

The Planning Inspectorate

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT APPEAL FORM (Online Version)

Appeal Reference: APP/F5540/X/25/3365277

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Mrs Satinder Toor

Address

The Firs Lodge Bed & Breakfast Guest House
289-291 Bath Road
HOUNSLOW
TW3 3DB

Email

[REDACTED]

Preferred contact method

Email



Post



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mr Bulwant Singh Gill

Company/Group Name

Gill and Associates

Address

Gill Associates, Ealing House
33 Hanger Lane
LONDON
W5 3HJ

Phone number

[REDACTED]

Email

[REDACTED]

Preferred contact method

Email



Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

London Borough of Hounslow

LPA reference number (if applicable)

P/2024/3105

Date of the application

16/09/2024

Did the LPA issue a decision?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Date of LPA's decision	08/11/2024			

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Address	The Firs Lodge Bed & Breakfast Guest House 289-291 Bath Road HOUNSLOW TW3 3DB			
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

E. DETAILS OF THE APPEAL

Please give a precise description of the proposed or existing use, operation or activity as outlined in the application in respect of which a certificate is sought.

Certificate of lawfulness for the existing use of the properties as bed and breakfast accommodation.

Select the section under which the application was made:

- | | |
|-------------|-------------------------------------|
| Section 191 | <input checked="" type="checkbox"/> |
| Section 192 | <input type="checkbox"/> |
| Section 26H | <input type="checkbox"/> |

Please state the actual use of the site at the time of application to the LPA. (if not in use, write "nil" and state last known use).

Actual use of site - Bed and Breakfast

Is there an effective enforcement notice on the site?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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F. REASON FOR THE APPEAL

- | | |
|--|-------------------------------------|
| 1. Refused/refused in part to grant a certificate of lawful use or development. | <input checked="" type="checkbox"/> |
| 2. Failed to give notice of their decision within the appropriate period on an application for a certificate of lawful use or development. | <input type="checkbox"/> |

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

- | | |
|----------------------------|-------------------------------------|
| 1. Written Representations | <input type="checkbox"/> |
| 2. Hearing | <input checked="" type="checkbox"/> |

You must give detailed reasons below or in a separate document why you think a hearing is necessary. The reasons are set out in

☒ the box below

HEARING APPEAL STATEMENT

For 289–291 Bath Road – Application for Existing Certificate of Lawfulness

We respectfully request that this appeal be considered by way of a hearing, due to the complexity of the planning history, volume of evidence, and legal interpretation required under Section 191 of the Town and Country Planning Act 1990 (as amended).

The properties at 289 and 291 Bath Road have operated continuously as a bed and breakfast (B&B) for more than 10 years prior to the application date (16/09/2024). Extensive documentary evidence was submitted to demonstrate this, including:

- Financial accounts and trading records dating back to 2000 for Firs Guest House and Firs Lodge.
- Non-domestic business rate notices jointly addressed to 289 & 291 Bath Road as "The Firs Bed and Breakfast" from 2010 to 2024.
- Continuous VAT returns filed with HMRC under "Firs Lodge Ltd" for these premises.
- Supporting statements from the building manager, business director, and professional accountants confirming continuous B&B operations.
- Energy Performance Certificates, safety records, guest registries, and Airbnb documentation confirming actual use.
- Gas Safety Records and documents referencing internal units at 291 Bath Road used for accommodation purposes.

Despite this, the Council refused the application, stating insufficient proof of B&B use in 2018. However, evidence submitted includes multiple forms of documentation—financial, tax-related, regulatory, and testimonial—directly referencing B&B use during 2018. Under Section 191(2), if no enforcement action may be taken and the time limit has expired, then the use is lawful.

Further, Annex 8 of the LDC guidance clearly establishes that:

- The test is the balance of probabilities (para 8.15) – not criminal proof.
- The applicant's own evidence does not need to be independently corroborated if it is clear and uncontradicted.
- The burden of proof lies with the applicant, but where the Council has no compelling contrary evidence, and the applicant's documentation is precise, the LDC should not be refused.
- The planning merits, neighbour opinions, or unrelated complaints are irrelevant to legal determinations of lawfulness (paras 8.3, 8.15, 8.45).

Additionally, enforcement history from 2011 and 2018 supports that the properties have long functioned as multi-unit accommodation, and no enforcement notices were issued in respect of B&B operations within the 10-year immunity period, as described under section 171B of the Act and acknowledged in the delegated report.

Given the legal interpretation involved, the volume of detailed documentary material, and the importance of oral testimony from parties with long-standing knowledge of the property's use, a hearing is the most appropriate forum for this appeal. It will enable the Planning Inspector to:

- Hear oral clarification of documents and timelines.
- Test the evidence via cross-examination.
- Examine the integration of 289 and 291 as a single B&B enterprise.
- Address inconsistencies or omissions in the Council's decision-making process.

In light of the above, and pursuant to both Annex 8 guidance and the principles of procedural fairness, we strongly assert that this matter warrants resolution through a hearing.

Is there any further information relevant to the hearing which you need to tell us about?

