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## Appeal Decisions

Site visit made on 20 January 2026

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

an Inspector appointed by the Secretary of State

**Decision date: 28 May 2026**

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### **Appeal A Ref: APP/F5540/X/24/3336924**

#### **10 Bassett Gardens, Isleworth, TW7 4QZ**

- 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 Amit Patel against the decision of the Council of the London Borough of Hounslow.
  - The application ref 00082/10/LAW3, dated 24 July 2023, was refused by notice dated 19 September 2023.
  - The application was made under section 192(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 change of use for [sic] detached outbuilding at the rear of the garden.
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### **Appeal B Ref: APP/F5540/W/24/3336837**

#### **10 Bassett Gardens, Isleworth, TW7 4QZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Amit Patel against the decision of the Council of the London Borough of Hounslow.
  - The application Ref is 00082/10/P3.
  - The development proposed is change of use of the existing detached outbuilding at the rear of the garden from office/gym/store to work room with store and W.C.
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## **Decisions**

### Appeal A

1. The appeal is dismissed.

### Appeal B

2. The appeal is dismissed.

## **Appeal A**

### **Preliminary Matters**

3. I saw at the time of my site visit that the proposed use of the outbuilding had commenced. Nevertheless, I am still able to consider the appeal under s192(1) of the 1990 Act because the determination is to be made as to whether the proposed development would have been lawful at the time of the application. To that end, the onus of proof lies with the appellant to make his case on the balance of probabilities.
4. The appellant highlights that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless

material considerations indicate otherwise. He also states that the purpose of his statement is to identify the policies that are relevant in the assessment of the development proposals and to determine if the proposals conflict with their provisions and if they do, to determine whether there are material considerations which outweigh such conflict. The appellant further references the site's accessibility and describes matters relating to character and appearance.

5. However, applications under s192(1)(a) of the 1990 Act 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. Nevertheless, for the avoidance of doubt, I have considered such matters under Appeal B, against the Council's refusal to grant planning permission for the change of use application.
6. The Planning Practice Guidance (PPG) advises<sup>1</sup> that precision in the terms of any certificate is vital, so there is no room for doubt about what was lawful at a particular date, as any subsequent change may be assessed against it. It further states that a certificate needs to spell out the characteristics of the matter so as to define it unambiguously and with precision.
7. However, the application form ambiguously describes the proposal as a 'Change of use for detached outbuilding at the rear of the garden'. It does not even specify what the proposed use is. That is similarly the case with the appeal form which refers to a 'Proposed change of use of the existing detached outbuilding at the rear of the garden from office/gym/store to work'.
8. Therefore, if I were minded to allow the appeal, I would have sought agreement to modify the description to describe precisely the nature of the work use. However, as I am dismissing the appeal, that would serve no purpose.

### **Main Issue**

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

### **Reasons**

10. The appeal relates to an outbuilding situated at the end of the garden of the extended two storey, semi-detached dwelling at No 10 Bassett Gardens.
11. As noted, the LDC is sought for the use of the outbuilding for work. That is clarified in the evidence as being the small-scale manufacture of made to order curtains and blinds, within an outbuilding containing several worktables, three machines, a storeroom and a WC. It is explained that the business is operated by the occupier of the dwelling and that there are two main client contacts.
12. An LDC was granted for the outbuilding in 2020 for use as office, home gym and store<sup>2</sup>. Such uses are typically found to be incidental to the use of a dwellinghouse. That is important because s55(2)(d) of the 1990 Act provides that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such, shall not be taken for the purposes of the Act to involve development.

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<sup>1</sup> Paragraph: 010 Reference ID: 17c-010-20140306

<sup>2</sup> Ref: 00082/10/LAW2 - Certificate of Lawfulness for proposed front porch, ground floor side extension. Hip to gable and rear roof extension with three roof windows and detached outbuilding at the rear of the garden. Granted: 24/06/2020.

