The Planning Inspectorate

Appeal Decisions

by Brian Cook BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2020

Appeal A: Appeal Ref: APP/U5360/X/18/3214038
14-18 Unit 1a, Shore Road, Hackney, London E9 7TA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by H Company 3 Limited against the decision of the Council of the London Borough of Hackney.
- The application Ref 2018/1433, dated 13 April 2018, was refused by notice dated 17 July 2018.
- 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 Class C3 residential unit.

Appeal B: Appeal Ref: APP/U5360/X/18/3214217
14-18 Unit 5, Shore Road, Hackney, London E9 7TA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by H Company 3 against the decision of the Council of the London Borough of Hackney.
- The application Ref 2018/1445, dated 23 April 2018, was refused by notice dated 17 July 2018.
- 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 confirmation of lawful use as Class C3.

Appeal C: Appeal Ref: APP/U5360/X/18/3214218
14-18 Unit 10, Shore Road, Hackney, London E9 7TA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by H Company 3 Limited against the decision of the Council of the London Borough of Hackney.
- The application Ref 2018/1435, dated 13 April 2018, was refused by notice dated 17 July 2018.
- 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 residential unit (Class C3).

Appeal D: Appeal Ref: APP/U5360/X/18/3214219
14-18 Unit 12, Shore Road, Hackney, London E9 7TA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by H Company 3 against the decision of the Council of the London Borough of Hackney.
- The application Ref 2018/1436, dated 13 April 2018, was refused by notice dated 17 July 2018.
- 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 Class C3 residential use.

Appeal E: Appeal Ref: APP/U5360/X/18/3214221
14-18 Unit 13, Shore Road, Hackney, London E9 7TA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by H Company 3 against the decision of the Council of the London Borough of Hackney.
- The application Ref 2018/1437, dated 16 April 2018, was refused by notice dated 17 July 2018.
- 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 confirmation of Use as a Class C3 residential unit.

Appeal F: Appeal Ref: APP/U5360/X/18/3214222
14-18 Unit 3, Shore Road, Hackney, London E9 7TA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by H Company 3 Limited against the decision of the Council of the London Borough of Hackney.
- The application Ref 2018/1434, dated 13 April 2018, was refused by notice dated 17 July 2018.
- 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 residential unit Class C3.

Appeal G: Appeal Ref: APP/U5360/X/18/3214223
14-18 Unit 17, Shore Road, Hackney, London E9 7TA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by H Company 3 Limited against the decision of the Council of the London Borough of Hackney.
- The application Ref 2018/1438, dated 16 April 2018, was refused by notice dated 17 July 2018.
- 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 residential unit (Class C3).

Decisions

Appeal A: Appeal Ref: APP/U5360/X/18/3214038

1. The appeal is dismissed.

Appeal B: Appeal Ref: APP/U5360/X/18/3214217

2. The appeal is dismissed.

Appeal C: Appeal Ref: APP/U5360/X/18/3214218

3. The appeal is dismissed.

Appeal D: Appeal Ref: APP/U5360/X/18/3214219

4. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is considered to be lawful.

Appeal E: Appeal Ref: APP/U5360/X/18/3214221

5. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is considered to be lawful.

Appeal F: Appeal Ref: APP/U5360/X/18/3214222

6. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is considered to be lawful.

Appeal G: Appeal Ref: APP/U5360/X/18/3214223

7. The appeal is dismissed.

Procedural matters

8. Although no unit number is given on the application form, the appeal forms confirm that Appeal E relates to unit 13, Appeal F to unit 3 and Appeal G to unit 17.

9. Having reviewed the evidence and identified the main issue for the determination of each appeal I decided that a site visit would not be required. The parties were informed and neither raised any concern.

Main Issue

10. The accommodation at 14-18 Shore Road is arranged in 20 units. The use of 13 of the units as, in effect, self-contained residential accommodation has been determined by the Council to be lawful in either June 2012 or November 2017. While the exact wording of the appeal applications differs slightly one from another as set out in the summary details above, Appeals A to G seek to establish the lawfulness of that same use for the remaining seven units at the property.