Yes

☐ No



3. Inquiry



H. APPEAL STATEMENT

The statement is set out in

✓ the box below

Below is the Appeal Statement clearly laying out the case for why the Certificate of Lawfulness should be granted for 289–291 Bath Road:

We submit this appeal on the grounds that the properties at 289 and 291 Bath Road, Hounslow TW3 3DB, have been in continuous use as bed and breakfast (B&B) accommodation for a period exceeding 10 years before the date of the application (16/09/2024), thus meeting the requirements under Section 191(2) of the Town and Country Planning Act 1990 for a lawful use.

The Council's refusal was based on the assertion that the applicant failed to demonstrate lawful use in 2018. However, substantial and credible evidence to the contrary was submitted, including:

- Council-Issued Business Rates addressed to “The Firs Bed and Breakfast” at 289 & 291 Bath Road from 2010 to 2024.
- Financial records from independent accounting firm Chancellers LLP dating back to 2000, consistently referencing B&B operations at the subject address.
- Continuous VAT returns submitted under the Firs Lodge Ltd name with the same property address covering all quarterly periods.
- Statements from the company director and site manager, both affirming uninterrupted B&B use from at least 2005 for the combined properties, with 289 operating independently as a B&B since 1999.
- Energy Performance Certificates, fire safety inspections, gas safety records, and Airbnb/short-let listings verifying the operational nature and character of the property as visitor accommodation.

The refusal decision appears to overlook or undervalue this documentary chain of lawful use, particularly for the critical year 2018, where VAT filings, council tax records, and rate notices provide consistent evidence of continued operation.

Furthermore, past enforcement and planning reports dating back to 2011 and 2012—including conclusions from Hounslow Council's own enforcement officers—acknowledged that the use of these properties as a bed and breakfast was long-standing and likely immune from enforcement due to the length of use at the time. This adds further weight to the fact that the use has been continuous and not materially altered during the relevant period.

We therefore respectfully request the Inspector to find that, on the balance of probabilities, the evidence presented demonstrates lawful, continuous use of 289–291 Bath Road as a bed and breakfast for more than 10 years, and to grant the Certificate of Lawful Use accordingly.

In addition to the documentary evidence provided, we refer to the policy framework outlined in Annex 8 of Circular 10/97, which governs Lawful Development Certificate (LDC) applications under the Town and Country Planning Act 1990 (as amended). This statutory guidance reinforces that the legal test for assessing the lawfulness of a use is 'on the balance of probabilities' (paragraph 8.15), not beyond reasonable doubt. This legal threshold is critical, as the Planning Authority appears to have adopted a stricter evidentiary standard, which is inconsistent with established legal norms for LDC determinations.

Further, as held in the case of *F W Gabbitts v SSE and Newham LBC* [1985] JPL 630, the applicant's own evidence, if precise and unambiguous, does not need to be corroborated by independent third-party evidence unless contradicted. The Council's refusal fails to provide contradictory evidence or identify why our submitted records do not meet the standard of precision required.

As outlined in paragraph 8.3 of Annex 8, a use becomes lawful if no enforcement action has been taken within the relevant period and no enforcement notice is in force. The Planning Authority has not disputed that no enforcement notice has been issued for either 289 or 291 Bath Road during the 10-year relevant period, nor have they provided evidence of a material interruption in use. Therefore, the claim satisfies the requirements of section 191(2) of the 1990 Act.

Finally, the refusal decision fails to consider paragraph 8.14 of the same Annex, which mandates that if sufficient information is provided to satisfy the authority of the use's lawfulness, a certificate must be granted. Given that no material contradictions were presented, and the cumulative evidence clearly demonstrates 10 years of continuous B&B use, the refusal lacks lawful justification.

We therefore submit that this appeal satisfies all requirements outlined under section 191 of the 1990 Act, and respectfully request the Inspector to allow the appeal and issue the Certificate of Lawfulness.

I. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☐ No



J. SUPPORTING DOCUMENTS

01. The application made to the LPA.



02. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. Please number them clearly and list the numbers here or on a separate sheet.



02. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.



03. The LPA's decision (if any).



04. All other relevant correspondence with the LPA.



05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.



06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).



06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.



K. CHECK SIGN AND DATE

(All supporting documents must be received by us within the 8 week time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mr Bulwant Singh Gill

Date

07/05/2025 08:18:28

Name

Mr Bulwant Singh Gill

On behalf of

Mrs Satinder Toor

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

L. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) not previously sent as part of the application to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

M. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The application made to the LPA.
File name:	ApplicationFormRedacted.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	Existing-Block PLAN.pdf
File name:	LocationPlan.pdf
File name:	Existing-Plans GF.pdf
File name:	Existing-Plans FF.pdf
File name:	PRE EXISTING FRONT AND REAR ELEVATION.pdf
File name:	PRE EXISTING SIDE ELEVATION.pdf
File name:	Existing-Elevation REAR.pdf
File name:	Existing-Elevation SIDE.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.b. Copies of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	LIST OF DOCUMENTS.png
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. The LPA's decision
File name:	ENFORCEMENT LETTER_2012.pdf
File name:	REJECTION_NOVEMBER 2024.pdf
File name:	REFUSAL 2022.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. All other relevant correspondence with the LPA.
File name:	289_291 BATH ROAD COMBINED DOCUMENTS-compressed.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	LocationPlan.pdf
Completed by	MR BULWANT SINGH GILL
Date	07/05/2025 08:18:28