



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 03 December 2025

Appeal Ref: APP/T5150/X/24/3352704

6A Brownlow Road, London NW10 9QL

- 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 Sheraz Mehmood against the decision of the Council of the London Borough of Brent.
 - The application ref 24/1028, dated 16 April 2024, was refused by notice dated 5 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 existing use of ground floor of building as 3 x self-contained dwelling units (Use Class C3).
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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. 6 Brownlow Road is an end-terraced two storey property; 6A is the ground floor which is sub-divided into three residential units. In *Gravesham BC v SSE and O'Brien [1982] 47 P&CR 142* it was held that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day to day private existence. The three units satisfy this test and are self-contained residential units.
4. The Council maintains that the units have been in use for short-term letting purposes or as temporary accommodation facilities, and that neither of these uses fall within Class C3 'Dwellinghouses'. They therefore claim that to be lawful the use of 6A Brownlee Road must have subsisted continuously for ten years. The Appellant challenges this claim and maintains that the three residential units are Class C3 dwellinghouses which to be lawful must have been continuously occupied for a four year period prior to the date of the application.
5. In an email dated 16 April 2024 the Procurement and Contract Manager at the Royal Borough of Kensington and Chelsea (RBKC) stated that "This email is to confirm that flats 1,2 and 3, 6a Brownlee Road...have each been leased to Kensington and Chelsea Council since 21 May 2019, with these flats having been continuously rented to homeless/temporary accommodation families since this date to the present...". This arrangement is confirmed by the Appellant in his sworn affidavit dated 16 April 2024.

6. The term 'short-term let' applies to the use of a dwelling for a short period for holiday or business purposes by a person or persons who otherwise live elsewhere. The persons placed by RBKC in the three units at the appeal property have not been there for holiday or business purposes and they will not have been in ownership of other property. They will have regarded the flats as their homes for as long as it has been necessary. RBKC have not provided a list of residents or any indication of how long they have lived at the property. However, this does not affect a conclusion that the property has not been used for short-term letting purposes.

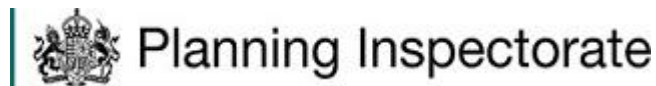
7. Unless a person is born, lives their life, and dies in the same property then their occupation of any property during their life is temporary. Some temporary occupations can be many years and some can be a few weeks or months, this will be dictated by circumstances in any individual case. The persons placed by RBKC will be living at the appeal property for a temporary period which will be dictated by their circumstances. They are not provided with any care, they are self-sufficient and they are independent. Gaps between placements will have been short and there is no reason to consider that occupation of the three units has been other than continuous. There are no communal facilities so the suggestion that the property has been in a 'hostel' use is misplaced.

8. The three self-contained dwelling units are Class C3 dwellinghouses and the four year time limit applies. The three Class C3 residential units have been continuously occupied for more than four years prior to the date of the application, are therefore immune from enforcement action, and are lawful.

9. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for existing use of ground floor of building as 3 x self-contained dwelling units (Use Class C3) at 6A Brownlow Road, 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 16 April 2024 the use 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, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The three self-contained dwelling units (Use Class C3) have been occupied continuously for a period in excess of four years and are lawful.

Signed

John Braithwaite

Inspector

Date: 03 December 2025

Reference: APP/T5150/X/24/3352704

First Schedule

Existing use of ground floor of building as 3 x self-contained dwelling units (Use Class C3)

Second Schedule

Land at 6 Brownlow Road, London NW10 9QL

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 use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use 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: 03 December 2025

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Land at 6 Brownlow Road, London NW10 9QL

Reference: APP/T5150/X/24/3352704

Scale: Not to Scale

