



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 18 February 2026

Appeal Ref: APP/W5780/X/25/3359110

129 Woodlands Road, Ilford IG1 1JP

- 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 Ali Akber against the decision of the Council of the London Borough of Redbridge.
 - The application ref 2751/24, dated 11 October 2024, was refused by notice dated 28 November 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 five self-contained flats.
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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 appeal is determined on the basis of 'all the evidence now available' and an Appellant is entitled to bring forward evidence, in addition to that submitted at application stage, in support of his appeal.
4. To be lawful the self-contained flats must have been immune from enforcement action on the date of the application. The Council applied a ten year immunity period when deciding the application; this is the immunity period for use as a dwellinghouse introduced by the Levelling-up and Regeneration Act 2023 with effect from 25 April 2024. However, transitional provisions are in place so if the dwellinghouse was substantially complete before that date then the previous four year immunity period applies. This is the situation in this case because there is no suggestion that the five self-contained flats were not substantially complete and in use on 25 April 2024; there is evidence of Council Tax liability for the five flats for the period 2024-2025.

Reasons

5. The main issue is whether, on the basis of all evidence submitted, the Council's decision not to grant an LDC was well founded. To have gained immunity the use must have subsisted continuously, in accordance with the transitional provisions, for the four year period prior to the date of the application. The onus of proof is on the Appellant whose evidence must be sufficiently precise and unambiguous to demonstrate, on the balance of probability, that the claimed use of the property as five self-contained flats had gained immunity on 11 October 2024.

6. 129 Woodlands Road is the appeal property; at ground floor level is a self-contained flat and shop, at first floor level there are two self-contained flats, and at second floor level there are another two self-contained flats. Satvir Singh Bains has made a Statutory Declaration, dated 26 September 2024, in which it is stated, in relation to the appeal property, that “I purchased a 999 year lease on a (sic) property on 21st August 2008. When I bought it, the first and second floors were already sub-divided into four separate flats. A flat on the ground floor already existed. The ground floor flat and shop belongs to the landlord. I have uninterrupted use of the flats which have been on rent since my purchase in 2008”.

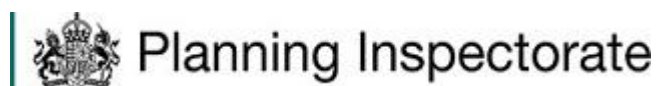
7. A plan, dated 4 October 2019, identifies the flats as nos. 1 to 5. One of the flats is in different ownership to the other four so previously the ground floor flat was known as Flat 1A or 129a, and the upper floor flats were either Flats 1 to 4 or Flats A to D. Tenancy Agreements submitted in evidence indicate that the five flats were individually let prior to the four year period. Under the provisions of the Housing Act 2004 the Council issued Licences, which set out conditions for use and occupation, for four of the five flats, presumably those at the upper floor levels, for the period July 2019 to July 2024, and all five flats are currently licensed by the Council. Also in evidence are a Gas Safety Record for Flat 1, Electrical Condition Reports for Flats 2-4 of 2018, and Energy Performance Certificates for all five flats from 2018..

8. There is no evidence that Council Tax has been paid for occupation of any of the flats, there are no Tenancy Agreements or utility bills for any flat for the four year period, and there is no evidence that rent has been paid for lease of any flat at any time. However, though corroborating evidence is insubstantial, there is no reason to doubt the Statutory Declaration by Satvir Singh Bains. The flats have been ‘on rent’, meaning ‘let’, and there is good reason to suppose that rent has been paid and that the five flats have been occupied for the four year period prior to the date of the application. The Appellant has provided sufficient precise and unambiguous evidence to demonstrate, on the balance of probability, that the claimed use of the property as five self-contained flats had gained immunity on 11 October 2024.

9. For the reasons given above, and on all the evidence now available, the Council’s refusal to grant an LDC for five self-contained flats at 129 Woodlands Road, Ilford 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 10 October 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 throughout the four year period prior to the date of the application.

Signed

John Braithwaite

Inspector

Date: 18 February 2026

Reference: APP/W5780/X/25/3359110

First Schedule

Five self-contained flats

Second Schedule

Land at 129 Woodlands Road, Ilford IG1 1JP

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: 18 February 2026

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Land at 129 Woodlands Road, Ilford IG1 1JP

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Scale: Not to Scale