11. Each application was made under s191 of the Act. S191(1) confirms that an application should be made under this section of the Act if any person wishes to ascertain whether a use of land or buildings, for example, is lawful. S191(2) then sets out the circumstances in which that use would be lawful. In short, these are that no enforcement action could then be taken because either the period for doing so had ended or the use did not involve development or require planning permission[1].

12. These circumstances are set out in more detail in question 9 on the Council's application form which asks "under what grounds is the certificate being sought?" Confusingly, in each case the appellant has ticked "other" and stated (although again the wording differs slightly one to another) "confirmation that the unit is considered to fall under Class C3 use" or words to that effect.

13. Giving that confirmation would not determine the lawfulness of the use. That can only be determined if any of the circumstances in s191(2) is shown to apply. In fact, the Council states that the building is a mix of residential and live/work although it produces no evidence for this contention and there is nothing in the planning history to suggest that such a use has ever been the subject of an application for either planning permission or lawfulness. In any event, the appellant disputes this description.

14. Notwithstanding the way the appellant has characterised the grounds in each application, the evidence submitted seeks to establish that the use of each unit was immune from enforcement action at the date of the application. That is also the basis on which the Council has considered the applications coming to the view in each case that "the information submitted is insufficiently precise and unambiguous to demonstrate, on the balance of probability, that the unit has been used as self-contained dwelling (use class C3) for a continuous period of not less than 4 years prior to the submission of this application."

15. That is the basis upon which I shall determine these appeals. The main issue in respect of each appeal therefore is whether at the date of the application the time for enforcement action to be taken had expired.

Reasons

16. Each application was made between 13 and 23 April 2018. For the appeals to succeed, the appellant must show, on the balance of probabilities, that the use for which the LDCs are sought began no later than (as appropriate) 13, 16 or 23 April 2014 (the material date) and continued substantially uninterrupted thereafter for a period of 4 years before the application date in each case. Case law has established that the burden of proof rests with the appellant. If the Council has no evidence itself, nor any from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the respective appeal and refuse to grant the LDC, provided the appellant's evidence alone is sufficiently precise and unambiguous.

[1] There is a further requirement for there to be no contravention of the requirements of any enforcement notice then in force but that is not relevant to these appeals.

The evidence

The appellant

17. The structure of the evidence is essentially the same for each appeal. Except where noted by the term 'as appropriate', it comprises:
    (a) Statutory declarations sworn by Gary Burns and Patrick Mansez on behalf of the current and previous owners;
    (b) Other statutory declarations as appropriate;
    (c) Assured Shorthold Tenancy (AST) agreements as appropriate;
    (d) Council Tax registration date;
    (e) A letter from the letting agent in respect of units 1a, 7 and 10;
    (f) A floorplan of the unit; and
    (g) A planning statement to accompany the application.

18. The appellant appreciates that there appear to be gaps in the occupancy of each unit if the fixed term of the ASTs is taken to represent the period of occupation. However, in both the planning statement accompanying each application and again in the appeal statement the appellant explains why this interpretation would be wrong.

19. The appellant states that during the fixed term of the AST both parties are contractually bound. Once the fixed term tenancy expires all tenancies become periodic tenancies unless a new fixed term is agreed. The period tenancy then continues until either party gives notice. The appellant therefore contends that a gap between the signing of ASTs is not evidence that the unit has been unoccupied.

The Council

20. The Council's evidence for each appeal is in the form of the officer's delegated report. This comprises a brief site description (which, as pointed out above, the appellant disputes and for which there is no further evidence), a planning history and an assessment.

21. The Council notes that in the statutory declaration of Mr Mansez 'insert date' has been left rather than completed. Otherwise, its assessment of the evidence is mostly confined to the gaps between tenancy agreements (where submitted) from which it concludes that the ASTs do not show a continuous use. On the balance of probability, the information submitted is therefore considered to be insufficient.

Assessment

Points common to each appeal

22. Before considering each appeal specifically, I shall address, first, the reason, namely the gaps between ASTs (significant in some cases), why all the applications bar that for unit 17 (Appeal G) were refused by the Council.

