



Appeal Decision

Site visit made on 18 December 2025

by Timothy C King BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2026

Appeal Ref: APP/C5690/C/24/3341707

95 Grangemill Road, London, SE6 3LA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Richard Simpson against an enforcement notice issued by the Council of the London Borough of Lewisham.
 - The notice was issued on 7 March 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, subdivision of the main house into 2 flats and erection of verandah to the ground floor rear elevation; and without planning permission, use of outbuilding as 2 flats and overdevelopment of the rear garden..
 - The requirements of the notice are:
 1. Remove the outbuilding (ie garden apartments 2 & 3 in its entirety).
 2. Revert and reconfigure the main dwellinghouse to its previous use as a single-family dwelling. Removing all partitions, fixtures and appliances that facilitate the use as two separate dwellings.
 3. Make good all damage resulting from the compliance with the requirements of this notice.
 4. Remove all materials, debris, waste and equipment resulting from compliance with the above requirements of this notice from the land.
 - The period for compliance with the requirements are 6 (six) months after this notice takes effect.
 - The appeal is proceeding on the ground[s] set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is varied by substituting the time for compliance from 6 (six) months to 9 (nine) months. Subject to this variation the appeal is dismissed and the enforcement notice is upheld.

Background and Preliminary Matters

2. In April 2021 the Council received a complaint that a single-storey outbuilding erected within no 95's rear garden was being used for habitable purposes.
3. Following an investigation, including site visits, Council officials satisfied themselves that the outbuilding was in use as two flats, the main dwelling had been sub-divided to create two self-contained flats, and a structure (which the Council terms a veranda) had been erected against the main dwelling's rear elevation.
4. In the circumstances the Council saw it expedient to issue an enforcement notice to address the various development undertaken without planning permission, seeking the cessation of the unauthorised uses and the removal of certain unauthorised operational development. However, although the erection of a 'veranda' is mentioned in the notice as an element of the unauthorised development, there is no mention of its required removal in the steps for compliance. As such, to this extent, the Council has under-enforced, although it would only become lawful by default once the other steps had been complied with.

5. In the above connection I am of the view that the term 'veranda' is misleading as this suggests the presence the arrangement of a walkable platform over a flat roof below. Instead, the development takes the appearance of a timber structure which, due to a series of gaps between the planks, has no roof. Accordingly, I consider the word veranda is incorrect although I cannot be certain whether the structure has been modified since the enforcement notice was issued. That said, as the notice does not specifically require for its removal I consider it unnecessary to correct the term in the allegation.
6. The appeals lodged against the enforcement notice are, on paper, limited to two non-legal grounds; (f) and (g), as discussed below. However, reference to the representations made would suggest that the appellant considers that the outbuilding, as a structure, constitutes permitted development under Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO). It is also claimed that the conversion of the main dwelling into two self-contained flats was carried out over ten years ago, and is thereby immune from planning control. This would also indicate that appeals are being put forward on the legal grounds, (c) and (d).
7. In such instances, the onus is on the appellant to prove his/her case, yet no specific evidence has been provided to support the above claims. Accordingly, in the absence of any compelling evidence or facts from the appellant regarding the use of the main dwelling, I am unable to make an assessment as to the possibility of immunity.
8. An appeal under ground (c) would be that the matter(s) alleged do not constitute a breach as the development satisfies the relevant provisions of the GPDO and thereby do not require the benefit of planning permission. Class E provides permitted development rights within the curtilage of a dwellinghouse for any building or enclosure required for a purpose incidental to the enjoyment of the dwelling.
9. The crucial factor here is that the various classes under Part 1 of the GPDO is only concerned with *development within the curtilage of a dwellinghouse*. Yet no 95 is no longer a single-family dwellinghouse and, moreover, if the appellant's claims are correct, it has been in use as flats for over ten years. He also indicates that, at the time the enforcement notice was issued, the outbuilding had been in situ for less than four years. Accordingly, as the outbuilding's use for residential purposes would have obviously commenced within the four year period, he accepts that neither the building nor its use is immune from planning control.
10. At the time the appeal was made the appellant indicates an intention to submit an application for a lawful development certificate under s191 as regards the use of the main house as two self-contained flats. Neither main party has commented whether any such application was made, let alone whether any LDC was subsequently issued.
11. On this basis, therefore, with the information before me - and if the appellant's claim as to the use of the main dwelling as two self-contained flats being immune from planning control is correct - even if the residential use of the outbuilding were to cease, permitted development rights cannot now apply. Accordingly, I do not need to discuss the various provisos and limitations of Class E.

The appeal on ground (f)

12. An appeal made under ground (f) is the appellant claiming that the requirement(s) stipulated in the enforcement notice go beyond what is necessary to remedy the harm considered has been caused by the identified breach(es) of planning control. In this instance the appellant takes issue with the need for requirements 1, 2 and 3 as stipulated in the notice. Accordingly, he considers it unnecessarily excessive to require for the removal of the outbuilding in its entirety, the reconfiguration of the main dwelling with its deconversion to return it to a single-family dwellinghouse and, as a consequence, making good all works carried out to this end.
13. I consider that the enforcement notice's purpose here is to remedy the breaches arising from the various developments carried out. As regards the outbuilding, given that the property cannot enjoy permitted development rights with the appellant claiming that the conversion was carried out several years before the outbuilding was erected, even if the outbuilding's residential use was to cease the structure itself would still require the benefit of planning permission for its lawful retention. Accordingly, in the circumstances, the requirement for removal is reasonable.
14. Regarding the dwelling's use as two flats, unless lawful use rights for such have been confirmed then Requirement 2 is by and large standard wording against such a breach. Further, Requirement 3 is similarly commonplace where remedial works are necessary.
15. This appeal does not, therefore, succeed.

The appeal on ground (g),

16. An appeal under ground (g) is that the appellant considers that the specified time period for compliance – in this case, six months - is unreasonably short. Given that a number of people are residing at the property, in order to potentially lessen the inconvenience of vacating their respective residences, I shall extend the compliance period to nine months.
17. Accordingly, the appeal succeeds to this extent.

Timothy C King

INSPECTOR