The Planning Inspectorate

Appeal Decisions

Site visits 23 and 24 September 2021

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal A Ref: APP/V5570/X/20/3269829
Flat No 1 Wellington Mews, London N7 8SQ

Plus 27 other Appeals - B to AB (see Schedule below) at
Flat Nos 2 to 28 Wellington Mews, London N7 8SQ

- All 28 appeals are made under section 195 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, against refusals to grant certificates of lawful use or development (LDCs).
- The appeals are all made by LGP (Wellington Mews Ltd), (LGPWM), against the decisions of the Council of the London Borough of Islington (the LPA).
- The application for Appeal A, Ref 2020/1209/COL, is dated 6 May 2020 and was refused by notice dated 4 August 2020. The other application references are set out in the Schedule below and were also all dated 6 May 2020 and refused on 4 August 2020.
- All of the applications were made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use in each case (Nos 1 to 28) for which a LDC is sought is: '*use as a self-contained residential unit (Class C3 Dwellinghouse)'.*

Decisions

1. Appeal A is dismissed.
2. Appeals B to AB are also dismissed.
3. See formal decisions below.

Procedural matters and general points relating to LDC applications

The appeals, additional evidence and my request for further information

4. There are 28 separate appeals relating to the 28 LDC applications. These were submitted on 6 May 2020, and all were refused on 4 August 2020. Each application sought to ascertain whether the lawful use of each of the 28 flats at Wellington Mews is in '*use as a self-contained residential (Class C3 dwellinghouse)* as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended). I visited the appeals' site unaccompanied on the evening of 23 September 2021 and noted the relationship of the prison and the flats to the surrounding area in this part of Islington. I then undertook an accompanied visit site with the main parties on 24 September 2021.

5. In March 2021 the appellant company, LGPWM, resubmitted the 28 LDC applications for each of the 28 flats. Again, all were refused in May 2021. The resubmitted applications had included additional material in response to the Council's reasons for refusal (RsfR) of the May 2020 applications. Some of that material (but not all) has been included in the 28 appeal submissions now before me.

6. Further to receipt of the Appeals and the initial documents, I asked the Planning Inspectorate Case Officer to write to the Council and LGPWM requesting certain matters of clarification and other background information. The Council's reply contends that only the evidence relating to the initial August 2020 applications ought to be taken into account in assessing whether or not the LDCs applied for should be granted in each of these cases. However, for the reasons set out below, I consider it appropriate and necessary to take into account all of the evidence submitted by the parties, including their responses to my own queries.

7. My reasons for this are as follows. An appeal relating to a LDC refusal is confined to the narrow remit of reviewing the LPA's reason(s) for refusal. The planning merits do not fall to be considered. The LPA refused all of the applications on the basis that there was insufficient precise and unambiguous evidence submitted to demonstrate, on the balance of probabilities, that any of the 28 flats were in lawful use as individual Class C3 dwellings (completely separate from the Class C2A use of the prison) on the date of the applications.

8. In response to my request for further clarification and information the Council has stressed that it was for the appellant to provide the necessary information/evidence, rather than the LPA. It is further indicated that the appellant company had had the opportunity to provide such information prior to the determination of the applications which are now the subject of each appeal. In support of this the LPA referred to the recent High Court Judgement *Ocado vs London Borough of Islington dated 7 June 2021* and to Planning Practice Guidance (PPG) - Paragraph: 006 Reference ID: 17c-005- 20140306.

9. PPG indicates that an applicant is responsible for providing sufficient information to support a LDC application and that, without sufficient <u>precise and unambiguous</u> information (my underlining), an LPA may be justified in refusing to grant a certificate. However, PPG also indicates that if an LPA has no contrary evidence itself and there is none from others to contradict, or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application.

10. On the basis of the guidance contained within the PPG and the above High Court Judgement, the Council stresses that it is not obligated to provide evidence or to investigate the appellant's submission. I agree that this is the case. My request for further matters of clarification was not seeking further evidence to support either parties' case. It was simply seeking clarification on certain points and background information relating to the appeals.

11. As referred to above, the appellant company (LGPWM) has resubmitted the applications and additional evidence following the initial refusals of the May 2020 applications. In these particular appeals I consider that it is appropriate and necessary to consider all of this additional information. Section 195 of the Act refers only to a refusal being '*well-founded*' or '*not well-founded*'. This relates to the LPA decision itself and not to the reasons for refusing an application.

12. In the case of '*Cottrell v SSE and Tonbridge and Malling BC [1982] JPL 443*', it was held that the Secretary of State cannot be compelled to issue a certificate where the opinion is that one should not be granted. Conversely it was also held by the court

that for a LPA to argue that the only evidence to be considered was that placed before them as part of the initial application, denies the purpose of the LDC procedure.

13. The LDC procedure is aimed at the decision-maker arriving at an objective decision (on the balance of probabilities) based upon the <u>best facts</u> (my underlining) and all of the evidence available. It is also the case that if subsequent information becomes available it is always open to an applicant to re-apply.

14. Clearly this has happened in these cases and the Council has had the opportunity to respond and make rebuttal statements in relation to all of the evidence submitted in relation to both sets of applications. In these appeals therefore I am satisfied that, in taking all of the additional submissions into account, as well as the information provided following my request, no injustice will be caused.

Consideration of the Planning Unit(s)

15. It is clear that LGPWM considers that each and every one of the flats has a lawful Class C3 use and that none has ever had a functional link to the main Class C2A use of the main prison. As such each flat is considered to comprise its own planning unit. It is contended that this has been the case since the flats were first built in 1935 and that they have never been ancillary or incidental to the use of the prison.

16. Conversely, the Council contends that, in each and every one of the LDC applications, insufficient precise and unambiguous evidence has been provided to demonstrate that the flats have been in separate Class C3 use since they were constructed. Neither, in the Council's view, has precise and unambiguous evidence been submitted (for any of the 28 flats) to demonstrate that at any time since 1935 and up to the date of the applications, they have been in a separate Class C3 use for any relevant continuous 4 year period.

17. Appeals have been made for each flat separately and the submissions for each of the flats are not identical. The Council has also responded separately to each appeal. I have dealt with each appeal on its merits considering the evidence relating to each flat. However, having regard to the manner in which the parties have submitted their respective cases, in reaching my decisions for each appeal I have also considered the totality of the evidence which includes matters common to the use of all of the flats.

18. In identifying the correct planning unit in any particular case, although not intended to be exhaustive and to cover all situations, the case of *Burdle v Secretary of State for the Environment [1972] 3 All e.R.240,244 (Burdle)* sets out three tests or propositions which should be applied. It was also held that the answer to what is the planning unit, *'must be a question of fact and degree',* to which the decision taker must *'apply his or her mind on a case by case basis'.* This is the basis upon which I have considered these appeals.