23. The Council makes no reference to the appellant's explanation for these gaps. I cannot assume that the Council, on legal advice or otherwise, disagrees with

the explanation since there is simply no evidence that the Council gave it any consideration.

24. I therefore have no evidence to disagree with that of the appellant regarding what happens once the fixed term of an AST ends. In any event, my understanding is that the appellant is correct.

25. That said, without further supporting evidence, the explanation does not, of itself, show continuous use, in my view. Such evidence could take the form of the dates when a fixed-term tenant then moving to a period tenancy gave, or was given, notice, evidence of rent payments beyond the fixed term by the same tenant or a statutory declaration by the tenant.

26. Second, the statutory declarations of Gary Burns and Patrick Mansez are identical except that “since insert date” has been left in that of Mr Mansez while it seems “since” has been deleted from that of Mr Burns when inserting the date, March 2010. However, they were sworn some eight months apart.

27. Furthermore, that of Mr Burns was declared at the offices of the commissioner for oaths/solicitor who signed to that effect, while that of Mr Mansez was declared at the office of Elkay Properties, one of those on whose behalf Mr Mansez declared and who, it appears, he works for. Moreover, it is not unambiguously witnessed by a commissioner for oaths/solicitor. In addition, paragraph 5 is factually incorrect at the date sworn. By April 2018 ‘flats’ 7, 15, 16 and 19 did benefit from an LDC.

28. Taking all these anomalies into account I consider little weight can be given to the statutory declaration of Mr Manez. However, as a statutory declaration solemnly made under the Statutory Declarations Act 1835 I consider some weight should be given to that of Mr Burns. Nevertheless, the simple statement that each unit has been used ‘continuously’ as an independent residential dwelling is, in my view, imprecise. It could, for example, have included information about who occupied the unit and between which dates. Of itself therefore it cannot be determinative and needs to be viewed in the context of the other evidence supplied in support of each appeal to understand what is meant by ‘continuously’. The same note of caution applies to the statutory declarations made by Mr Bouette and submitted in support of most of the appeals.

29. Third, a letter dated November 2017 from Mary De Vera, also of Elkay Properties Limited, confirms that unit 1a, unit 7 (not the subject of these appeals) and unit 10 at ‘Shore Business Centre’ have been ‘tenanted’ since 2010. First, this is a letter rather than a statutory declaration and, second, it does not unambiguously refer to residential occupation. If anything, it lends some credence to the Council’s mixed-use description of the property. I therefore give this letter very little weight.

30. Finally, it is not clear to me why the Council Tax registration provided with each appeal speaks to anything beyond that, namely the date when the unit was registered for Council Tax. As far as I am aware, mere registration is not evidence of residential occupation.

Appeal A: unit 1a

31. The specific evidence relating to this unit is:
    (a) A Council Tax registration showing the property banded 'D' for Council Tax with effect from March 2007. Last update of the record is July 2017.
    (b) An AST with the term starting on 1 November 2009 for one year with six months break clause.
    (c) An AST entered into 14 September 2015, starting 8 November 2015 for six months, ending 7 May 2016.
    (d) An AST entered into 21 September 2016, starting 22 September 2016 for six months, ending 21 March 2017.
    (e) A statutory declaration, properly sworn under the 1835 Act by Phil Bouette, property manager, on 16 February 2012. Confirms property purchased in October 2006, that the flat became liable for Council Tax in March 2007 and was then let continuously as a single residential dwelling since then.
    (f) The letting agent's letter as set out above.

32. The conclusion that the appellant asks to be drawn from this evidence is that residential occupation of unit 1a has been substantially uninterrupted since November 2009. For that to be so, the first occupants would have had to have continued their residence on expiry of the AST term as a periodic tenancy until around August/September 2015, some 5 years, and the second (different) occupants would have had to have similarly extended their stay beyond the 7 May 2016 to around September 2016, a period of some 3 or 4 months. Assuming that did, in fact, happen and the third AST (which is signed by yet more different tenants) started without any significant gap, the period from September 2015 (the date when the second started) to the LDC application date (April 2018) is still significantly less than 4 years.

33. On the balance of probabilities, I consider the latter to be likely to be the case given the short the period between ASTs. However, in the absence of any supporting evidence of the type set out above [paragraph 25], I do not consider it possible to conclude on the balance of probabilities that the first AST of a year, was then extended for a further 5.

34. There is therefore no period of 4 years prior to the LDC application date when substantially uninterrupted residential occupation has been shown, on the balance of probabilities, to have taken place. I therefore conclude that Appeal A should not succeed.

Appeal B: unit 5

35. The specific evidence relating to this unit is:
    (a) A Council Tax registration showing the property banded 'D' for Council Tax with effect from December 2007. Last update of the record is July 2017.
    (b) An AST with the term starting on 1 October 2015 for one year with six months break clause.

36. The AST is evidence of residential occupation but that began less than 4 years before the LDC application date. Irrespective of the length of occupancy beyond the fixed-term end-date of the AST, it is not, of itself, sufficient to establish the necessary continuity of use for the LDC to be granted.

37. The appellant is therefore reliant on the statutory declarations of Mr Burns and Mr Mansez to establish continuity of use since registration for Council Tax. However, consistent with my finding on the evidence in Appeal A, in the absence of any supporting evidence of the type set out above [paragraph 25], I do not consider it possible to conclude on the balance of probabilities that the use for which the LDC is sought began before 1 October 2015 when the AST started.

38. I therefore conclude that Appeal B should not succeed.

Appeal C: unit 10

39. The specific evidence relating to this unit is:

(a) A Council Tax registration showing the property banded 'D' for Council Tax with effect from January 2007. Last update of the record is July 2017.

(b) An AST with the term starting on 19 September 2010 for 12 months. As the Council notes, the copy supplied by the appellant is unsigned.

(c) An AST starting 8 July 2012, ending 7 January 2013 followed by a further AST for the same tenants starting on 8 January 2013, ending on 8 July 2013.

(d) An AST entered into 14 August 2013, starting 2 September 2013 for six months, ending 1 March 2014.

(e) An AST entered into 10 May 2017, starting 14 July 2017 for 12 months, ending 13 July 2018.

(f) A statutory declaration, properly sworn under the 1835 Act by Phil Bouette, property manager, on 16 February 2012. Confirms property purchased in October 2006, that the flat became liable for Council Tax in March 2007 and was then let continuously as a single residential dwelling since then.

(g) The letting agent's letter as set out above.

40. Although the first AST is unsigned, on the balance of probabilities I accept that it is a genuine tenancy agreement. The ASTs therefore indicate residential occupancy of unit 10 from 19 September 2010 up to and beyond the LDC application date. There are however significant gaps between the ASTs all of which are held by different tenants.

41. That between the first AST and the second listed above is about 9 or 10 months. This could be accounted for by the tenants continuing to rent the unit beyond the end of the fixed term as contended by the appellant.

42. That is followed by the longest period of almost continuous letting covered by the second and third listed above, a period of some 20 months between July 2012 and March 2014. However, even if the period between the start of the first AST (September 2010) and the end of the third (March 2014) is assumed

to represent continuous occupation, that is still short of 4 years by about 6 months. The gap to the start of the next AST (May 2017) is just over 3 years.

43. Although I give due weight to the properly sworn statutory declarations of Mr Burns and Mr Bouette, to establish any 4-year period of substantially uninterrupted residential occupation requires the assumption to be made that the 2010 tenants stayed beyond the end of their fixed term and that the 2013 tenants did the same for at least 6 months.

44. Consistent with my findings on the evidence in Appeals A and B, in the absence of any supporting evidence of the type set out above [paragraph 25], I do not consider it possible, on the balance of probabilities, to make that assumption.

