

Appeal Decision

Site Visit made on 9 December 2025

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th December 2025

Appeal Ref: APP/Z5060/X/24/3350165

91 Wedderburn Road, Barking IG11 7XF

- 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 Mihail Zdravkov (Prime Group PM Ltd) against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application ref PP-13124521, dated 4 June 2024, was refused by notice dated 23 July 2024.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is home office.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made under Section 192(1)(a) of the Act, that being an application for an LDC for a proposed use. However, the appellant has indicated on the appeal form that the application was made under Section 191(1)(a) of the Act for an existing use. Nonetheless, the appeal form indicates that the use has not begun. I have therefore determined the appeal on the basis that an LDC is sought for a proposed use under Section 192(1)(a) of the Act.

Main Issue

3. The main issue is whether the LPA's decision to refuse the application for an LDC was well-founded.

Reasons

4. Section 191(2) of the Act states that uses are lawful at any time if: (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and, (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
5. The LDC application seeks to confirm that the use of a room within an existing property as a home office for a business is lawful within the meaning of Section 191(2) of the Act, on the basis that it does not involve development. Section 55(1) of the Act defines development as, including, the making of any material change in the use of any buildings or land. The concept of a material change of use is not defined in statute or statutory instrument. The courts have established that the approach is that, for a material change of use to occur, there

must be some significant difference in the character of the activities from what has gone on previous as a matter of fact and degree.

6. The existing use of the property is said to be a dwellinghouse. However, there is little evidence regarding the actual use of the property. For example, there is little detail on whether it is occupied or how it is occupied. The application form simply states that the appellant considers the use to be lawful because the current building will be utilised as a home office without necessitating any modifications, ensuring the land's use remains consistent with its previous purpose and that no new construction or significant alterations will be undertaken.
7. In terms of the proposed use, the appeal form states that the appellant has a small business that has applied for a license from Transport for London (TfL) which requires them to have a room with a computer and phone for use as a home office. Correspondence between the appellant and the LPA appears to indicate that the business relates to taxis and private hire vehicles. The appellant indicates that operating hours would be 0900 to 1800 Monday to Friday and that there would be no public visitors to the property.
8. However, evidence regarding whether the business would have employees and whether those employees would work from the premises is vague and contradictory. An email from the appellant dated 25 June 2024 states that there are no other workers on the property other than the appellant. However, a further email from the appellant to the LPA on 27 June 2024 states that, "we only keep office staff in the first reception area". If there are to be staff, then there are limited details of the number of staff who may work from the premises, the hours they would work and the likely frequency and nature of their comings and goings.
9. Moreover, whilst the submitted plans referred to are not before me, the correspondence between the parties suggest that it is proposed to use two first floor reception rooms, comprising the entire first floor of the property – a significant proportion of the overall floor space of the property.
10. Overall, the submitted evidence is limited, and what has been provided is vague and somewhat unclear. Ultimately, I find the appellant's evidence regarding the proposed use is insufficiently precise or unambiguous to establish, on the balance of probabilities, that the proposed use would not amount to a material change of use and thus development for the purposes of Section 55(1) of the Act. Consequently, it has not been demonstrated that the proposed use is lawful within the meaning of Section 191(2) of the Act.

Conclusion

11. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a home office is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in Section 195(3) of the 1990 Act (as amended).

J Whitfield

INSPECTOR