19. The first proposition or test is that '*whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered*'. Clearly there is no dispute that the main use of the Ministry of Justice (MoJ) owned land (registered in two Titles) is as a secure residential establishment in Use Class C2A. The dispute relates to whether or not it has been demonstrated that the flats are separate planning units rather than being ancillary to the Class C2A planning unit of the prison. I do not consider that the second proposition relating to a 'Composite' use assists in these appeals.

20. The third proposition is that '*it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit*'. Thus, taking the overall MoJ land ownership as a 'single unit' (albeit in two titles) LGPWM, contends that the prison and the flats comprise separate and distinct areas which are occupied for substantially different and unrelated purposes and that each is used for a different main purpose.

The Prison, the Flats and the surrounding area

21. Pentonville Prison was built between 1840 and 1842. The Wellington Mews flats were built, without any record of planning permission, in 1935. The prison was listed in Grade II in 1994. The listing covers the main inner prison site but excludes Wellington Mews and other ancillary prison buildings outside of the main walls but still within the overall curtilage of the prison land.

22. The flats are located immediately to the north of the main prison, the north wall of which forms the southern boundary of the two 4-storey blocks. They have historically also been referred to as the '*Northwall Quarter'.* The blocks of flats are grouped around a central courtyard and there is barrier-controlled, off-street car parking on the access road from the West Gate, as well as within the courtyard. The smaller of the two blocks contains a total of 12 flats with 3 flats per floor. The slightly larger block contains a total of 16 flats with 4 flats per floor. Each flat is accessed via shared communal corridors leading up to each individual front door. I inspected typical flats in both blocks during my site visit. It is evident that none of the flats has been occupied for some time (see below) and services and fittings have been stripped out of some of the units. I also noted that some of the dilapidated timber windows in the flats had been replaced by UPVC windows. Generally, however, the external maintenance of the flats is very poor and no other obvious improvements or alterations appear to have been carried out in recent years.

23. The 28 flats are a mixture of three and four bedroom apartments, all with separate bathrooms and kitchen/living areas. The prison and the flats are both in the ownership of the MoJ. There are two title deeds relating to the land owned by the MoJ. The first (NGL800798) relates to the Grade II listed main prison. The second (NGL800799), into which the Wellington Mews Flats fall, also includes other buildings which are ancillary to the use of the prison. These include the former Governor's House and a visitor centre along the western elevation. Despite the two titles and the fact that the listing only refers to the main prison, from my site inspection I consider that the flats, as a matter of fact and degree, fall within the overall curtilage of the prison.

24. Vehicular access to the parking areas for the flats (the access road and the courtyard) is from Caledonian Road, via the West Gate. This also provides one of the access points to the front of the prison, the main entrance to the prison and the ancillary buildings outside of the main prison wall. The other access point to the prison frontage is from the south (Wheelwright Street). Vehicles accessing the flats use an access way that runs on a broadly west-east alignment immediately adjacent to the north wall to the prison. The code-operated barrier is at the western end of the access way. Vehicle parking is available along the access way and also within the courtyard.. Pedestrian access to the flats is possible from the West Gate and also from Roman Way to the north. The Council indicates that a Planning Application (ref: 992209) for '*Conversion of flats 7 & 12 into 3 bedsit units per flat'* was withdrawn on 13 December 1999.

25. During the course of my site visit I was informed that the intention was for the vehicular access to the flats to be blocked off by the erection of a wall. Thus it would no longer be possible for any future occupants'/visitors' vehicles to gain access via the West Gate, to use the existing access road and courtyard parking areas.

Background information and other matters of clarification

LGPWM responses to clarification and background queries

26. The MoJ has confirmed that, when first built in 1935, it is *'their understanding'* that the flats were used and occupied by prison officers. LGPWM contends that MoJ have merely *'made an assumption that this is the case'*. MoJ also indicates that initially some rents and charges were historically taken directly from salaries, whilst others were paid separately by occupiers. With regard to charges such as the Community Charge and Council Tax, the MoJ understands that occupiers would have been billed directly by the Council. It is indicated that statements obtained from former occupants confirmed this and detailed evidence has been submitted with regard to Council Tax payments for the flats.

27. With regard to how the flats have been occupied since 2007 (when the MoJ was formed), the MoJ has indicated that it does not have this level of detail. Nor, as also stated, does it have any record of occupation levels since 2007. However, it is confirmed that in December 2017 18 flats were vacant, 9 were occupied (5 by Prison staff) and one was subject to squatters. By 3 October 2018 at the latest, all of the 28 flats were vacant. Four unspecified units were occupied by, a retired prison officer, a family member of an ex prison officer and individuals who worked for *'Care Quality'* (affiliated with the prison). It is stated that no tenancy agreements are available.

28. On behalf of LGPWM it is indicated that two *'Notices to Quit'* (Flat 12 and Flat 24) are provided and that this is evidence relating to turnover of occupants; the Class C3 residential use and an indication that tenancy agreements were in place. However, it is also stated that no tenancy agreements have been found to-date.

29. In response to clarification relating to the buildings outside of the main prison, the MoJ has indicated that the former Governor's House is no longer in residential use. It is currently used as a staff locker-room for prison officers. The locations of these buildings are provided and I noted them all during my site visit. All of these ancillary buildings (excluding the sub stations) are located at the western front of the prison. In terms of a functional link, LGPWM stresses that the Visitor Centre is a necessary facility required for the operation of the prison and that there is a clear functional link between the two buildings, unlike the comparison to the Wellington Mews blocks, where it is contended that the same test of functionality fails.

30. The MoJ has provided more information relating to current and past uses of the buildings outside of the main prison wall. As well as the Visitor Centre and former Governor's House, it is confirmed that there is a smoking shelter, prison offices, a training building (Learning Centre), two substations, a meter house and staff locker room accommodation. Again I was able to note these during my site visit. It is indicated that the offices were originally used as a Prison Officers' mess and that the main prison had residential prison staff quarters located in the six corners of the main prison building. A previous Governor's residence and a Chaplain's residence had also been previously located within the main prison block.

31. The MoJ has confirmed that prior to marketing the property there were discussions with the Council around them potentially taking a lease of the flats, refurbishing them

and letting them as independent and separate units. This was not progressed and the flats were not leased to the LPA to form separate units. MoJ indicates that it was then decided to market the property, the details of which are confidential.

