



Appeal Decision

Site visit made on 12 October 2026

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2026

Appeal Ref: APP/W5780/X/25/3362939

58 Mansfield Road, Ilford IG1 3BD

- 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 Landmark Housing Group Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application ref 3219/24, dated 20 November 2024, was refused by notice dated 15 January 2025.
 - 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:
"Existing use as a Hotel. Application to demonstrate the continuous existing use as an annex of Britannia Inn Hotel (for a period in excess of 10 years)"
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse the certificate was well-founded.

Reasons

3. Under section 191(1) of the 1990 Act, if any person wishes to ascertain whether any existing use of buildings or other land is lawful, they may make an application for the purpose to the local planning authority specifying the land and describing the use.
4. Section 191(2) of the same Act states that for the purposes of this Act uses are lawful at any time if (a) 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 (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
5. Section 191(4) provides that if, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

6. Planning Practice Guidance (the PPG) states that an application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates and that without sufficient or precise information, a local planning authority may be justified in refusing a certificate¹.
7. The PPG2 further states that the applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use, it states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
8. Section 171B of the 1990 Act provides time limits within which enforcement action may be taken. For the use described by the appellant in this case, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.
9. So based on the evidence provided, I must consider whether the appeal site changed to the use described in the LDC application and continued to be so used for 10 years after the date of the change and before the date of the application, such that the Council could have taken enforcement action at any time during that 10 year period.
10. The application form declares that the use began 1 September 2014. But this date is not consistent with the owner's affidavit, dated 7 October 2024. This precedes the application form and declares that the property has been used as an 'Annex of Hotel' from approximately 2012. The owner of the property should know the date the use began and in this respect the submissions are imprecise.
11. That same affidavit states: "The property is subdivided into 5 flats. These 5 flats are further subdivided into hotel en-suite rooms". This is ambiguous. It is also contradicted by their appeal statement which says: "...there have never been individual flats within the premises."
12. Writing in March 2025, the appellant's agent has said that the appellant has confirmed that the modernisation of the premises to create 11 en-suite rooms was completed some 12 years ago and the use has continued uninterrupted since that time. Because of the above ambiguity regarding the layout, I undertook an accompanied site visit, to better understand the layout, with reference to drawing 2599/1 revision A, provided by the appellant.
13. At ground floor level, on the righthand side of the property, behind a door labelled 'A', I found a small kitchen and two en-suite bedrooms, labelled 'A1' and 'A2'. At ground floor level on the lefthand side of the property, behind a door labelled 'B', I found a small kitchen and two en-suite bedrooms, labelled 'B1' and 'B2'. At ground floor level, at the rear of the property, behind a door labelled 'C', I found an en-suite bedroom with its own small kitchen.
14. At first floor level on the righthand side of the property, behind a door labelled 'D', I found a small kitchen and an en-suite bedroom labelled 'D1' and a further room labelled 'D2', to which I was not provided access. At first floor level on the lefthand

¹ Lawful development certificates – Paragraph 005 Reference ID: 17c-005-20140306

² Lawful development certificates – Paragraph 006 Reference ID: 17c-006-20140306

side of the property, behind a door labelled 'E', I found a small kitchen, an en-suite bedroom labelled 'E1', a further room labelled 'E2' to which I was not provided access and a staircase leading to the attic. In the attic I found two further en-suite bedrooms, labelled 'E3' and 'E4', on the righthand side and lefthand side of the property respectively.

15. From what I saw, the layout of the building is as shown on drawing 2599/1 revision A and I have no reason to believe that it has changed since this layout was implemented. The 11 en-suite rooms are, in effect, distributed amongst what appear to be 5 flats, each of which has a kitchen.
16. In this respect, the appellant states: "In regard to the property, whether if they are 5 units of flats or 11 hotel rooms. The answer to that is that they are both." As a matter of my planning judgement, either the property is used as 5 flats, which on the balance of probability is what the 5 kitchens would indicate, or it is used as 11 en-suite hotel bedrooms. For the purposes of this lawful development certificate, it cannot be both, for the simple reason that there is no argument before me that the appeal property is in a mixed use. Moreover, in my experience, it is highly unusual for a "hotel" room to have use of a kitchen, shared or otherwise.
17. The appellant's version of events is contradicted by Council Tax records. Crucially, these indicate that the building is flats and has been since at least 2005, rather than a hotel or hotel annex. In this regard, the information provided indicates that the building is subdivided into 5 flats as follows: No 58A (ground floor left), No 58B (ground floor right), No 58C (first floor left), No 58D (first floor right) and No 58E, a studio flat. This recorded layout is not consistent with what I saw at my site visit, described above.
18. The appellant describes the Council Tax records as "an anomaly it is hoped will be resolved for future years". To this end, I have been provided with an email to the Council, dated 26 September 2024. This records a site inspection of the property of the same date, by the Council and the appellant's intention to have the Valuation Office 'adjust' the property to 'commercial'.
19. According to the appellant: "it's been agreed that [the Valuation Office] will change the status from 5 domestic to commercial hotel annex into business rates". But nothing to this effect has been provided by the Valuation Office or by the Council. Whilst I accept that Council Tax records may sometimes be wrong, I do not find it probable that Council Tax records could be wrong and have remained so for some 12 plus years including after an inspection by the Council some 6 months before this appeal was lodged, as would be the case here, based on the appellant's version of events.
20. The appellant's submissions have referred to the property as "a single hotel unit" and the appellant's description on page 4 of the application form says that the building is a "hotel". But that same description also says the property is "an annex" of Britannia Inn Hotel (which is at No 54). For the purposes of this lawful development certificate application, it cannot be both. The appellant has deployed other descriptive terms in their written submissions too, including "bed and breakfast accommodation" and "an apart hotel", neither of which are the same as a "hotel".
21. The appellant has also described some guests as homeless, which suggests that the building has provided some form of temporary accommodation for homeless

