Planning Inspectorate

Appeal Decision

Site visit made on 12 September 2026

A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

an Inspector appointed by the Secretary of State

Decision date: 25 September 2026

Appeal Ref: APP/L5810/X/25/3364925
6 Manor Road Richmond upon Thames TW11 8BG

- 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 Kim Symes against the decision of the Council of the Royal Borough of Richmond upon Thames.
- The application Ref 25/0169/PS192, dated 23 January 2025, was refused by notice dated 17 March 2025.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought the construction of an outbuilding incidental to the enjoyment of a dwellinghouse.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful development describing the proposed operation, which is found to be lawful.

Reasons

2. No 6 Manor Road is a detached building, but it has been physically subdivided into a pair of semi-detached dwellings known as 1 and 2 Braemar Cottages. The LDC application is for the erection of an outbuilding in the rear garden of no 1 Braemar Cottages. The outbuilding's layout is illustrated in the submitted application plans. It would be 2.5 metres in overall height, would be 5 m x 4.6 m and occupy about 42% of the curtilage excluding the original dwelling. It would be used as a home office and gym.

3. The appellant's case is straightforward. The proposed outbuilding would constitute permitted development (PD) under article 3 and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO"). Class E permits outbuildings such as the proposal where they serve an incidental purpose, comply with the relevant physical limitations and are situated within the curtilage of a dwellinghouse. The parties agree that the proposed outbuilding would satisfy the basic criteria and physical limitations in Class E.

4. The Council's central argument is that the host property, No. 1 Braemar Cottages, does not fall within the definition of a "dwellinghouse" and therefore does not benefit from PD rights. The question is this: does 1 Braemar Cottages qualify as a dwellinghouse under the GPDO? If yes, PD rights apply and the outbuilding proposed would be permitted by Class E, but if no, then PD rights do not apply, and the local planning authority was correct.

5. Article 2 of the GPDO provides that, subject to exceptions that do not apply here, a "dwellinghouse" does not include a building containing one or more flats, or a flat within such a building. This interpretation is supported by the Government's technical guidance for householders at page 6. The Council's principal argument is that No. 6 Manor Road comprises two self-contained flats. In support, it relies on the planning history, including a 2001 application to change the use from two units to a single dwelling. It also refers to an appeal decision in which the Inspector described No. 6 Manor Road as being occupied as two dwellings, although the decision also referred to Houses 1 and 2.

6. The submitted evidence and my observations demonstrate that No. 6 Manor Road has undergone a material change in character. It has been permanently subdivided, both internally and externally, into two vertically arranged, self-contained dwellings, each with its own entrance.

7. No. 1 Braemar Cottages has the facilities required for day-to-day private domestic living and is separately occupied and used as a single dwellinghouse. Its substantial physical and functional separation also establishes it as a distinct planning unit. Having considered all the arguments, I find, as a matter of fact and degree and contrary to the Council's case, that No. 1 Braemar Cottages is a self-contained dwellinghouse rather than a separate flat. It therefore falls within the GPDO and case law definition of a dwellinghouse and benefits from PD rights.

8. My decision is likely to be disappointing for the Council, but I must determine the appeal based on the written submissions and my analysis and evaluation of the evidence before me. For the reasons given above I conclude, on the evidence now available and applying the correct approach and balance of probability test, the Council's refusal to grant a LDC in respect of the outbuilding was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under s195(2) of the Act.

A U Ghafoor

INSPECTOR

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(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 23 January 2025 the matter described in the First Schedule hereto, constituting the construction of an outbuilding incidental to the enjoyment of a dwellinghouse, in respect of the land specified in the Second Schedule hereto and edged 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:

Permitted development by virtue of article 3, schedule 2, part 1, class E of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 as amended. For this reason, no enforcement action may then be taken in respect of the proposed outbuilding in accordance with drawings:

432-BAL-ZZ-ZZ-DR-A-07-100

5432-BAL-ZZ-ZZ-DR-A-07-101

5432-BAL-ZZ-ZZ-DR-A-07-102, and

5432-BAL-ZZ-ZZ-DR-A-07-103 (PROPOSED Home Office/Gym Plans and Elevations)

The proposed outbuilding, illustrated on the proposed plans, does not constitute a contravention of any of the requirements of any enforcement notice in force.

Signed

A U Ghafoor

INSPECTOR

Date: **25 September 2026**
Reference: APP/L5810/X/25/3364925

First Schedule

Construction of an outbuilding incidental to the enjoyment of a dwellinghouse

Second Schedule

Land edged as shown on the plan attached to this certificate and identified 1 Braemar Cottages, 6 Manor Road, Teddington TW11 8BG.

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended). It certifies that the proposal described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date. This certificate applies only to the extent of the proposal described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation or use 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: **25 September 2026**

by A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

Land at: 1 Braemar Cottages 6 Manor Road, Teddington TW11 8BG

Reference: APP/L5810/X/25/3364925

Scale: Do not scale.