13. An incidental use is one which is functionally related to the primary use. By definition it cannot be a use that is integral to or part and parcel of the primary use. Whether a use should be regarded as incidental will be a matter of fact and degree.
14. The PPG states<sup>3</sup> that *“Planning permission will not normally be required to home work or run a business from home, provided that home working or a business use is incidental to the use as a dwellinghouse. The local planning authority must consider whether any purposes to which it is put are reasonably incidental to its use as a dwellinghouse. Where such uses result in a material change of use of a dwellinghouse, planning permission will be required. Whether a material change of use has taken place, or will take place, is a matter of fact and degree and this will be determined on the individual merits of a case.*

*When determining whether a material change of use has occurred, or will occur, a local planning authority must consider whether home working or a business has led, or will lead, to a notable change in the character of the property’s use. Environmental impacts may be used to indicate a notable change of character of the property, for example: increase in traffic and parking, disturbance to neighbours caused by regular or the number or timing of, visitors or deliveries, abnormal noise or smells, or the need for any major structural changes or major renovations.”*

15. The PPG further advises that the applicant is responsible for providing sufficient information to support an application and that in the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved<sup>4</sup>. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate<sup>5</sup>. The Council’s view in this case is that insufficient information has been provided to demonstrate that what is proposed would not represent a material change of use.
16. The appellant states that there would be no material increase in traffic and parking, no disturbance to neighbours caused by deliveries, no visitors, no abnormal noise or smells, and no need for any structural changes or renovations. He further opines that there would be no change to the character of the property or the local area and that the nature and scale of the use is not considered to be inappropriate in a residential area. However, those submissions are largely matters of planning judgement on the part of the appellant, and, in accordance with the above advice, it is necessary to provide sufficient information to allow objective analysis of those conclusions.
17. The appellant explains that work is undertaken four days a week and during school hours (between 9am and 3pm) and that no work is undertaken during school holiday periods. Operational activity therefore amounts to approximately 24 hours a week for 40-41 weeks of the year. In that context the appellant argues that the use would not be the main use of the appeal site planning unit.
18. Nevertheless, that level of use is significant within the context of a residential garden. Moreover, the way the outbuilding is laid out and furnished internally

<sup>3</sup> Paragraph: 014 Reference ID: 13-014-20230726

<sup>4</sup> Paragraph: 006 Reference ID: 17c-006-20140306

<sup>5</sup> Paragraph: 005 Reference ID: 17c-005-20140306

suggests that its sole function is to facilitate the manufacturing use. Other than for that purpose, there would appear to be no reason why any occupant of the house would use the outbuilding.

19. It is explained that no customers visit the property and that there would never be more than two or three persons on site at any one time (the occupier of the dwelling plus one or two of three part-time employees). Nevertheless, even as part time employees, they will be spending a significant amount of time working in the outbuilding and will be persons that do not reside in the main dwelling or likely interact with it in terms of its primary purpose. That diminishes the functional link between the occupiers of the dwelling and a significant proportion of the users of the outbuilding, and, in doing so, also weakens the appellant's position that the use of the outbuilding is incidental to the enjoyment of the dwelling house.
20. The appellant states that employees are local and generally arrive by foot via Underground or bus services, so will not create any additional parking demand. However, 'generally' is ambiguous and of course employees and their mode of transport could change. That said, for the reasons explained under Appeal (b) the use is unlikely to manifest itself through increased parking demands or stress within the vicinity of the site. Nevertheless, the use requires up to three people to attend the outbuilding as their place of work, having no connection with the main house.
21. As the dwelling runs to the full width of the plot, it is not possible to access the rear outbuilding wholly independently. Nevertheless, access can be achieved through the side extension, which is primarily used for storage, including materials for the business. That extension has front and rear lockable doors but more significantly a side lockable door into the main part of the house. Consequently, operational activity does not rely on and is severable from the main living area of the house. Moreover, there is a path leading directly from the side extension to the outbuilding and its entrance, but not from the main part of the house.
22. That arrangement may not have changed from the previous use of the outbuilding for incidental purposes, but there are different consequences associated with the proposed use, as explained under Appeal B, and employees could, for example, be given access to the outbuilding without interacting with or compromising the living arrangements of the main house.
23. The appellant explains that all curtains are made to measure. The first stage is to prepare and cut the fabric. The second is to sew fabrics together and the third is to put everything together on the worktable. The last stage is to finish the headings and pleats. The process involves use of a sewing machine and a blind stitch machine and by working by hand using scissors, an iron, pins and needles.
24. It is assured that both machines have a silent motor, so the only noise when in use is that of the sewing foot and needle, which is like a quiet clicking sound. The appellant says that is no different to machines which are found in many dwellings, but it is not explained what that comparison might be and I'm conscious that the noise generated would likely be more constant and for a significant duration within the working day. Nevertheless, I am satisfied that the actual manufacturing process is relatively quiet and within the closed confines of the outbuilding is unlikely to cause noise disturbance to neighbouring residents.