45. I therefore conclude that Appeal C should not succeed.

Appeal D: unit 12

46. The specific evidence relating to this unit is:
    (a) A Council Tax registration showing the property banded 'D' for Council Tax with effect from February 1999. Last update of the record is July 2017.
    (b) An AST starting 1 November 2009 for 1 year with a 6 months break clause.
    (c) An AST entered into 26 February 2014, starting 1 March 2014 and ending 28 February 2015.
    (d) An AST entered into 14 May 2015, starting 1 April 2015 and ending 31 March 2016.
    (e) An AST with the term starting on 1 September 2016 for 12 months. The copy supplied by the appellant is unsigned.
    (f) A statutory declaration, properly sworn under the 1835 Act by Phil Bouette, property manager, on 4 May 2012. Confirms property purchased in October 2006, that the flat became liable for Council Tax in February 1999 and was then let continuously as a single residential dwelling since then.

47. Each AST is between the landlord and the same tenants. As the Council observes, there is a substantial gap between the end of the first AST (probably 31 October 2010) and the start of the second (1 March 2014). However, on the balance of probabilities, it seems unlikely to me that a tenant would vacate a property and then move back to the exact same unit some 3 or so years later. More likely, in my view, is that the same tenants continued residence after the termination of the fixed-term AST as explained by the appellant. The first and second ASTs therefore show, on the balance of probabilities, a period of substantially uninterrupted residential occupation of over 5 years.

48. There is a small gap of no more than a month between the third and the fourth ASTs. It appears from the date entered into that the AST was somewhat retrospective in nature. To my mind, this is again indicative of these tenants' longstanding association with the property. I note the Council's view that the unsigned 2016 AST limits the weight that it can be given. I do not need to form a view about that since by that date a period of substantially

uninterrupted residential occupation of well in excess of the required 4 years had, on the balance of probabilities, been established.

49. I therefore conclude that Appeal D should succeed.

Appeal E: unit 13

50. The specific evidence relating to this unit is:
   (a) A Council Tax registration showing the property banded 'D' for Council Tax with effect from May 1998. Last update of the record is July 2017.
   (b) An AST entered into 5 February 2010, starting 1 February 2010 for 1 year with a 6 months break clause.
   (c) An AST entered into 20 May 2015, starting 1 May 2015, ending 30 April 2016.
   (d) A statutory declaration, properly sworn under the 1835 Act by Phil Bouette, property manager, on 4 May 2012. Confirms property purchased in October 2006, that the flat became liable for Council Tax in May 1998 and was then let continuously as a single residential dwelling since before October 2000.

51. The two ASTs that have been provided cover a period of just over 6 years. In refusing to grant the LDC sought the Council has focussed on the 4 year gap between the first AST ending and the second starting. However, one tenant of the two is the same on each AST. In my view, that is indicative of the first AST being extended on termination as a periodic tenancy as explained by the appellant with a new AST being entered into on the change of flatmates.

52. On the balance of probabilities, I therefore conclude that a period of substantially uninterrupted residential occupation well in excess of the required 4 years has been shown prior to the LDC application date.

53. I therefore conclude that Appeal E should succeed.

Appeal F: unit 3

54. The specific evidence relating to this unit is:
   (a) A Council Tax registration showing the property banded 'C' for Council Tax with effect from April 2003. Last update of the record is July 2017.
   (b) An AST entered into 26 April 2012, starting 1 May 2012, ending 30 April 2013.
   (c) An AST entered into 20 January 2014, starting 1 February 2014, ending 31 January 2015.
   (d) A Memorandum of Agreement (MOA) made on 14 January 2016 binding the landlord and the tenant to the terms of the original AST dated 26 April 2012. The MOA extends the tenancy for a further year to 31 January 2017.
   (e) A statutory declaration, properly sworn under the 1835 Act by Phil Bouette, property manager, on 16 February 2012. Confirms property purchased in October 2006, that the flat became liable for Council Tax in April 2003 and was then let continuously as a single residential dwelling since October 2006.

55. There is a gap of some 9 months between the first AST ending and the second starting. There is a further gap of nearly a year between the second AST ending and the MOA being entered into. In refusing to grant the LDC sought, the Council has focussed upon these clear gaps in the tenancies even though it acknowledges that the same tenant occupied the flat between 1 May 2012 and 31 January 2015.

56. However, the Council makes no reference at all to the MOA entered into by the same tenant. Not only does this extend the occupation to 31 January 2017, it binds both parties to the terms of the original AST from April 2012. In my view, that is indicative of the same tenant being in residence for the whole period with any gaps being explained by the change in the status of the tenancy once the AST ends previously referred to under other appeals.

57. It seems to me therefore, on the balance of probabilities, that there has been a period of substantially uninterrupted residential occupation from 1 May 2012 to at least 31 January 2017. That is a period in excess of the 4 years prior to the LDC application date required to show the lawfulness of the use sought.

58. I therefore conclude that Appeal F should succeed.

Appeal G: unit 17

59. The specific evidence relating to this unit is:
   (a) A Council Tax registration showing the property banded 'C' for Council Tax with effect from January 2007. Last update of the record is July 2017.
   (b) A Notice Before Action (NBA) served on the tenant in respect of rent arrears and showing invoices and receipts between 28 May 2010 and 28 January 2014.
   (c) A statutory declaration, properly sworn under the 1835 Act by Phil Bouette, property manager, on 4 May 2012. Confirms property purchased in October 2006, that the flat became liable for Council Tax in January 2007 and was then let continuously as a single residential dwelling since September 1998.

60. The appellant explains that the original ASTs have been lost and also notes that the NBA is a warning, not an eviction notice. The appellant argues that as the schedule of invoice and payments falls only just short of a 4 year period, it is improbable that the unit was not fitted out as a Use Class C3 property both just before the first payment and just after the last, thus giving the requisite period.

61. In my judgement, a period of non-occupation amounting to about 4 months is not *de minimis.* Furthermore, this period is at the end of the sole term of occupation about which evidence has been given rather than during it. The courts have held that, until lawfulness has been established, the question is not whether a property is fitted out for occupation as a dwelling but whether it is actually used as such so that a local planning authority could take enforcement action if it deemed it expedient to do so.

62. I therefore conclude on the balance of probabilities that the evidence does not show any 4-year period of substantially uninterrupted residential occupation.

63. I therefore conclude that Appeal G should not succeed.

Overall conclusions

64. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of Appeals D, E and F was not well-founded and that the appeals should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

65. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of Appeals A, B, C and G was well-founded and that the appeals should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Brian Cook

Inspector

The Planning Inspectorate

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 13 April 2018 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged 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 period set out in s171B of the Town and Country Planning Act 1990 (as amended) during which the Council could have taken enforcement action in respect of the use had ended by 13 April 2018.

Signed

Brian Cook

Inspector

Date

Reference: **APP/U5360/X/18/3214219**

First Schedule

Use as a self-contained dwelling (Use Class C3)

Second Schedule

Land at 14-18 Unit 12, Shore Road, Hackney, London E9 7TA

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 /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were 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 /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation 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.

