



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/N5090/X/25/3358520

7 Bellevue Mews, London N11 3HF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Nicos Halepas against the decision of the Council of the London Borough of Barnet.
 - The application ref 24/2488/191, dated 17 June 2024, was refused by notice dated 18 July 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 one 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

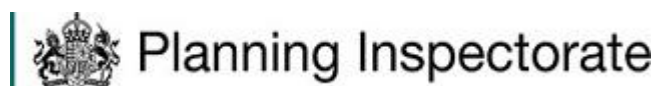
2. Determination of the appeal requires an assessment of documentary evidence. A site visit is therefore unnecessary and has not been carried out.
3. An application for an award of costs has been made by the Council against the Appellant. This application is the subject of a separate Decision.

Reasons

4. An appeal is determined on the basis of 'all the evidence now available' and an Appellant is entitled to bring forward additional evidence in support of his appeal. The Appellant must submit sufficient precise and unambiguous evidence to demonstrate that the use as one self-contained flat subsisted continuously for the four year period prior to the date of the application and is thus immune from enforcement action.
5. Council Officers have considered the additional evidence submitted by the Appellant with his appeal and to their credit have accepted that "...the LPA would now consider all the evidence in conjunction as sufficient to demonstrate, on the balance of probability, the use of 7 Bellevue Mews...as a self-contained flat would be lawful". There is no reason to disagree with this conclusion.
6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use as one self-contained flat at 7 Bellevue Mews, 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 17 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 use subsisted for the four year period prior to before the date of the application and is thus immune from enforcement action.

Signed

John Braithwaite

Inspector

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First Schedule

Use as one self-contained flat

Second Schedule

Land at 7 Bellevue Mews, London N11 3HF

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 operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations 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: 13 February 2026

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Land at 7 Bellevue Mews, London N11 3HF

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Scale: Not to Scale

