



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 18 February 2026

Appeal Ref: APP/W5780/X/25/3359179

6 Fremantle Road, Ilford IG6 2AZ

- 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 Dr R Chaudry against the decision of the Council of the London Borough of Redbridge.
 - The application ref 1765/24, dated 25 June 2024, was refused by notice dated 19 August 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 outbuilding being used as a separate dwellinghouse.
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Decision

1. The appeal is dismissed.

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.

Reasons

3. 6 Fremantle Road is a mid-terraced property that is partly in use as a dental practice; the Appellant purchased the property in 2010. At the rear of the property is an outbuilding, a former garage, that was converted for use as residential accommodation by the previous owner. For the use of the outbuilding as a separate dwellinghouse to be lawful the use must have occurred more than four years before the date of the application. 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 use of the outbuilding as a separate dwellinghouse subsisted continuously through the four year period prior to the date of the application.
4. The Appellant has submitted a Statutory Declaration dated 11 June 2024. She declares that the outbuilding was "...occupied as a self-contained dwelling for residential living purposes (C3) from June 2010" and "My tenants occupying the outbuilding...during the course of my occupation have been live in caretakers / handymen who have assisted me in maintaining my surgery on a day to day basis helping with grounds maintenance, small daily maintenance jobs, window and general cleaning duties". Also submitted in evidence are identical letters, not Statutory Declarations as claimed in the appeal statement, by residents of both neighbouring properties. The letters say that "...I can clarify and confirm that since at least June 2010, the outbuilding has been occupied and lived in by residents all this time".
5. The outbuilding has a kitchen/living room, a bathroom, a bedroom and a small hallway with access from a passageway from the back lane to the garden area between

the main building and the outbuilding. After the appeal application was refused a Council Enforcement Officer carried out an investigation of the outbuilding. She concluded, in an internal report, that "The outbuilding remains in use as an ancillary unit for the household of the dentist's surgery. The use of the existing residential unit for ancillary use by occupiers of the household of the subject property is considered immune from enforcement action". On this basis the investigation was closed.

6. There are no tenancy agreements for occupation of the outbuilding, electricity, gas and water supplies are from the main building, no Council Tax has been paid for the outbuilding, and it does not have a separate address. From the Appellant's own evidence, furthermore, residential use of the outbuilding has almost certainly been in exchange for daily maintenance and cleaning of the surgery and maintenance of the grounds. Occupation of the outbuilding has therefore been, as a matter of planning judgement, ancillary to the use of the main building and the property overall. The outbuilding is not separate from the main building but is ancillary to it. The use of the outbuilding as a separate dwellinghouse has not subsisted through the four year period prior to the date of the application.

7. The Appellant has not provided sufficient precise and unambiguous evidence to justify a conclusion that the use of the outbuilding as a separate dwellinghouse subsisted through the four year period prior to the date of the application. The use of the outbuilding as a separate dwellinghouse is not thus lawful.

8. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use of the outbuilding as a separate dwellinghouse at 6 Fremantle Road, Ilford was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector