



## Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

**Appeal Ref: APP/R5510/X/24/3353580**

**92 Porters Way, West Drayton UB7 9AD**

- 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 Ms Gurprit Kaur against the decision of the Council of the London Borough of Hillingdon.
- The application ref 69971/APP/2024/1050, dated 23 April 2024, was refused by notice dated 5 July 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 retention of rear outbuilding and its use as a self-contained residential flat.

### Decision

1. The appeal is dismissed.

### 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. 92 Porters Way is an end-terraced two-storey dwelling with a rear garden. At the rear of the rear garden is an outbuilding for which an LDC was granted in 2014 for its use as a gym/storage. The Appellant claims that the outbuilding was not built in accordance with the proposed plans and that it has been in use as a self-contained residential flat. To be immune from enforcement action the Appellant must provide sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the outbuilding has been continuously occupied as a flat for the four year period prior to the date of the application.

4. There is some evidence that the outbuilding is registered as a separate entity by the Council for tax purposes. But there is no evidence that Council Tax has been invoiced or paid. Invoices for a variety of building products dated October 2014 indicate that the outbuilding was fitted out for residential occupation but do not indicate that such occupation commenced or continued. Photographs of the interior of the outbuilding also show residential accommodation but, again, do not show independent and continuous occupation. An affidavit by the Appellant only indicates that the outbuilding was fitted with a kitchen and shower over 9 years and 6 months ago.

5. Similarly, a letter from a neighbour only indicates that the outbuilding had a kitchen and shower since November 2014. There are no separate utility bills, no bank statements showing rent to have been paid, and no letters or affidavits from past

residents. There is, in fact, no evidence to indicate that the outbuilding has been independently occupied for any period of time since it was built. Whilst the outbuilding itself is immune from enforcement action, its occupation as a self-contained flat is not. The Appellant has not provided sufficient precise and unambiguous evidence to justify a conclusion that the outbuilding has been continuously occupied as a flat for the four year period prior to the date of the application.

6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for retention of rear outbuilding and its use as a self-contained residential flat at 92 Porters Way, West Drayton was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

*John Braithwaite*

Inspector