32. The submitted evidence, for the re-submitted application P2021/0739/COL (for Flat No 1), included an '*Application to Purchase an Official Quarter*' dated 10/11/1997 (see further details below). However the MoJ has confirmed that none of the flats have ever been sold to a prison officer or to any other party. It was also confirmed that, as far as the MoJ was aware, no tenancies were granted to non-prison related persons although there may have been '*occupations by non-prison staff or persons co-habiting with authorised occupiers'.*

33. With regard to Council Tax payments which were submitted with the appeals, a full summary has been provided (see references below). It is stated that, '*in addition to HMP Pentonville, other individuals were liable for making council tax payments'.*

LPA responses to clarification and background queries

34. I have referred to the Council's response to my queries in the procedural matters above. With regard to Council Tax payments the Council Tax Department was not able to provide records for Poll Tax for the period 01/04/1990 to 31/03/1993. This was stated to be due to the deadline and the fact that the details are on Microfiche. However, a spreadsheet of the summary of the Council Tax records from 01/04/1993 for each property at 1-28 Wellington Mews was submitted.

35. The Council has confirmed that Planning Officers have no access to details of negotiations between the MoJ and Council about the transfer of ownership or tenancies of flats. In response to my other requests for matters of clarification and background information, the Council has re-provided details of the planning history, as well as repeating sections of the appeal statement(s).

The gist of the Case for the Appellant Company LGPWM (all 28 Appeals)

Introduction

36. It is considered that the overall evidence submitted to the Council is sufficient to demonstrate, on the balance of probability, that Flat No 1 Wellington Mews, (as well as the other 27 flats, 2 to 28) has a lawful Class C3 use. The initial evidence, in conjunction with the additional sourced evidence, is considered to demonstrate that none of the flats has ever had any ancillary, incidental or functional link to the prison.

37. This detailed evidence includes:

- Electoral Roll information;
- Council Tax bands;
- Evidence of Council Tax payments by individuals;
- Signed Statutory Declarations confirming residential use by former residents;
- Signed Statutory Declarations by the current owners (the Ministry of Justice);
- Questionnaires confirming residential use by former residents;
- Business Rates valuation of the main prison;
- Absence of statutory listing as per the prison buildings;
- Photographic evidence showing residential occupation;
- An LBI Committee Report referring to the buildings as flats;
- Anecdotal press articles referring to the buildings as flats;
- An adopted site allocation for HMP Pentonville which excludes Wellington Mews;
- Leading Counsel's opinion on the robustness of this body of evidence.

38. It is argued that each individual flat should be assessed on the basis that it forms its own planning unit and that there is no evidence to suggest there has ever been a functional link between the residential use of the flats and the operation of the Prison.

39. It is contended that, without any evidence of its own, the Council concluded that the Wellington Mews Flats and HMP Pentonville must be considered to form one planning unit and that the two land titles comprise one unit of accommodation. These conclusions, as set out in the Planning Officer's Report (POR) are disputed.

The Planning Unit

40. The three tests in '*Burdle'* are referred to and the contention that the Council considers that the first test applies. It is considered that this is not the case and that the evidence clearly demonstrates that the flats are not in any way ancillary or incidental to the C2A use of the Prison and never have been. It is indicated that '*whilst it may have been convenient for some prison officers to live near to the prison, this does not establish a functional link between the use of the prison and the use of the units within Wellington Mews'.*

41. It is also stressed that '*the title plans show nothing more than the fact that the MoJ owns both the prison and the Mews'* and that this '*does not contribute to the evidence in this case as to the use of the flats'.* Reference is also made to the submitted Statutory Declaration where it is stated that: *'Even before 2017, when legal proceedings were initiated to obtain vacant possession, many of the flats were vacant and some occupied by non-prison officers and by an officer working at another prison in South London. As such there is no functional link between Wellington Mews and the prison. The prison has operated without any prison officers residing at Wellington Mews since October 2018.'*

Council Tax

42. It is indicated that the evidence demonstrates that all the units within Wellington Mews had been valued at a Council Tax Band D and that this clearly demonstrates that each unit is subject to Council Tax, therefore, falling within Class C3 residential use occupation.

43. Conversely, it is indicated that the Prison pays business rates associated with its '*non-domestic*' function. Reference is made to the POR stating that the submission of evidence, such as proof of Council Tax payments and registration on the electoral roll, needed to be forthcoming to indicate that each unit is functioning as a self-contained single dwellinghouse. The additional evidence subsequently submitted on these matters is consistent with a lawful residential (C3) use.

44. It is stressed that the new evidence includes details of Council Tax payments (where available) for the past 20 years; evidence of individuals registered on the electoral roll and confirmation, through the form of signed Statutory Declarations, that occupants paid utility bills and rent whilst residing in the flats. Further to this, it is noted that a number of former residents have confirmed (in response to a detailed questionnaire) that they lived in the flats with their families, such as aunts, children and partners who had no occupational or other links to the prison.

45. Reference is made to a Freedom of Information (FOI) request which was made for Council Tax records for each of the 28 flats at Wellington Mews over the past 20 years. The issued records provided details of payments for each of the residential flats, with some dating back to 1996 albeit with some gaps. The FOI Officer had noted that '*the periods of time that data is missing, is when liability fell to individuals liable under*

council tax regulations for paying the council tax and was not in the name of the landlord or owner', in this case, the landlord/owner being HMP Pentonville prison.

46. It is argued that this clearly shows that, notwithstanding payments made by HMP Pentonville, other individuals living in the flats were also liable for making Council Tax payments. An example given shows that, for Flat 1, a mixture of both HMP Pentonville and other individuals have been making Council Tax payments since 1996. It is contended that the payment of Council Tax over the last 24 years clearly demonstrates that the residential flats at Wellington Mews have been in separate lawful C3 residential use and are not ancillary to the Class C2A use of the prison.

47. It is contended that Council Tax would not have been payable if the use of the flats was ancillary to the use of the Prison, i.e. that there was a single planning unit in Class C2A use.

Electoral Roll

48. It is stressed that further evidence submitted to the Council on 25 June 2020 included electoral roll information confirming that a number of flats were occupied by families. This information showed that occupation of a number of flats were by people with shared surnames. It is also indicated that the Electoral Roll records also show that these addresses were being used as the primary address for many people registered to vote here. It is indicated that photographs taken from within the flats also point to this type of occupation and that this adds further weight to the argument that each flat comprises a separate residential unit in Class C3 use.

Former Residents and Statutory Declarations

49. Reference is also made to the further evidence relating to former residents who were contacted via the detailed questionnaire seeking confirmation of the nature and occupation of the flats. It is noted that former residents of Flats 3, 6, 8, 12, 17, 18, 19, 24 and 25 (Appeals C, F, H, L, Q, R, S, X and Y) responded to the questionnaire and that many were occupied by families, with references to *'children, aunts and partners'* living in the flats.

