



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 04 December 2025

Appeal Ref: APP/Q5300/X/24/3353224

66 Hoe Lane, Enfield EN3 5SN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Miss Faith Githae against the decision of the Council of the London Borough of Enfield.
 - The application ref 24/01646/CEU, dated 18 June 2024, was refused by notice dated 9 September 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 outbuilding as 1 self-contained flat.
-

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.
3. The description of the use for which an LDC is sought is taken from the Council's Decision Notice, rather than from the application form. It is an accurate description.

Reasons

4. The outbuilding is in the rear garden of the appeal property. The Council issued Enforcement Notice E/23/0346 on 9 September 2024, which relates to the appeal property and which took effect on 7 October 2024. The notice alleges 'the unauthorised change of use of the outbuilding to the rear of the premises to a self-contained unit of habitable accommodation'. There is no evidence to indicate that the notice has been withdrawn and it therefore remains in force. Section 191(2)(b) of the 1990 Act, 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. The LDC sought is for an existing use and Enforcement Notice E/23/0346 requires the cessation of the use. In these circumstances an LDC cannot be granted.
6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use of outbuilding as 1 self-contained flat at 66 Hoe Lane, Enfield 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