25. The appellant states that deliveries are infrequent by car or vans and no different to a normal level of deliveries received in any residential neighbourhood. However, that is imprecise and again relies on the appellant's judgement. In response to similar concerns raised by the Council, the appellant states that there are generally two to three projects a year which last approximately 3 months and deliveries are generally undertaken by car or small van. That again is ambiguous as it doesn't explain the likely number of associated vehicular movements, which will be in addition to that normally associated with a residential property. As too is the fortnightly commercial waste collection utilising wheelie bins emptied into lorries comparable in size to the recycling lorries used by the Council.
26. The Council argues that the inclusion of primary living facilities fails to comply with Article 3, Schedule 2, Part 1, Class E of the GPDO<sup>6</sup> because the outbuilding would fail to remain incidental to the use of the dwellinghouse. However, the provision of the outbuilding under Class E permitted development rights has already been established on the basis of its use for incidental purposes. The relevant question now is whether the use for the purposes described would remain an incidental use. That needn't change solely from the inclusion of a toilet, as they are often found as part of an incidental use, such as a gym. Nevertheless, in this case, such provision further facilitates the use of the outbuilding independently of the main house.
27. I appreciate that since the COVID-19 pandemic, that home working has become far more common. The appellant also notes from a Companies House search that there are currently nine active limited companies registered to residential addresses in Bassett Gardens, which suggests other residential occupiers run businesses from their homes. Be that as it may, each case is inevitably fact specific and I have no details of those other businesses or their planning status, to enable me to make a reasonable comparison.
28. The appellant does refer to a home office as a comparison, but the use is clearly different to that. It would lead to additional comings and goings to and from the property arising from employees who do not live in the main dwelling. There would also be deliveries of materials used in the manufacturing process. The use would also generate outputs in terms of product and waste as well as the associated activity from moving/delivering and collecting the same.
29. Bringing the above together, I find that the primary use of the outbuilding would be for the manufacture of curtains and blinds and that the nature of that use would not be reasonably incidental to the enjoyment of the dwellinghouse, as a matter of fact and degree. The use is not therefore excluded from being development by virtue of s55(2)(d) of the 1990 Act.
30. Rather, irrespective of whether the use is acceptable, the totality and the nature of the activities and associated comings and goings would result in a significant change in the character of the use compared to that of an incidental use normally associated with a dwellinghouse, such that a material change of use would occur, for which planning permission would be required. The degree of functional and physical separation between the use of the dwelling and the use of the outbuilding leads me to conclude that the planning unit would be in mixed use – residential and manufacturing.

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<sup>6</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

31. I therefore find that the use of the outbuilding as described would not have been lawful on the date of the LDC application on the balance of probabilities.

### **Conclusion**

32. 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.

### **Appeal B**

#### **Preliminary Matters**

33. The description given on the application form is change of use of the existing detached outbuilding at the rear of the garden from office/gym/store to work room with store and W.C. That again is imprecise and ambiguous. The description given in the Council's decision notice and used in the appeal form is change of use of the existing detached outbuilding at the rear of the garden from an amenity space to a work room to be used for light industrial manufacturing (Use Class E(g)(iii)). The appellant's case also refers to a light manufacturing use.
34. The acceptability of the use is in part determined by whether it would fall within Use Class E(g)(iii) and if I were minded to allow the appeal, I would have sought agreement from the parties to use a similar description, rather than that in the application form. However, as I am dismissing the appeal, for reasons which would preclude the use falling within Class E(g)(iii), doing so would serve no purpose.