50. The Statutory Declarations for Flats 6, 10, 18, 19 and 25 (Appeals F, J R, S and Y) confirm that HMP Pentonville acted as a *'landlord'* to the flats in Wellington Mews and therefore, that the residential use of the flats cannot be ancillary to the Class C2A use of the prison. A quote taken from the Statutory Declaration for Flat 18 (Appeal R) states *'I shared the flat with my parents and sister. The tenancy was in my mother's name (as she worked at HMP Pentonville) and we paid utility bills'.* This is further substantiated by the evidence of Council Tax payments being made for each flat.

51. The Statutory Declaration for Flat 12 (Appeal L) states *'to the best of my knowledge there were other Wellington Mews residents who were family members of people working at HMP Pentonville but not employed by HMP Pentonville themselves.'* This is further substantiated by the Statutory Declaration from Flat 10 (Appeal J) which noted '*While in occupation I was attending school with my siblings and my mother was working at HMP Pentonville.'*

52. It is stressed that where signed Statutory Declarations were unable to be obtained, the completed questionnaires were submitted, where for example, one respondent wrote: *'the move to the flat was a 'perk' for working at the Prison'.* It is argued that this clearly demonstrates that there is no functional link between the prison and the Wellington Mews flat. It is also indicated that although the flats were rented out to prison officers by HMP Pentonville, there was not a requirement for

officers to reside in these flats for their job. This is also considered to reinforce the contention that there was no functional link between the flats and the prison use.

53. In addition it is also indicated that a number of the signed Statutory Declarations have confirmed that they had been paying rent, Council Tax and utility bills (Flats 3, 6, 10, 17, 19, 24, and 25 – Appeals C, F, J, Q, S, X and Y). Flat 25 (Appeal Y) had indicated that *'there was a Tenancy Agreement in place, and I paid rent, council tax, and utility bills'.* The Appellant also refers to the submission of evidence of business rates being paid by HMP Pentonville prison, which classifies it as non-residential use and that the evidence demonstrates that there was no cohabitation of prison officers within the flats.

54. Photographic evidence is also relied upon including a number of redacted photographs taken from various units within Wellington Mews. These show a variety of domestic paraphernalia including bank statements, DVLA documents, voting forms, general correspondence of a domestic nature and the fact that children were in occupation in some of the units.

The C2A Use of the prison

55. It is indicated that, in the POR, it is recognised that the use of the main prison site falls under Use Class C2A and concludes that the residential occupation of the flats was ancillary to (formed part of) this use. It is argued that a hypothetical application for a LDC on the basis that the flats were in use as *'secure residential accommodation'* falling within C2A, would fail to pass the evidential test. It is stressed that although there is a physical proximity, the flats are not within the main prison confines and were not built at the same time as the prison. It is accepted that although a convenient link, there is no functional link.

56. It is further argued that although occupied by prison officers they were accompanied by extended families and although there is a a shared vehicular entrance, there is an independent pedestrian access from Roman Way. It is stressed that there is no other evidence which points to a C2A use of the 28 flats and that there is no alternative use to Class C3 or Class C2A into which the flats could realistically fall.

57. In summary it is contended that the evidence submitted on behalf of the Appellant (as listed in the appeal statements for each flat) clearly demonstrates that the flats in Wellington Mews have been in C3 residential use for many years and at least as far back as the evidence gathered shows. It is considered that this '*paints a vivid picture of independent residential occupation'* and that elements from official Council records such as Council Tax and Electoral Roll, alongside more anecdotal evidence, all point towards an independent residential use. Although not a complete picture for each unit the evidence clearly relates to the nature of the landlord (HMP Pentonville) and the records available.

58. It is considered that there was very *'obviously no functional link between the prison and Wellington Mews for at least 20 years'*. And that '*had there been a functional link, Wellington Mews would not have been allowed to fall vacant and into disrepair without a replacement being found'.* This is not the case.

Counsel's opinion on the robustness of the evidence.

59. On the basis of all of the information available, it is Counsel's opinion that the evidence in favour of LGPWM is robust and demonstrates that the flats plainly have a lawful C3 use. It is stressed that there is nothing to suggest that there has ever been a functional connection between the operation of the prison and the residential use of

the flats. Reference is made to the statutory declaration which confirms that this has been the case since at least 2017.

60. It is considered that there is no evidence to suggest that the residential occupation of the flats has ever been *'linked in any way'* to the operation of the prison. It is accepted that, whilst it was no doubt convenient for the prison officers to live close to their place of work, there is nothing to suggest that they needed to live at the site from an operational perspective. The lack of any functional connection is considered to be reinforced by the fact that the flats have been empty for several years and the prison continues to operate without any staff quarters. It is further indicated that the site is also physically separate from the prison, being outside the prison walls.

61. It is contended that the physical and functional separation from the prison is reflected in the fact that the flats have been subject to separate Council Tax assessments, while the prison has been subject to a separate business rates assessment. On the basis of the information available it is considered that there is no basis on which it could be said that the residential use of the flats was in some way ancillary to (part and parcel of) the Class C2A use of the prison.

62. Rather, each flat is considered to comprise its own separate planning unit and, therefore, to be in lawful Class C3 use. Access to and from the site has not been controlled by the Prison i.e. residents and visitors could come and go as they pleased. Although the flats were rented out by the MoJ, mainly to members of the prison staff and their families, there is nothing to suggest that there has ever been a functional connection between the operation of the prison and the residential use of the flats.

LGPWM Rebuttal of LPA statement

63. On the Council's assertion that confusing and inconsistent submissions have been submitted, it is stated that LGPWM is entitled to submit additional information for both the re-submitted LDC applications and for each appeal. It is stressed that a wealth of evidence has been submitted and that, on the balance of probability, this evidence demonstrates that each flat has been occupied as a single dwellinghouse (C3 Use) and there is no functional or ancillary relationship between the residents' use of the flats and the operation of the HMP Pentonville Prison. The detailed submitted *'Evidence Tracker'* is considered to demonstrate that all flats are in Class C3 use.

64. With regard to the question of the *Planning Unit,* an extract from a Statutory Declaration is recited as follows: *'Even before 2017, when legal proceedings were initiated to obtain vacant possession, many of the flats were vacant and some occupied by non-prison officers and by an officer working at another prison in South London. As such there is no functional link between Wellington Mews and the prison. The prison operated without any prison officers residing at Wellington Mews since October 2018'.*

65. It is contended that clear evidence has been provided including Electoral Roll information, which aligns with the dates the resident claimed to be living at the property. This is indicated to be further supported by evidence of Council Tax payments obtained from the Council. This clearly demonstrates that the former resident (who did not work at the prison) was living in the flat, independently of the function of the prison (*'I shared the flat with my husband and child son. I worked at HSBC Bank and my husband worked at HMP Pentonville as a prison officer').*

66. It is also stressed that whilst the Wellington Mews flats have been vacant (most since 2018), the prison has remained operational and fully functioning. It is contended that this undermines the Council's suggestion that there is a functional link between

the two. It is maintained that there is no functional link between the prison and the Wellington Mews flats and that each flat should be considered as its own planning unit.

