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## Appeal Decisions

Site visit made on 25 April 2026

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

an Inspector appointed by the Secretary of State

Decision date: 26 May 2026

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### **Appeal A ref: APP/R5510/X/24/3348187**

#### **95 Pinner Road Northwood HA6 1QN**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended (“the Act)) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Ramalingam Shanmugalingam against the Council of the London Borough of Hillingdon.
- The application ref 27283/APP/2023/1723, dated 14 June 2023, was refused by notice dated 10 June 2024.
- The application was made under section 191(1)(a) of the Act.
- The use for which a certificate of lawful use or development is sought is the conversion of the property into 4 flats.

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### **Appeal B ref: APP/M5450/W/24/3347991**

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
- The appeal is made by Mr Ramalingam Shanmugalingam against the decision of the Council of the London Borough of Hillingdon.
- The appeal ref is 27283/APP/2033/1732.
- The development proposed is the retention of single storey rear extension (retrospective application)

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## Decisions

1. Appeal A - The appeal is allowed and attached to this decision is a certificate of lawful development describing the existing which is found to be lawful.
2. Appeal B –The appeal is allowed and planning permission is granted for of single storey rear extension at 95 Pinner Road Northwood HA6 1QN in accordance with the terms of the application ref 27283/APP/2033, subject to the following condition: 1) The development hereby permitted shall be in complete accordance with the details shown on the submitted plans, numbers SH/1 A and SH/3.

## Appeal A - Reasons

3. The onus of proof is firmly upon the appellant whose own evidence does not need to be corroborated by independent evidence to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant’s version of events less than probable, there is no good reason to refuse the application, provided the appellant’s evidence alone is sufficiently precise and unambiguous on the balance of probability.
4. Starting with the relevant unit of occupation, no. 95 is a dwellinghouse, but there is some confusion as to the previous use of the property. Nevertheless, the appellant argues that the property was subdivided and converted into 4 flats more than 7 years, which is well before the relevant date – 14 June 2019. The Council disagree and refused the LDC application on the sole basis that the use has existed and been continuous for at least a period of 4 years prior to the date of the application.

5. It is important to make a distinction between the terms *use as a single dwellinghouse* from what might normally be regarded as *being a single dwellinghouse*. Beginning with *Gravesham*, the Courts have consistently held that the distinctive characteristic of a dwellinghouse is its ability to afford to those who use it the facilities required for day-to-day domestic existence<sup>1</sup>. The key message from these judgments and the findings therein serve to illustrate that, with each case, it is a matter of fact and degree based on the circumstances [my emphasis].
6. Against that background, I have reviewed all the evidence. For Appeal A to succeed, the appellant's evidence must clearly demonstrate two key points: (1) when the property was physically converted into self-contained flats as claimed and, (2) each unit was occupied and used as a dwellinghouse for a continuous period of at least four years, without any significant interruptions in residential use. In that context, for the following reasons, the Council faces an uphill struggle.
7. The Council's bundle refers to a previous application for planning permission to convert the property into 4 flats, which was submitted in 2020<sup>2</sup>. That application was refused on 12 June 2020. Crucially, and fatally for the Council on point (1) above, the officer explains the property is described as a HMO in the application, but there is no planning consent for such a use. The agent confirmed to the officer that there is a licence for occupation for up to 10 people, but the owner has been renting it out as 5 self-contained units for 5 people, which was evidenced by the existing and proposed plans. In such circumstances, express planning permission was necessary.
8. Following correspondence between the appeal parties the application was amended to 4 self-contained flats. To an untrained eye, the significance of the property's layout with 4 self-contained flats, each containing separate cooking, washing and sleeping facilities, may not have been problematic, but I consider that the property's existing configuration should have triggered off alarm bells. The Council could have taken enforcement action given the amount, nature and scale of the works of conversion resulting in 4 self-contained flats. The internal partitions together with the property's layout was sufficient to show a change in its use given the extent of the subdivision.
9. The voluminous documentation submitted, which the appeal parties are aware of, supports the claim that the flats have been occupied and used for residential purposes for some time. My own observations are that the condition of the units suggests residential use spread over significant length of time. There are signs of substantial wear and tear resembling residential occupation. To demonstrate that continuous residential use, the appellant has submitted tenancy agreements, but these do not necessarily prove occupation nor use: nonetheless, contracts are helpful in appreciating the timings and level of occupancy.
10. I consider that the submitted agreements show the flats were occupied as someone's home from around 2018. The agreement with a youth care provider does not suggest a materially different use of the property. There are minor inconsistencies within the tenancies but there is nothing to cast significant doubt over the veracity of the documents. Inconsistencies identified by the Council can, in my opinion, be reasonably described as drafting errors or carelessness. Nevertheless, bank statements have been provided, and these corroborate rental income received for each flat throughout the requisite period.

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<sup>1</sup> See the case of *Gravesham BC v SSE and O'Brien*, [1983] JPL 306.

<sup>2</sup> Council ref 27283/APP/2020/486.

