



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/H5960/X/24/3353993

62 Broughton Street, London SW8 3QX

- 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 Christian Hudson against the decision of the Council of the London Borough of Wandsworth.
 - The application ref 2024/1752, dated 17 June 2024, was refused by notice dated 1 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 as a single dwellinghouse (Class C3 use).
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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. 62 Broughton Street is a single storey, single room, triangular dwelling. For the use of the property as a single dwellinghouse to be immune from enforcement action and thus lawful the use must have subsisted continuously for a four year period. The onus of proof is on the Appellant who must provide sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the use of the property as a single dwellinghouse subsisted continuously for four years. If the four year period was not immediately before the date of the application then any established use must have continued uninterrupted up to that date.
4. The Appellant has submitted Tenancy Agreements for 22 December 2017 to 21 December 2018, 21 August 2019 to 20 August 2020 and 28 August 2020 to 27 August 2021. In his Statutory Declaration the Appellant states that the last of these three tenancies was "...extended until now" so, on this basis, the property was let for the four year period prior to the date of the application. He has also provided evidence of tenancy in 2013-15. However, there is no evidence in the form of bank statements that rent has ever been paid, there is no evidence of Council Tax bills or payments, and there is no evidence of utility bills or payments prior to the date of the application.
5. The Appellant has not provided sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the use of the property as a single dwellinghouse has subsisted continuously for a four year period. He has not provided precise and unambiguous evidence to corroborate his claim, made in his Statutory Declaration, that he has let the property for over 17 years.

6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use as a single dwellinghouse at 62 Broughton Street, 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