



Appeal Decision

Site visit made on 4 February 2026

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/W5780/X/23/3333465

8 Selborne Road, Redbridge, Ilford, IG1 3AJ

- 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 Qaiser Mahmood against the decision of the Council of the London Borough of Redbridge.
 - The application ref 1776/23, dated 18 June 2023, was refused by notice dated 20 October 2023.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is described as 'The property has been in contentious [sic] use as flats since 01st of May 2019 (4 years 4 months). Prior to that the property was a single dwelling. No building works required'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the appellant's views and submissions on matters including the quality of the accommodation, parking provision, the site's accessibility, housing supply and the living conditions of neighbouring residents. However, an application under s191(1)(a) of the Town and Country Planning Act 1990 (the 1990 Act) seeks to establish whether, at the time of the application, any existing use of buildings or other land is lawful. Such applications are determined in light of the facts and the law, which means that planning merits can form no part of my assessment as to whether an LDC should be granted.
3. The onus lies with the appellant to make his case on the balance of probabilities.

Main Issue

4. The main issue is whether the Council's decision to refuse to issue a LDC was well-founded.

Reasons

5. S191(2) of the 1990 Act explains that uses are lawful at any time if: no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

6. As set out in the above description, the appellant asserts that the property has been in continuous use as flats since 1 May 2019. However, on 4 February 2021, the Council issued an enforcement notice in respect of the appeal property alleging, without planning permission, the change of use of the single family dwelling house into flats and the single storey outbuilding to use as a self-contained unit of residential accommodation.
7. The notice was to take effect on 4 March 2021, unless an appeal was made against it beforehand. The Council confirms that no such appeal was made and the appellant has not shown otherwise. Consequently, the enforcement notice was in force when the LDC application was made on 18 June 2023.
8. The requirements of the notice include to cease the use of the property as self-contained flats and to revert the property into a single dwelling house, and to cease the use of the outbuilding as a self-contained unit of residential accommodation.
9. As the LDC sought is for the use of the property as self-contained flats, it clearly constitutes a contravention of those requirements of the enforcement notice in force at the time of the application, so cannot be granted.
10. The appellant seeks to argue that the enforcement notice was issued when COVID-19 restrictions were in place and thus should not have been issued. The appellant invites me to consider the validity of the notice on the basis that the enforcement officer carried out site visits when the public were instructed to stay away and work from home. He also seeks to highlight difficulties in getting planning agents to submit an appeal and in contacting the Planning Inspectorate at that time. The appellant requests that I quash the notice.
11. However, s285(1) of the 1990 Act states that 'The validity of an enforcement notice shall not, except by way of an appeal under Part VII [enforcement], be questioned in any proceedings whatsoever on any of the grounds on which such an appeal may be brought.'
12. Consequently, the validity of the notice cannot now be questioned in this appeal made under s195 of the 1990 Act against the refusal to grant an LDC.
13. I therefore find that, on the balance of probabilities, the use of the property as flats constitutes a contravention of the requirements of an enforcement notice then in force and thus would not have been lawful at the time of the application.

Conclusion

14. For the reasons given above I conclude that the Council's refusal to grant an LDC is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Richard S Jones

INSPECTOR