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## Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 27 November 2025

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**Appeal Ref: APP/Z5060/X/24/3351786**

**68 Wadeville Avenue, Romford RM6 6EU**

- 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 B Singh Sandhu against the decision of the Council of the London Borough of Barking & Dagenham.
  - The application ref 24/00649/CLUE, dated 8 May 2024, was refused by notice dated 10 July 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 loft conversion, single storey rear extension with conservatory and outbuilding.
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### Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed development 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. 68 Wadeville Avenue is a two-storey plus attic mid-terraced dwelling. The loft conversion, rear extension, conservatory and outbuilding have been introduced at the property. To be immune from enforcement action and therefore lawful the existing developments must have been substantially complete more than four years before the date of the application. The onus of proof is on the Appellant who must have submitted sufficient evidence to justify a conclusion, on the balance of probability, that the developments were complete more than four years before the date of the application.
4. The Appellant has submitted drawings of the developments and there is no reason to doubt that they show the size and appearance of the four elements accurately. The drawings do not, however, give any indication of when the developments were substantially complete. The Appellant has also submitted dated aerial photographs and a letter from neighbours, Mr and Mrs Gill of 70 Wadeville Avenue, which states that "We...wish to confirm that the works carried out...were completed more than ten years ago". This corroborates the Appellants claim, in the application form, that the building works were substantially complete by 6 May 2010.
5. The aerial photographs are dated July 2013, April 2019, March 2020, February 2021 and April 2024. The appeal dwelling is clearly identifiable in each photograph and the dormer, extension, conservatory and outbuilding are visible in all of the photographs. The four elements have not changed in the later photographs from what

is shown in the 2013 photograph. It is irrelevant that the drawings might or might not exactly match the aerial images because it is the presence of built development that is significant. The Appellant has not submitted any other evidence than that already mentioned and it is unusual to reach a conclusion based solely on a series of aerial photographs and a letter from neighbours. However, the Appellant has submitted sufficient evidence to justify a conclusion, on the balance of probability, that the developments were complete more than four years before 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 loft conversion, single storey rear extension with conservatory and outbuilding at 68 Wadeville Avenue, Romford 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



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# 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

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**IT IS HEREBY CERTIFIED** that on 8 May 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 existing development was substantially complete more than four years before the date of the application as is therefore immune from enforcement action.

Signed

*John Braithwaite*

Inspector

Date: 27 November 2025

Reference: APP/Z5060/X/24/3351786

## ***First Schedule***

Loft conversion, single storey rear extension with conservatory and outbuilding

## ***Second Schedule***

Land at 68 Wadeville Avenue, Romford RM6 6EU

## 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: 27 November 2025

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

Land at 68 Wadeville Avenue, Romford RM6 6EU

Reference: APP/Z5060/X/24/3351786

Scale: Not to Scale