11. Although utility bills and details of taxation are sporadic, there is specific documentary evidence showing utility charges and Council tax payments. In my judgment, the appellant's claims about continuous occupation of each flat are precise and supported by documentary evidence which verifies the nature and scale of each flat's residential use throughout the relevant period. I find that the appellant's evidence of how and when the change of use began on or before the relevant date is both consistent and precise, and it largely matches with some of the Council's own documentary records, including local taxation.
12. Contrary to the Council's submissions, the appellant's supporting documentary evidence corroborates when each unit had been first used for residential purposes. It is particularly instructive of the conversion work and subsequent occupation of each unit by tenants and the agent's description of their use is consistent with the facts, the sequence of the events, and the nature and scale of the residential activity. Alongside documentary evidence showing that regulatory frameworks were satisfied although at irregular intervals, there is nothing from the Council that makes any of the appellant's evidence doubtful. Indeed, there is no evidence to undermine the veracity or credibility of this kind of evidence.
13. In the absence of any firm evidence to the contrary, I take at face value the evidence presented by the appellant because the written representations combined with the documentary information is consistent and unambiguous. It clearly shows to me that no. 95 provided 4 self-contained flats each containing facilities for day-to-day domestic existence on or before the relevant date and each one was so used thereafter for a continuous period of 4 years without significant interruption.

### Appeal A – Conclusions

14. 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 existing residential use of no. 95 as 4 flats was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under s195(2) of the Act.

### Appeal B

15. The terms of the deemed application are directly derived from the allegation, and planning permission is sought for the single storey extension, which has already been built. No. 95 is a semi-detached property located in a residential area. The Council acknowledge the development does no harm to the living conditions of the neighbours or character and appearance of the locality: I have no reason to disagree. The **main issue** is the effect of the development on the living conditions of existing and future occupiers having regard to daylight, outlook and privacy.
16. The Council explains that the use as 4 self-contained flats has been facilitated by the single storey extension, because the subject extension forms part of two ground floor flats. The appellant's agent acknowledges that the available space is problematic from a planning perspective. For example, unit 1 is a one bed 1-person flat with 34 square metres and unit 2 a one bed 2-person 42 sqm flat. However, it appeared to me there is reasonable amount of internal circulation and storage space. The extension has a rudimentary design and is not spacious, but existing openings in the rear elevation permit some daylight and outlook.

17. Although future residents cannot be controlled by imposing planning conditions, given the internal layout of the 2 flats, I consider they are likely to be occupied by 1 or 2 individuals. The accommodation is inadequate, but the flats include sufficient space for cooking, washing and sleeping and afford privacy. I do not consider that the extension materially harms existing or future occupiers living conditions to warrant refusal of planning permission on that basis alone.
18. Given my findings in Appeal A, it is highly likely that the single storey extension has existed for some time given it has facilitated self-contained flats. It would be immune from enforcement action because the evidence, as part of the LDC cases, indicates the operational development involved in the erection of the single storey rear extension was substantially completed by 2019. Even if an alternative view prevails on the immunity point, the LDC certifies the use of no. 95 as 4 self-contained flats, and, as I have already said elsewhere, two are part of the single storey rear extension.
19. The appellant also refers to a shortage of housing and there may be future improvements made to the rudimentary design of the extension, but these considerations need to be balanced against existing and future occupiers' living standards. I also note human rights implications given the potential effect on the appellant and occupiers if planning permission is refused.

### ***Planning Balance***

20. There is limited conflict with the main aims and objectives of policy D6 of the London Plan (2021), Council policy DMHB 16, and guidance found in paragraph 135(f) of the National Planning Policy Framework. On the other hand, there are strong other material considerations that should be considered in the balance. I attach substantial weight to my findings in Appeal A. Considerable weight is attached to the potential effect on human rights, and I have had due regard to the public sector equality duty. In the circumstances of this case, it is proportionate to grant planning permission given my findings above and the combined weight of other material considerations.

### **Appeal B – Conditions**

21. The Council's bundle includes list of suggested conditions, but for clarity's sake, I consider a plans condition is reasonable. I have imposed a slightly amended version so that it meets with the six tests. However, a landscaping condition is unreasonable given the nature of the operational development.

### **Appeal A and B - Overall Conclusion**

22. For all the above reasons and having considered all other matters raised, I conclude Appeal A should succeed and an LDC is granted pursuant to s195(2) powers. I further conclude that Appeal B should also succeed, and planning permission is granted subject to condition.

*A U Ghafoor*

INSPECTOR

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## 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

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**IT IS HEREBY CERTIFIED** that on 14 June 2023 the matter described in the First Schedule hereto, constituting the conversion of the property into 4 flats, 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: the conversion of the property into 4 flats is immune from enforcement action and there is no enforcement notice in force.

Signed

*A U Ghafoor*

INSPECTOR

Date: 26 May 2026

Reference: APP/M5450/X/24/3348187

### **First Schedule**

The conversion of the property into 4 flats.

### **Second Schedule**

Land edged as shown on the plan attached to this certificate and identified as 95 Pinner Road Northwood HA6 1QN.

### IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Act. It certifies that the existing use 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 Act, on that date. This certificate applies only to the extent of the existing use 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 LPA.

# Plan

This is the plan referred to in the Lawful Development Certificate dated: 26 May 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCI fCMgr**

**Land at: 95 Pinner Road Northwood HA6 1QN**

**Reference: APP/M5450/X/24/3348187**

Scale: Do not scale.