#### **Main Issues**

35. The main issues are the effect of the use on the character and appearance of the area and the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.

#### **Reasons**

##### *Character and appearance*

36. The appeal site is situated within an established residential area, which, as per the appeal property, is largely characterised by two storey semi-detached dwellings within a suburban setting. The outbuilding is situated at the end of the rear garden, like many others in the vicinity, so does not appear out of place. As it is not proposed to physically alter the outbuilding, its outward visible form would not change.
37. However, the proposal would introduce a manufacturing use within a residential garden, immediately adjacent to other gardens within an area which is clearly defined by its suburban residential character. For the reasons explained below, occupants of neighbouring properties are likely to perceive a significant difference in the character of the activities being carried out compared to that normally experienced from an incidental use of an outbuilding in a residential garden, manifesting itself in increased noise and general disturbance.
38. The use would therefore be out of keeping with the residential character of the area, contrary to Hounslow Local Plan (LP) Policy CC1, which seeks, amongst other things, to secure development that sensitively and creatively responds to an area's character.

39. Moreover, because the manufacturing use is not incidental to the use of the dwellinghouse and would create a planning unit in mixed use, the use conflicts with relevant<sup>7</sup> Section 4.8 of the Council's Residential Extension Guidelines Supplementary Planning Document. That states that it is essential that an outbuilding must only be used in a manner incidental to the main house.
40. The corresponding reason for refusal also cites conflict with LP Policies CC2 (urban design and architecture) and SC7 (residential extensions and alterations) but as the proposal relates to the use of an existing building which would not be altered, I find those policies to have limited relevance to this main issue.

#### *Living conditions*

41. The nature of the use and its operating hours are explained under Appeal A. Whilst I am mindful that the hours could be increased, I am satisfied that in principle they could be controlled by way of condition. Nevertheless, proposed operational activity in the region of 24 hours a week for 40-41 weeks of the year is significant within a residential garden setting.
42. As highlighted by the Council, the application was not accompanied by a noise assessment, nor has information been provided about the [sound] insulation specification of the outbuilding. Nevertheless, as explained, I'm satisfied that the actual manufacturing process is likely to be relatively quiet and within the closed confines of the outbuilding is unlikely to cause undue noise disturbance to neighbouring residents.
43. However, there are bi-folding doors across part of the frontage so there is a likelihood that they would be opened on warmer days and that noise from the manufacturing process, as well as from talking and other sources such as a radio playing, would likely travel beyond the appeal property to neighbouring gardens and thus be heard by the occupants therein.
44. As explained above, access to the outbuilding can be achieved through a side extension, so operational activity does not rely on and is severable from the main living area of the house. The outbuilding is reached via a path leading from the rear of that extension, close to the boundary to No 12 Bassett Gardens. All associated comings and goings to the outbuilding are therefore likely to be concentrated adjacent to the residential garden of No 12, including that of up to two employees who do not live in the main house, thereby leading to increased noise and disturbance to those neighbours.
45. Although the same path likely served the outbuilding when it was used as a home office/gym, the number of movements associated with the proposed use are likely to be significantly greater than that associated with such incidental uses. The nature of the movements is also more likely to generate greater noise and general disturbance.
46. In that regard, the use would also generate outputs in terms of product and waste as well as the associated activity from moving/delivering and collecting the same. I saw that the waste wheelie bins are positioned at the end of the walkway so those will be filled adjacent to the neighbouring property and then moved back and forth along the boundary to the front of the house. They will then be collected by a

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<sup>7</sup> The guidance does not only relate to permitted development outbuildings as suggested.

vehicle akin to a conventional residential recycling lorry. Those activities again will add to the overall comings and goings and would likely be noticeably noisy, particularly if carried out on different days to domestic waste/recycling collection.

47. The appellant states that deliveries are infrequent by car or vans and comparable to domestic deliveries received in any residential neighbourhood. However, that isn't quantified and whatever the level, it is likely to be in addition to that generated by the residential use of the appeal site.
48. The appellant refers to the Council's description of the use falling within Use Class E(g)(iii), which is described in the UCO<sup>8</sup> as any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
49. However, that has been applied as part of the description of the proposed use for the purposes of the planning application so does not amount to a categorisation of the use falling within Class E(g)(iii). Indeed, the Council's reasons for refusal refer to a lack of information to demonstrate the use would not harm the living conditions of neighbouring residents through increased noise and disturbance. It follows that it has not been shown that the use is capable of being carried out in a residential area without noise detriment, so as to fall within Class E(g)(iii).
50. The appellant states that employees are local and generally arrive by foot via Underground or bus services, so will not create any additional parking demand. Whilst that could change, the property is situated within a Controlled Parking Zone with street parking restricted to permit holders between 9.30am and 5.30pm Monday to Friday. Consequently, employees would not be able to park on the street. I also saw that the configuration of the hardstanding area in front of the dwelling would not allow for parking levels beyond that which would normally be associated with the conventional use of a dwelling. The attendance of employees at the site would not therefore likely result in an increase in parking stress and associated annoyance and inconvenience for existing residents in the area.
51. Nevertheless, the combined effects of the above are likely to be significant within the context of a quiet, suburban setting, with likely low ambient noise levels. Consequently, the use of the outbuilding for the purposes described would not be compatible with its residential setting and would be harmful to the living conditions of neighbouring residents, contrary to LP Policy EQ5. That policy seeks to reduce the impact of noise from noise-generating uses and requires the location and design of new development to have considered the impact of noise, and mitigation of these impacts, on new users and surrounding uses according to their sensitivity. I also find conflict with LP Policy CC2 insofar as the development would not have a positive impact on the amenity of current and future residents. Again, the corresponding reason for refusal also cites conflict with LP Policy SC7 but for the same reasons explained above, I find that to have limited relevance to this main issue.

## Other Matters

52. I note the concerns raised by the Heston Residents Association that the design of the outbuilding facilitates use as a self-contained residential unit, but that is not the proposal which is before me.

<sup>8</sup> The Town and Country Planning (Use Classes) Order 1987 as amended

53. As per the above, I appreciate that home working has become more common since the COVID-19 pandemic, but I have little evidence that includes manufacturing in residential outbuildings. Moreover, I do not have details of other businesses registered in Bassett Gardens, so as to make a reasonable comparison with that which is before me.
54. As highlighted by the appellant, paragraph 85 of the National Planning Policy Framework states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. However, the business in this case is within a residential garden and paragraph 135 of the Framework states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. In the circumstances, the economic benefits of the development do not outweigh the likely harms.
55. Reference is made to London Plan Policy E2 but that relates to the provision of suitable business space and therefore has limited relevance to an unsuitable garden location.
56. Although there was no operational activity at the time of my site visit, the outbuilding appeared very clean and tidy, suggesting a well-run business. I also have no reason to believe that the appellant would act in an inconsiderate manner. However, there are inevitable consequences of such a use in such a noise sensitive environment.
57. I note the appellant implies that a personal planning permission may be granted but the PPG explains that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. I am therefore mindful that if I were to grant planning permission for the use of the outbuilding for a manufacturing operation, and the appellant were to move, a less considerate operator might utilise the outbuilding, thereby exacerbating the noise and disturbance arising.
58. The PPG does state that there may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission, but it is not shown that would be appropriate in this case.
59. The appellant also suggests that temporary planning permission may be granted and a period of five years is suggested. However, that is a significant time period to expose neighbouring residents to the likely harmful effects of the use.

## **Conclusion**

60. For the reasons given above, and having considered all other matters raised, I conclude that the proposal is contrary to the development plan as a whole and material considerations do not indicate that the appeal should be determined otherwise than in accordance with the development plan. The appeal should be dismissed.

*Richard S Jones*

INSPECTOR