67. With regard to Council Tax payments reference is again made to the information submitted and the fact that the Council considered the evidence ambiguous. It is argued that whether an individual or an organisation paid the Council Tax has limited relevance. It is contended that the mere presence of Council Tax records for all the units is a clear indicator of residential use. It is also stressed that information from the Council Tax records on individuals within those flats was redacted by the Council themselves when issuing the information to the Appellant in line with the Data Protection Act (2018).

68. Reference is made to the supporting Legal Opinion that '*Council Tax is only payable in respect of a dwelling: see section 1 of the Local Government Finance Act 1992. To constitute a dwelling the property in question must constitute a separate unit of occupation: see s.3 of the 1992 Act and the definition of 'hereditament' in s.115 of the General Rate Act 1967. That fundamentally undermines the Council's previous conclusion that the use of the flats was ancillary to the use of the prison, i.e. that the flats are in a Class C2A use ("secure residential accommodation"). Having raised tax against the occupation of the flats on the basis that they are dwellings it would be surprising for the Council now to say that there is no evidential basis for that conclusion*.'

69. With regard to the Council's statement referring to the fact that utility bills and rents relate only to certain flats, it is contended that whilst nine Statutory Declarations were obtained for the Wellington Mews flats, with the addition of the additional evidence submitted, it is not be unreasonable to apply the same evidence of the nine flats to all 28 individual units. It is stressed that proof has been provided that Council Tax payments were made at each of the individual flats, and that further evidence including floorplans, and electoral roll information clearly satisfy the evidential test applied to other successful LDC applications within the Borough of Islington.

70. On the evidence regarding the Electoral Roll, it is stressed that the Council has not supplied any information which is contrary to that collated within the submitted spreadsheet. It is noted that, although photographs have not been provided for each flat, the photographic evidence provided is indicative of residential use across all 28 individual units, as there is no basis on which it could reasonably suggested that some of the flats were in one use whilst other flats were in another use. It is also indicated that the photographs had to be redacted under the laws of the Data Protection Act (2018), which prohibited their submission as part of the submission.

71. It is indicated that the Council disputes the claims made by the Appellant that, on the paucity of evidence, a CLEUD for C2A uses at Wellington Mews would fail to pass the evidential test. It is stressed that the reason this case was presented was to demonstrate that if the same evidential threshold was to be applied for a C2A LDC, it would very obviously fail. It is contended that this presents a further case for why the individual units within Wellington Mews could only sensibly be said to be operating under C3 residential uses.

The gist of the Case for the Council (all 28 Appeals)

Introduction

72. The Council refers to the initially submitted applications (August 2020) and the re-submitted applications (March 2021). It is confirmed that the resubmitted applications included additional evidence, some of which, but not all, has also been included in these appeal submissions. This includes evidence not included within the applications refused in August 2020. It is also stated that the appeal submissions do not include all evidence lodged with the resubmitted applications refused in May 2021. This includes an '*Application to Purchase an Official Quarter'*, a copy of which is attached to the Council's statement.

73. The Council contends that the submissions are confusing and inconsistent and that, to add further to this, the appeal submission also includes evidence relating to the '*FOI – Confirmation from LBI on missing council tax records',* which was not submitted with the applications refused in August 2020, nor with the applications refused in May 2021.

74. The Council considers that it is unreasonable for the appellant to provide additional information with the appeals from that provided and determined at the application stage in August 2020 and also to include additional information from that submitted with the resubmitted applications.

Period of use to be demonstrated

75. The Council refers to the fact that the application form relating to Flat 1 states the use as being in Use Class C3, dwellinghouses and that the use began on 01/12/1935. It is stressed, therefore, that the onus is upon the appellant company to demonstrate that Flat No 1 has been a self-contained single dwellinghouse since that date. Or, alternatively, that the use has changed from one use to that as a self-contained single dwellinghouse by being used as such for a continuous period of four years or more. This is applicable to the other 27 flats.

76. The Council has also stressed that if the use(s) has been ancillary to the Prison Use (Use Class C2A) of the main site, but ceased to be, then the appellant would be required to show that such a change of use took place continuously for four years at any time prior to the date of the applications. The Council indicates that appellant has not asserted this to be the case.

LPA comments on the Appellants grounds of Appeal

77. The Council disputes the contention that the evidence submitted was sufficient to demonstrate, on the balance of probability, that Flat 1 Wellington Mews (or any of the other 27 flats) has a lawful C3 use. The Council contends that there is insufficient information to demonstrate that the use of the property (and the other 27 flats) have been separate self-contained single dwellings.

78. The Council refers to the appellant's assertion that '*The Council's position is that the Wellington Mews flats are ancillary to the C2 prison use as part of a single planning unit.'* However, it is indicated that the Council's position and how this conclusion has been reached, is clearly set out in the delegated report as follows:

'The applicant's evidence states that the Wellington Mews flats were used to provide prison staff with living accommodation until 2018. There is no reason for the Council to dispute this claim given the position of the flats adjacent to the prison wall and the shared vehicular access. The application states that the residential units at Wellington

Mews were occupied by prison staff and their families, that they were rented to prison staff and their families and that they were sometime occupied by prison officers working at other prisons.

Therefore, in providing living accommodation for prison officers and their families, the residential accommodation would appear to have formed an ancillary use to the main use of the site as a prison. There is no evidence to suggest a change of use has taken place and therefore whilst vacant, the residential units continue to form an ancillary use to the prison.

There is an absence of precise and unambiguous evidence in the submission, regarding the specific arrangements for the occupation of the flats that would typically be expected for a use being occupied as a self-contained C3 use as single dwellinghouse. Therefore, it cannot be concluded whether composite uses have been established.

On the basis of the lack of sufficiently precise and unambiguous evidence, the past occupation of Wellington Mews as prison officer accommodation must be considered to form an ancillary use to the prison.'

79. The Council again refers to the Appellant's assertion that *'The evidence clearly demonstrates that each flat has been occupied as an independent dwelling and that there has never been an ancillary relationship between the residential use of the flats and the use of the Prison.'* It is stressed that the appellant's own application submission states that the flats were used to provide prison staff with living accommodation and that they were rented to prison staff and their families.

80. It is the Council's position that there is insufficient information to demonstrate, either that the flats have been used as self-contained single dwellings (Use Class C3) since 01/12/1935; or that the use(s) has changed from one use to that as self-contained single dwelling (Use Class C3), by being used as self-contained single dwellings continuously for the necessary and relevant period of four years.

