



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 01 December 2025

Appeal Ref: APP/T5150/X/24/3352228

72 Franklyn Road, London NW10 9TE

- 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 Bledi Asllani against the decision of the Council of the London Borough of Brent.
 - The application ref 24/0638, dated 11 March 2024, was refused by notice dated 20 August 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 is use of the property as 2 self-contained flats.
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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.

Reasons

3. 72 Franklin Road is sub-divided into two flats. On 20 January 2015 enforcement notice E/13/0472 was issued by the Council and alleged 'the material change of use of the premises into two self-contained flats' at the appeal property. The principal requirement of the notice is the cessation of the use of the premises as residential flats. The Appellant has referred to an email dated 12 July 2018 in which it is stated, by a Council Officer, that "The enforcement notice UN/16/11655 has been complied with...". But the notice (UN/16/11655) referred to in the email is not the notice (EN/13/0472) that was issued against the use of the appeal property as two self-contained flats.
4. There is no evidence to indicate that enforcement notice EN/13/0472 has been withdrawn and it therefore remains in force. Section 191(2)(b) of the Town and Country Planning Act 1990, in effect, declares that an LDC for an existing use cannot be granted if an enforcement notice is in force that requires the cessation of the use.
5. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for the use of the property as 2 self-contained flats at 72 Franklyn Road, 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