP/F5540/X/21/3288514 considered refusal by the Council of an LDC for 'detached outbuilding to rear to be used as home gym, home working office, sauna room and garden tools store' at 28 Addison Avenue, Hounslow. The proposed outbuilding in that case also included a WC and the Inspector found that "While the WC could be considered to be primary accommodation, in this context it is reasonable to provide a facility in association with the incidental use of the outbuilding". In their response to the Appellant's costs application the Council claims that "...the Inspector considered the WC to be primary use...". The Inspector did not consider the WC to be primary use but found that a WC could be considered to be primary accommodation.

8. The Council has referred to their adopted Character, Sustainability and Design Codes Supplementary Planning Document in which, in Section A5 under 'Outbuildings', it is stated that "Usually primary living accommodation, such as a bedroom, bathroom or kitchen would not be allowed". The reason being that the inclusion of primary living accommodation could facilitate future use as an independent residential unit. A WC is not a bathroom and its inclusion in the proposed outbuilding would not facilitate future use of the building as an independent residential unit. As it was at 28 Addison Avenue, it would not be unreasonable to include a WC in the outbuilding to be in association with its otherwise accepted incidental uses.

9. The inclusion of a WC, in the context of this case, would not compromise the otherwise acceptable incidental uses of the outbuilding. The building would be required for purposes incidental to the enjoyment of the dwellinghouse and is thus 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 single storey outbuilding in the rear garden at 65 Park Close, Hounslow 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 9 November 2023 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 operations are development permitted under Class E of Part 1 of Schedule 2 of the GPDO.

Signed

John Braithwaite

Inspector

Date: 21 November 2025

Reference: APP/F5540/X/24/3347397

First Schedule

Erection of single storey outbuilding in the rear garden

Second Schedule

Land at 65 Park Close, Hounslow TW3 2HN

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: 21 November 2025

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Land at: 65 Park Close, Hounslow TW3 2HN

Reference: APP/F5540/X/24/3347397

Scale: Not to Scale