The Planning Unit

81. In relation to the appellant's submitted Statutory Declaration that:

> '*Even before 2017, when legal proceedings were initiated to obtain vacant possession, many of the flats were vacant and some occupied by non-prison officers and by an officer working at another prison in South London. As such there is no functional link between Wellington Mews and the prison. The prison operated without any prison officers residing at Wellington Mews since October 2018',*

the Council stresses that this is not supported by any precise and unambiguous evidence regarding the specific arrangements for the occupation of the flats that would typically be expected for a use being occupied as self-contained C3 use as single separate dwellings.

82. With regard to the appellant's appeal submission entitled *'Former Residents Statutory Declarations',* the Council refers to the following statements: '*Rent was deducted from my husband's salary'; 'To the best of my knowledge other people living at Wellington Mews also worked for the prison as they were tied flats.'; 'We moved to the flat as a 'perk' for working at the Prison. The rent was incredibly cheap at £100 per month out of my husband's salary'; 'The rent was affordable to staff'.*

83. It is argued by the Council that these statements, made by former residents of Wellington Mews, indicate a clear link between employment by the prison service

and residential occupation of the flats. This is considered to be contrary to the appellant's assertions that there has never been any functional link between the use of the Wellington Mews flats and the prison.

84. The Council stresses that that there is no precise and unambiguous evidence to support the claims that Flat No 1 (or any of the other 27 flats) was in a separate Class C3 use from 1935 and that the statutory declaration(s) are not corroborated by any other precise and unambiguous evidence. The Council does not dispute that the flats were constructed in 1935 and that this was prior to the introduction of the planning control regime.

Council Tax

85. The Council indicates that the criteria for Council Tax valuation is not based on an assessment of the specific residential character of the usage of a property. It is stressed that a Council Tax valuation does not indicate how a property is occupied and is based on a number of other factors including the size of the units, their layout and their specific location.

86. With regard to the Electoral roll evidence the Council stresses that this comprises a spreadsheet created by the appellant. This spreadsheet was submitted as part of the evidence considered in the first set of applications which were refused in August 2020 but had not been included with the appeal submissions. The Council indicates that it has no evidence to dispute the names and addresses which have been input into the spreadsheet. However, the names and addresses listed on the spreadsheet are only consistent with 5 of the statutory declarations.

87. It is contended that the spreadsheet amounts to a list of the evidence provided in the submission, rather than forming evidence in itself. Therefore, the Council considers it cannot be considered as robust evidence.

88. The Council disputes the appellant's contention that new evidence '*submitted to the Council includes details of council tax payments for (where available) the past 20 years, evidence of individuals registered on the electoral roll, confirmation through the form of signed Statutory Declarations that occupants paid utility bills and rent whilst residing in the Wellington Mews flats. Further to this, a number of former residents confirmed they lived with their families such as aunts, children and partners who had no link to the prison.*'

89. The Council states that there is no evidence to link Council Tax payments to any named occupants at any specific time. The Council refers to the submitted records of Council Tax payments indicating that for Flat Nos 3 to 10, and 12 to 22, and 24 to 28, HMP Pentonville is the liable party responsible for payments and with a contact address in Newport.

90. With reference to Flat 1, it is indicated that a redacted list of individuals is provided indicating payments between 2011 and 2016, with HMP Pentonville responsible for payments between 1996 and 2010. No details are provided of names of individuals. Other flats are referred to as follows: Flat 2 shows an individual redacted for 10 months in 2000. The remaining time it is paid by HMP Pentonville; For Flat 11 the submitted information does not show any details of the property to confirm it relates to Flat 11, or any details of individuals or organisation responsible for making the Council Tax payment. For Flat 23 the National Offender Management Service are responsible for payment of Council Tax, with a contact address based in Wolverhampton.

91. The Council contends, therefore, that the sum of the Council Tax payment information for all 28 properties, does not provide clear evidence of the nature of the occupation of any of the individual properties. It is also contended that there is no clear or robust evidence of individuals registered on the electoral roll since this information as submitted simply comprises a spreadsheet created by the appellant.

92. With regard to the Statutory Declarations, claiming that occupants paid utility bills and rent whilst residing in the Wellington Mews flats, the Council indicates that these only relate to 9 of the 28 flats and in only 6 cases cover periods exceeding 4 years. It is also indicated that only 5 of the statutory declarations are consistent with other information submitted.

93. The Council stresses that the appellant seeks to rely on evidence from some of the flats, as evidence of occupation of all the 28 flats. It is indicated that this is contrary to the appellant's initial claim that the Council must consider the evidence submitted to demonstrate the lawful use of each individual unit. It is not considered that using evidence from one unit to demonstrate the lawful use of other units is appropriate, since it would indicate that the site has been used as one planning unit rather than 28 individual residential units. This adds to the Council's contention that the submitted evidence is imprecise, ambiguous and confusing.

94. Referring to the appellant's comments that no Council Tax information was presented by the Council as part of their analysis, despite the findings of the Appellant's search, the Council refers to the *Ocado v LB Islington FINAL judgment dated 07 062021.* It is stressed that in this decision the Judge was clear about the burden to provide evidence being on applicants noting that, otherwise, an: *'unjustifiable burden would be placed on local authorities to check the material relied upon by an applicant to support a s191 application against their records for information which is available to the applicant and should plainly be disclosed.'*

95. Therefore, the Council rebuts any suggestion that the Council is obliged to check the material relied upon by an applicant to support a s191 application for a Certificate of Lawfulness, against their own records.

96. The Council refers to the e-mail, from the *'Access to Information Manager'* to the appellant, which was included in the appal submissions. It is stressed that this had not been submitted with either of the refused sets of applications (August 2020 or May 2021). The e-mail, dated February 2021, states: *'I can advise that for those periods of time that data is missing, is when liability fell to individuals liable under council tax regulations for paying the council tax and was not in the name of the landlord or owner. This is why we have only provided dates for these periods as well as the basic description of the situation. Although we suspect that those liable for the payments would be known by the landlord/owner, without being certain of this, and without the consent of those individuals we are not permitted disclose 3rd party personal data.'*

97. The appellant's claim that the e-mail '*clearly shows, that notwithstanding council tax payments made by HMP Pentonville, other individuals living in these flats were also liable for making council tax payments*' is queried'. The Council contends that it does not provide any clear evidence of occupation of any of the flats as a self-contained single dwelling (Use Class C3)', by any individuals. Instead it is contended that it merely demonstrates that the available Council Tax evidence is inconclusive as to the actual lawful residential use of the flats.

98. The Council stresses that, given the evidence that HMP Pentonville is the liable party, this evidence therefore fails to be sufficiently precise and unambiguous so as to demonstrate occupation of each of the units as a self-contained single dwellinghouse. It is argued that, in submitting this as evidence, the appellant has added further ambiguity to the case rather than demonstrating evidence of continuous occupation as self-contained C3 use of each of the individual 28 units.

