



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/B5480/X/24/3347862

10 Maidstone Avenue, Romford RM5 3DB

- 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 Joan Palin against the decision of the Council of the London Borough of Havering.
 - The application ref D0143.224, dated 9 April 2024, was refused by notice dated 5 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 outbuilding ancillary to main dwelling.
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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. 10 Maidstone Avenue is a semi-detached two-storey dwelling with a rear garden. The outbuilding would be a single room for storage and study and would be at the rear of the rear garden. 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 accepts that the proposed outbuilding would be built in the curtilage of the dwellinghouse and that it would meet the limitations in paragraph E.1. They claim, however, that the outbuilding would not be for a purpose incidental to the dwelling by reason of its excessive size.
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 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 its intended purpose.
5. The onus of proof, in cases such as this, falls on the Appellant and she must provide sufficient precise and unambiguous evidence to justify a conclusion that the outbuilding is genuinely and reasonably required and would be for purposes incidental

to the dwelling. Storage space and a study area could be incidental uses but the justification for the building is simply that it is "...designed to complement the main dwelling by providing essential space for storage and a dedicated study area, supporting the residents' needs for additional functional space without overburdening the primary living areas".

6. No evidence has been provided to indicate how the primary living areas in the dwelling are overburdened, what current provision for storage there is in the dwelling and why this is inadequate, or who is in need of a study area remote from the dwelling. Without any information on these matters it is not possible to judge whether the outbuilding is genuinely and reasonably required or necessary, and whether it would not be excessive in size. Some doubt is also cast on the intended purpose of the outbuilding by reference to "...the growing trend towards remote working...".

7. The Appellant has not provided sufficient evidence to judge whether the proposed outbuilding is genuinely and reasonably required for the intended purposes and would therefore be for purposes incidental to the enjoyment of the dwellinghouse. The proposed development would not therefore be development permitted under the provisions of Class E of Part 1 of Schedule 2 of the GPDO.

8. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for erection of outbuilding ancillary to main dwelling at 10 Maidstone Avenue, Romford 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