



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/A5270/X/24/3353864

Flat D, 155 The Vale, Acton, London W3 7RH

- 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 Mamdouh Al-Louji against the decision of the Council of the London Borough of Ealing.
 - The application ref 243004CPE, dated 13 August 2024, was refused by notice dated 7 October 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 first floor flat as a self-contained flat.
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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. Reference has been made to an application for an LDC for a rear extension of the appeal property. The application is not part of this appeal.

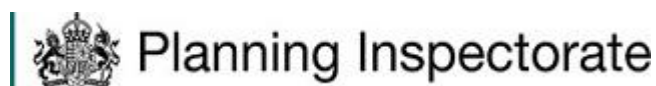
Reasons

4. Flat D is a single bedroom self-contained flat at first floor level of 155 The Vale. The Appellant is seeking to establish the lawfulness of the residential use of the flat by demonstrating that the use has subsisted continuously for in excess of four years and is thus immune from enforcement action. 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 flat has been continuously occupied for the four year period prior to the date of the application.
5. The Appellant has provided Council Tax bills, addressed to the tenant at Flat D, for the four year period prior to the date of the application. He has also provided evidence that Universal Credit payments have been made to him for rent of the flat during the four year period, and evidence of these payments being deposited into his bank account. This evidence taken together is sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the flat has been continuously occupied for the four year period prior to the date of the application.
6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use of first floor flat as a self-contained flat at Flat D, 155 The Vale, Acton, 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 13 August 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and coloured 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 use has been continuous for the four year period prior to the date of the application and is thus immune from enforcement action.

Signed

John Braithwaite

Inspector

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First Schedule

Use of first floor flat as a self-contained flat

Second Schedule

Flat D, 155 The Vale, London W3 7RH

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: 19 December 2025

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Land at Flat D, 155 The Vale, London W3 7RH

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Scale: Not to Scale