99. The Council refers to the statement that a Council Tax account has been in existence for Flat 1 for 24 years including payments by individuals. However, the evidence comprises of a redacted list of payments made by individuals between 2011 and 2016, with HMP Pentonville responsible for payments between 1996 and 2010. It is stressed that no details are provided for the period between 2016 and the submission of the appeal(s) and no names of individuals are provided in the list.

100. It is argued, therefore that as the evidence cannot be corroborated by any other evidence, it adds to the view that the submitted evidence is imprecise and ambiguous. It is contended that because the evidence is not based on an assessment of the use of each the property and is not supported by clear proof of payments by named individuals it is it is neither precise nor unambiguous.

Electoral Roll

101. The Council again stresses that this evidence, which is claimed to provide information confirming that a number of Flats were occupied by families, simply comprises a spreadsheet created by the appellant. This is not considered to be robust evidence. It is also stressed that submitted photographs only relate to 9 of the 28 properties, and yet the appellant considers the 28 properties should be viewed as 28 separate planning units.

102. The Council does not accept that evidence from 9 properties can be used as evidence of occupation of all 28 properties. In addition it is considered that the supporting photographs vary for each property and all names have been redacted so that the names on the spreadsheet cannot be corroborated. Finally, it is stressed that the photographs showing domestic properties and letters, do not indicate the nature of the occupation or the tenure of each of the units. The Council does not consider, therefore, that the photographs can be considered to demonstrate evidence of occupation as self-contained single dwellings.

103. With regard to the appellant's claim that *'The Statutory Declarations for Flats 6, 10, 18, 19 and 25 confirm that HMP Pentonville acted as a landlord to the flats in Wellington Mews and therefore cannot be ancillary to the use of the prison',* the Council does not accept that this, in itself, provides evidence of occupation as self-contained single dwellings in Use Class C3. There is evidence to indicate that the occupation of the flats was tied to the prison, as stated in the Statutory Declarations, together with the historic tenancy agreement provided by the Council. This evidence includes reference to prison employees paying heavily discounted rent from salaries and being required to leave the flats once employment ended.

104. The Council has responded to the appellants claim that *'The evidence that has been gathered also demonstrates there was no evidence of co-habitation of prison officers within the flats'.* The Council refers to the statutory declaration from a former resident of 24 Wellington Mews which states: *'While in occupation I worked at HMPPentonville, and the person I lived with also worked at HMP Pentonville.'* The Council contends that this suggests, contrary to the appellant's claims, that there

was co-habitation of prison officers within the flats and indicates a direct link between occupation of the flats and employment by the prison.

105. The Council does not dispute the fact that the submitted photographs show a variety of domestic paraphernalia. However it is stressed that these do not indicate the nature of the occupation and tenure of each of the units, and therefore cannot be considered to demonstrate evidence of occupation as self-contained single dwellings in Class C3 use.

106. With regard to the Legal Opinions the Council stresses that this does not provide evidence as to the nature of the use.

C2A Use

107. The Council stress that the appellant's contention that the delegated report *'concludes that the residential occupation of the flats was ancillary to this use, i.e. that it forms part of the C2a use'* followed by a '*hypothetical application for a CLEUD that the Wellington Mews properties are in use as 'secure residential accommodation' falling within C2a,* are a misinterpretation of the Council's RsfR.

108. It is stressed that the applications were refused due to the failure to meet the requirements of Paragraph 006 (Reference ID: 17c-005- 20140306) of PPG: *'In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.'*

109. The Council considers that on the basis of the lack of sufficiently precise and unambiguous evidence, given the past occupation of Wellington Mews as prison officer accommodation, as stated in the appellant's evidence, the property must therefore be considered to form an ancillary use to the prison.

110. It is further noted that the appellant's comments wrongly suggest that certificates should be granted for a C3 use, on the basis that the paucity of evidence suggests a Lawful Development Certificate for C2A uses at Wellington Mews would fail to pass the evidential test. However it is stressed that the applications were made on the basis that the Class C3 uses commenced on 01/12/1935. The onus is upon the appellant, therefore, to demonstrate that this had been the case.

111. The claim that the additional evidence '*submitted with this application undermines the previous reasoning for refusal by the Council in relation to the previous application',* is refuted. The Council indicates that it has reviewed the evidence submitted with the resubmitted applications and also the additional evidence submitted with each appeal. The Council refused application P2021/0739/COL on 5 May 2021 due to insufficient information to demonstrate the use of the property as a self- contained single dwellinghouse (Use Class C3). This is the same reasons as the refusal of the original application which is the subject of these appeal.

112. The claim that: *'The extensive evidence collated by the Appellant clearly demonstrates that the individual flats have always been in use as self- contained single dwellinghouses (Class C3)',* is clearly refuted. The Council stresses that it has reviewed all of the evidence and for the reasons outlined above, overall, '*there is an absence of precise and unambiguous evidence in the submission, regarding the specific arrangements for the occupation of the flats that would typically be expected for a use being occupied as self-contained C3 use as single dwellinghouses'.*

My assessment of the evidence in relation to all 28 Appeals

Introduction

113. There is no dispute that Flat 1 and each of the other 27 flats, Nos 2 to 28 inclusive (Appeal A and Appeals B to AB) at Wellington Mews, provide all of the facilities necessary for day to day living (see *Gravesham Borough Council v Secretary of State for the Environment: QBD 1982)*. Since 1935 each flat has clearly been in use for residential purposes. The dispute is whether or not it has been demonstrated that each Flat is in a separate and independent Class C3 residential use comprising its own planning unit, as opposed to each having been occupied as a residence ancillary to the use of the prison and, therefore, part of a single unit of occupation at HMP Pentonville.

114. I agree with the Council that if, as contended by LGPWM, the Class C3 use of Flat 1 (and Flats 2 to 28) began in 1935, the onus is upon LGPWM to demonstrate, on the balance of probability, that this is the case. Although not specified it appears that the specific C3 use which is contended to have taken place is Class C3 (a). It has not been argued that the flats have ever been in use as Class C3 (b): up to 6 persons living together as a single household requiring care, or Class C3 (c): groups of up to 6 persons which do not fall into Class C4 House in Multiple Occupation (HMO) but fell within previous C3 Use Class.

115. I also agree with the Council that if the flats are not shown to have been in Class C3 use since 1935 and the use had initially been ancillary to the Class C2A use, but then ceased to be, the onus would be upon LGPWM to show that such a change of use of Flat 1 (and Flats 2 to 28) had taken place and that the use as a separate Class C3 dwelling had occurred between 1935 and the date of the applications for a continuous 4 year period. I acknowledge that the LGPWM evidence does not directly assert this to be the case. However, due to the manner in which the evidence has been submitted by both parties (for all 28 flats) and, on the basis that each LDC application seeks to confirm that each of the flats had a lawful Class C3 use on the date of the applications, it is necessary for me to consider this second proposition. In doing so I do not consider any injustice will be caused.