people, ie a hostel, rather than it being a hotel, where the majority of guests have a home to return to. The two are not the same for land use planning purposes and so the appellant's descriptive terms are imprecise.

22. As the Council has pointed out, the site does not benefit from any communal spaces for guests that would be typical of a hotel (or bed and breakfast), including a dining room where guests would typically have meals, or a kitchen where meals would be prepared for guests. None of the kitchens I saw were large enough for guests to dine or for guest meals to be prepared en masse and curiously many of the bedrooms I saw contained a fridge and a microwave.
23. At the site visit, I acceded to a verbal request from the appellant's side to see a breakfast room at Britannia Inn Hotel. But based on the application form and red line location plan I have been provided with, No 54 is plainly out of scope of this LDC application. If the breakfast room at No 54 is used by people staying at No 58, then that is not explained anywhere in the appellant's submissions and it is therefore not precise to describe No 58 as "a hotel" in its own right, as is suggested by the description on page 4 of the application form.
24. I have been provided with copies of New India Insurance documents. But it has not been explained how these support the appellant's case for the use which is the subject of this LDC application, particularly as some of these documents refer to "Flats A, B, C, D, E" at the appeal property, or properties at No 52 and 54, rather than No 58.
25. I have been provided with bookings information from 2014-2024. But almost without exception, these papers cover Britannia Inn at No 54 as well as No 52 and No 58. So it is not possible to tell which bookings, if any, are for the appeal property and those few pages that do appear to relate exclusively to No 58 do not cover a relevant 10 year period. The bookings information is therefore imprecise.
26. I have had regard to the 3 other affidavits provided, from Bilal Jamil, Stephen Plitos and Silviu Mirolu, each of whom are (or were) employees of the appellant company. These documents are in near identical terms to the affidavit provided by the owner, to the effect that they all declare that there is over 10 years continuous usage of the appeal property as "Annex of Hotel" / "hotel annex building". However, Stephan Plitos states that he has been working for the group company for over 8 years. So it is not clear that he can attest to 10 years' continuous usage.
27. I have also been provided with letters, from Quick Pest Control, MH Maintenance Services, RK Pro Craft, Rebecca Associates, Cranbrook Hotel, Leslie Jarrett Electricals and Stonewell Consulting. These all repeat the appellant's case that the appeal property is an annex of the Britannia Inn Hotel and has been for 10 years. But these are, in effect, signed statements to which no sanctions would apply, if their content were found to be false. As such, I ascribe them limited weight in my decision.
28. In any event, the affidavits and letters make no difference to my overall decision, in light of the imprecision, ambiguity and contradictions I have found, set out above.
29. I have reviewed the appellant's dossier which has a covering document headed 'Correspondence Evidence'. This is said to be random samples of documents and appears to seek to provide some relevant correspondence for every year from 2012 to 2024.

30. But most of these documents indicate that payments for people staying at the appeal property have been made by the housing department of various local authorities and/or is for the provision of temporary accommodation, ie for homeless people. Case law has established factors which may indicate that a property has been used as a hostel and these include the payment for people staying being made by local authorities. On the balance of probability, these payments do not support the assertion that the property has been used as a hotel.
31. I have had regard to the TV Licensing information provided in this dossier, which refers to the appeal property as a hotel. But this information does not cover a relevant 10 year period.
32. Taking all of the above into account, I am not satisfied that the appellant's evidence is sufficiently precise and unambiguous to demonstrate on the balance of probability that the appeal site changed to the use described in the LDC application and continued to be so used for at least 10 years after the date of the change and before the date of the application, such that the Council could have taken enforcement action at any time during that 10 year period.

Other Matters

33. My attention has been drawn to another appeal, ref APP/W5780/X21/3286510, dated 21 June 2023, said to be similar with similar points raised by the local authority. But from the information provided, I am not satisfied that appeal is directly comparable to the appeal before me. In any event, matters of lawfulness turn on the individual facts and circumstances of each case. As such, other decisions do not necessarily assist in determining what is lawful on another site.

Conclusion

34. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for: "Existing use as a Hotel. Application to demonstrate the continuous existing use as an annex of Britannia Inn Hotel (for a period in excess of 10 years)", was 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).

L Perkins

INSPECTOR