



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/F5540/X/24/3354164

74 Kingsley Road, Hounslow TW3 1QA

- 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 J Ahmed against the decision of the Council of the London Borough of Hounslow.
 - The application ref P/2024/2166, dated 19 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 change of use of part of a dwellinghouse to an office.
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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.
3. An application for an award of costs has been made by the Appellant against the Council. This application is the subject of a separate Decision.

Reasons

4. 74 Kingsley Road is a mid-terraced two-storey property. The front part of the ground floor of the property is in office use whilst the remainder of the property is a dwellinghouse. The Appellant is seeking to establish that the office use is immune from enforcement action and is thus lawful. To be immune from enforcement action the Appellant must provide sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the office use subsisted continuously for the ten year period prior to the date of the application.
5. The Appellant has referred to an LDC granted on 14 April 2024 for 'proposed use of the property as a office by a resident of the house'. The reason given for the grant of an LDC included "The nature and scale of the business use is ancillary to the residential use with the property continuing to function as a single-family dwellinghouse". The Appellant has referred to the application form which stated that the proposed use would a Class B1a use, which was the use class for 'office' at that time. But a decision maker is empowered to grant an LDC for a different use to that applied for if the evidence justified such a conclusion. The Council determined, based on the evidence, that the office use was an ancillary use to the residential use. The 2014 LDC was granted on that basis and is not relevant to this appeal.

6. The 2014 LDC is not relevant because the Appellant is seeking to establish that the office use is not ancillary to the residential use but an independent use. He has submitted in evidence Non Domestic Rate Notices that cover the ten year period. Each Notice sets out the Rateable Value of the Offices and Premises, and the Chargeable Amount for each year. But in each year the property was subject to Small Business Rate Relief equal to the Chargeable Amount; the amount due in each year therefore being £0. Nevertheless, it is claimed in the appeal statement that “Rates have been paid up to the date of the application...” even though no payments were due.

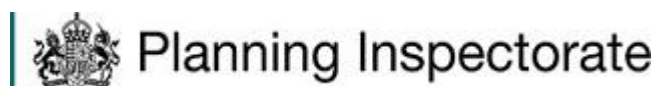
7. The Rate Notices were sent to Mr Javed Chohan rather than to the Appellant, though they were addressed to Gnd Flr, 74 Kingsley Road, Hounslow. There is nothing in evidence to indicate that rent has been paid or that payment has been made for any services, such as electricity and broadband. However, the Non Domestic Rate Notices do indicate that the ground floor office was rated for business use, rather than for residential use, for the ten year period prior to the date of the application. Furthermore, two Statutory Declarations by near neighbours, one of whom has engaged the Appellant’s professional services, confirm that he has used the ground floor office for his property management business for the same ten year period.

8. The Appellant has provided sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the office use subsisted continuously for the ten year period prior to the date of the application.

9. For the reasons given above, and on all evidence now available, the Council’s refusal to grant an LDC for change of use of part of a dwellinghouse to an office at 74 Kingsley Road, Hounslow was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the Town and Country Planning Act 1990 (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 19 June 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 office use has subsisted continuously for the ten year period prior to the date of the application and is immune from enforcement action.

Signed

John Braithwaite

Inspector

Date: 18 December 2025

Reference: APP/F5540/X/24/3354164

First Schedule

Change of use of part of a dwellinghouse to an office

Second Schedule

Land at 74 Kingsley Road , Hounslow , TW3 1QA

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: 18 December 2025

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Land at 74 Kingsley Road, Hounslow TW3 1QA

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Scale: Not to Scale

