



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/R5510/X/24/3345808

5a Primrose Gardens, Ruislip HA4 6TY

- 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 Krish Lakshmipathy against the decision of the Council of the London Borough of Hillingdon.
- The application ref 1380/APP/2023/3184, dated 2 November 2023, was refused by notice dated 30 January 2024.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which an LDC is sought is sub-division of existing semi-detached house to provide a new flat.

Decision

1. The appeal is allowed and attached to this decision is an LDC describing the existing use which is found to be lawful.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 5 Primrose Gardens is a two-storey semi-detached dwelling. In 2018 planning permission was granted for a single storey extension following demolition of an existing garage. The works to construct the extension were completed in May 2019. The extension comprises a living/kitchen area, a shower room and a bedroom. The Appellant claims that the extension has been occupied as an independent dwelling known as 5a Primrose Gardens. For the sub-division of the semi-detached dwelling house to be immune from enforcement action 5a must have been occupied as an independent dwelling continuously for the four year period prior to the date of the application; i.e. since before 2 November 2019.

4. The Council refused the application because "...the Applicant has not demonstrated that, on the balance of probability, the use has existed and been continuous for at least a period of four years prior to the date of the application". The Appellant has submitted with his appeal four statutory declarations and other documentation, such as bank statements and electricity bills, which were not before the Council. On the basis of this evidence the Council has stated that "The additional supporting evidence submitted...confirms that, on the balance of probability, the use has existed and has been continuous for at least a period of four years prior to the date of the application. The Council does not therefore defend the reason for refusal".

5. The Appellant has submitted, with his appeal, sufficient precise and unambiguous evidence to demonstrate that the sub-division of existing semi-detached house to provide a new flat has subsisted continuously for the four year period prior to the date of the application. Council Officers are commended for their thorough consideration of the new evidence and for their concession regarding the reason for refusal.

6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for the sub-division of existing semi-detached house to provide a new flat at 5a Primrose Gardens, Ruislip was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(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 2 November 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black 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 use has been continuous for the four year period prior to the date of the application and is thus immune from enforcement action.

Signed

John Braithwaite

Inspector

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Reference: APP/R5510/X/24/3345808

First Schedule

Sub-division of existing semi-detached house to provide a new flat

Second Schedule

5a Primrose Gardens, Ruislip HA4 6TY

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the 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 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any 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: 18 November 2025

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Land at 5a Primrose Gardens, Ruislip HA4 6TY

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Scale: Not to Scale