The Planning Inspectorate

Plan

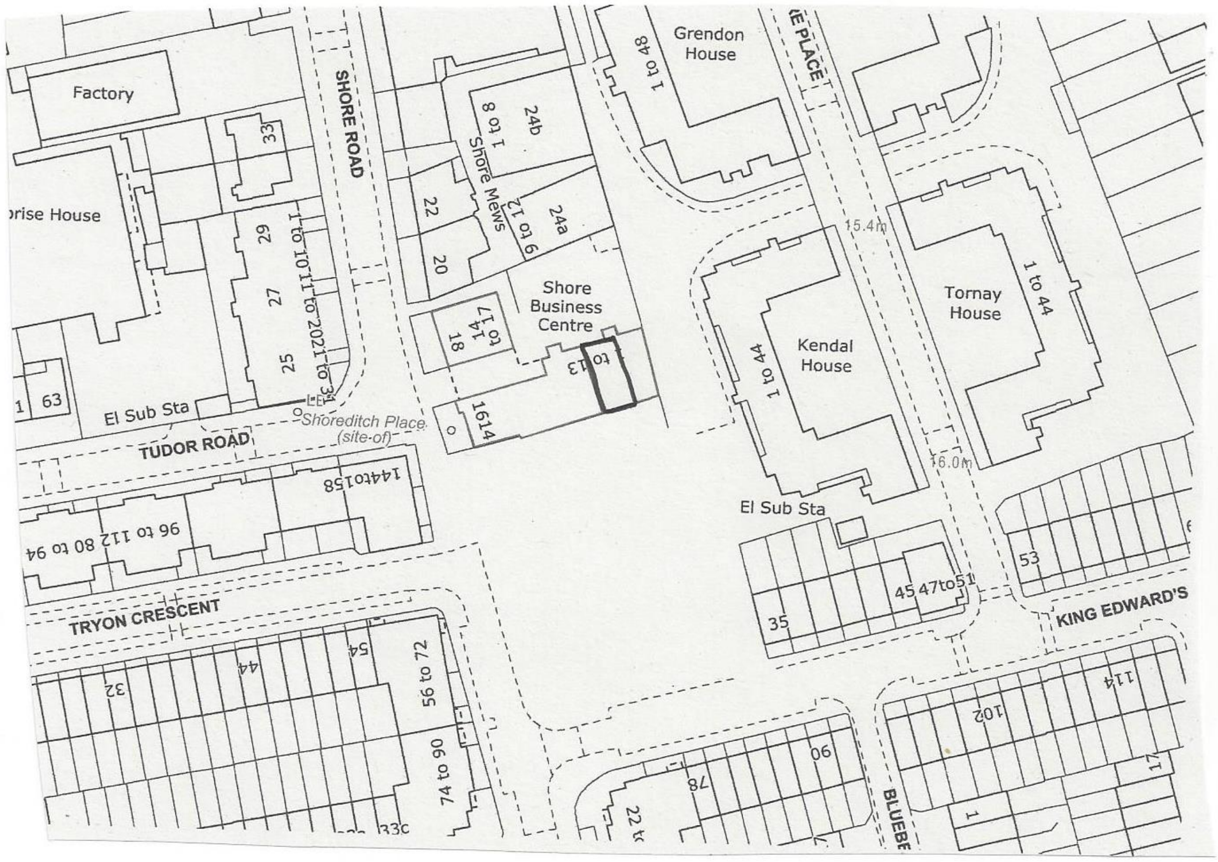
This is the plan referred to in the Lawful Development Certificate dated: 27 January 2020

by Brian Cook BA (Hons) DipTP MRTPI

Land at: 14-18 Unit 12, Shore Road, Hackney, London E9 7TA

Reference: APP/U5360/X/18/3214219

Scale: not to scale



The Planning Inspectorate

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 16 April 2018 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged 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 period set out in s171B of the Town and Country Planning Act 1990 (as amended) during which the Council could have taken enforcement action in respect of the use had ended by 16 April 2018.

Signed

Brian Cook

Inspector

Date 27 January 2020

Reference: **APP/U5360/X/18/3214221**

First Schedule

Use as a self-contained dwelling (Use Class C3)

Second Schedule

Land at 14-18 Unit 13, Shore Road, Hackney, London E9 7TA

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 /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were 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 /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation 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.

The Planning Inspectorate

Plan

This is the plan referred to in the Lawful Development Certificate dated: 27 January 2020

by Brian Cook BA (Hons) DipTP MRTPI

Land at: 14-18 Unit 13, Shore Road, Hackney, London E9 7TA

Reference: APP/U5360/X/18/3214221

Scale: not to scale

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 13 April 2018 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged 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 period set out in s171B of the Town and Country Planning Act 1990 (as amended) during which the Council could have taken enforcement action in respect of the use had ended by 13 April 2018.

Signed

Brian Cook

Inspector

Date 27 January 2020

Reference: **APP/U5360/X/18/3214222**

First Schedule

Use as a self-contained dwelling (Use Class C3)

Second Schedule

Land at 14-18 Unit 3, Shore Road, Hackney, London E9 7TA

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 /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were 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 /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation 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.

The Planning Inspectorate

Plan

This is the plan referred to in the Lawful Development Certificate dated: 27 January 2020

by Brian Cook BA (Hons) DipTP MRTPI

Land at: 14-18 Unit 3, Shore Road, Hackney, London E9 7TA

Reference: APP/U5360/X/18/3214222

Scale: