



Appeal Decision

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 August 2026

Appeal Ref: APP/T5150/X/25/3361028

17 The Avenue, WEMBLEY, HA9 9QH

- 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 Manji Raghavani against the decision of the Council of the London Borough of Brent.
 - The application ref 24/2872, dated 9 October 2024, was refused by a notice dated 5 December 2024.
 - 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 2 x self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded. It is accepted that the property was previously lawfully used as a single dwellinghouse and the appellant must therefore show on the balance of probability that it has been used as two separate flats for a substantially uninterrupted period of 4 years before the date of the LDC application (i.e. before 9 October 2024).
3. The appeal is treated as a hearing de novo, and as such additional evidence can be considered in the determination.

Reasons

4. The appellant states that operational development converting the property into 2 flats was completed on 20 July 2012 and that the ground floor flat was subsequently used by the home owner with the first floor flat rented out to tenants. He has provided various documents in support of his case including tenancy agreements, utilities bills and insurance notes. However, there is a lack of consistency in the addresses in the documentation so that they variously refer to 17 The Avenue, 17A The Avenue and First Floor Flat 17 The Avenue. It is therefore ambiguous as to which part of the building these documents refer.
5. One of the insurance documents refers to a maisonette with 5 bedrooms which does not accord with the floor plans submitted with the LDC application which show 2 bedrooms downstairs and 4 bedrooms upstairs. The additional description of "Property Owners occupying as flats (converted)" does not sufficiently clarify how the property was being used at that time, and only applies to one year at most.

6. In addition, there is no first-hand evidence, sworn or otherwise, which confirms that the property was actually occupied and therefore used as two separate dwellinghouses during any period. The appellant needs to show the substantially uninterrupted use of the property as two separate flats, and the tenancy and utility documentation alone does not show that there has been such actual use without breaks.
7. Overall, the appellant's evidence is not sufficiently precise and unambiguous to justify the grant of the LDC on the balance of probability.

Conclusion

8. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for 2 x self-contained flats 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).

Zoë Frank's

INSPECTOR