116. With regard to the totality of the submissions, LGPWM relies on the evidence, of the occupation of some of the individual flats, as though it relates to the occupation of all of the other 27 flats. This is contrary to the initial contention that the evidence submitted must be considered to demonstrate the lawful use of each individual unit.

117. However, in reaching my conclusions on all 28 appeals, I have taken into account all of the appellant's submissions and consider that all are material in relation to an overall assessment as to whether or not, on the balance of probability, each flat was lawful as a separate Class C3 residential use on the date of the applications. My reasons for considering the totality of the evidence as opposed to only that submitted at the date of the applications are set out above.

The Main Issues

118. From all of the representations and submissions, I consider that the main issues in all 28 appeals are as follows:

- Firstly, whether or not sufficient precise and unambiguous evidence has been provided to demonstrate, on the balance of probability, that each flat has been in a separate lawful Class C3 residential use since 1935 and that none of the flats has ever been ancillary or incidental to the use of HMP Pentonville, and

- Secondly, whether or not sufficient precise and unambiguous evidence has been provided to demonstrate, on the balance of probability, that any of the flats could have achieved lawfulness (at any time between 1935 and the date of the applications), by virtue of a change of use from Class C2A (or any other use) to Class C3 for a continuous period of 4 years.

Whether or not is has been demonstrated that Flat 1 (and flats 2 to 28 inclusive) have been in separate Class C3 residential use(s) since 1935.

119. Prior to 1935 living accommodation for prison officers had been located within the *'six corners'* of the main prison building. It would appear that there had also previously been living quarters within the main prison for the Governor and a Chaplain.

120. Before 1935, therefore, in my view that there cannot be any doubt that this accommodation, for the different prison service personnel and within the main prison, was functionally linked to and, therefore, ancillary and incidental to its use as a secure residential establishment. There was one clear planning unit, which included the main prison and other buildings outside of the main walls and prison officers lived and worked at the prison.

121. The MoJ has confirmed that in 1935, when the flats were built, it is *'their understanding'* that the flats were used and occupied by prison officers. However, bearing in mind the previous need for staff residential accommodation within the main prison and despite LGPWM's comment that the MoJ had *'merely made an assumption'*, I consider that this was the only reasonable conclusion which could have been reached. The evidence clearly indicates that the flats were built with the prime purpose of providing employment-linked, prison service housing for the prison officers who worked at HMP Pentonville.

122. The only physical difference between the earlier (pre-1935) accommodation and the new accommodation (the two blocks) was that the latter had been re-positioned outside of the main block, alongside other buildings which were ancillary or incidental to the use of the prison. In terms of the character of this prison-service related residential usage, I do not consider that there could have been any significant differences between the pre and post-1935 situations. The new flats at Wellington Mews (or *Northwall Quarter* as originally known) would have been occupied by those working at the prison and all of the prison service rules and regulations relating to their residential occupation and the use of the land would have applied.

123. Furthermore, there is no evidence to suggest that the flats were built for anything other than the provision of prison officer accommodation. In the same way that the Governor's House and the other buildings (located outside the main walls) were ancillary to the prison use, I consider that the facts of these 28 cases indicate that the two Wellington Mews blocks were constructed to provide ancillary service accommodation related directly to the use of the prison, rather than having been built as separate or independent dwellings with no functional links whatsoever to the prison.

124. My view in this respect is reinforced by some of the details contained within the submitted '*Application for Purchase'.* This was made in 1997, 62 years after the flats were constructed. The document refers to *No 8 Northwall Quarter*, as opposed to 'Wellington Mews' and this name, in my view, clearly reinforces my view that the new residential accommodation was built as an extension, or area outside of the main wall,

but still within the clear physical boundaries which formed the overall curtilage of the prison buildings.

125. The occupation of No 8 was referred to as '*occupation of official accommodation as a service tenant';* as well as being *'Crown Property'* and also being '*excluded from the Rent Acts'.* The agreement referred to the residential accommodation being provided for prison officers, their spouses and dependent children and anyone else who had been granted permission to live there by the Governor. It was also noted that the tenancy and any right to live there would terminate if an officer left the employment of the prison service. It was further indicated that '*The Department'* had the right to recover possession of the flat. The MoJ clearly enforced this requirement in relation to the re-possession of Flat Nos 12 and 24 as referred to by LGPWM.

126. None of the above official restrictions could ever have been reasonably applied to a separate Class C3 use of each flat. If the flats had been individually occupied as such the character of that use would, in my view, have been different to their use as prison service tenanted accommodation. They would not have had any functional link to the running of the prison and some of the material planning considerations affecting their usage would be different. For example, if completely independent of the prison, it is likely that access to and the parking of vehicles on the prison land might not have been possible; residents could have had the right to sub-let accommodation and even the right (subject to approvals) to use the property as a HMO. It is indicated that the access and parking situation will change when the flats change ownership and this reinforces my view that the character of usage of an ancillary prison service flat, as opposed to one which is completely separate from the prison is significantly different.

127. The fact that all of the other buildings, within the Title Deed (NGL800799) area outside of the walls), had been used in conjunction with the functioning of the prison since built is also relevant. There is nothing to suggest that these have not all been in the ownership of the prison service since 1935 and there is no indication that the physical layout of these buildings and the vehicular access and the car parking arrangements has significantly changed since 1935. This is also the case for the 28 flats, originally referred to as being in the '*Northwall Quarter'.* Vehicles can currently still only enter via the formal West Gate entrance, although this will not be the case if the flats are used as separate Class C3 dwellings in the future.

128. The fact that the Wellington Mews flats shared vehicular access with the general use of the prison and that there was, and still is, control of access, reinforces my view that there was more of a functional link with the prison, rather than being independent and totally separate dwellings with vehicular access from the surrounding streets and the need to park thereon. Any proposal to block off this access and the loss of the courtyard parking would significantly change the character of usage of the flats.

129. Although access for pedestrians only has always been available from Caledonian Road and Roman Way, anyone accessing by vehicle had to use the access across the front of the prison and a parking area was provided. Officers did not need to park on land outside of the prison-owned land where normal street parking restrictions, regulations and/or charges would, and still do, apply.

130. As a matter of fact and degree I consider that, when first built, all 28 flats were in use as being ancillary or incidental to the use of the prison. There is no clear evidence relating to the period between 1935 and the date of the '*Application to Purchase* ' (1997) or the first dated evidence relating to the any of the 28 applications, to suggest that this had not continued to be the case.

131. The evidence submitted by both parties supports this position. The LGPWM evidence itself clearly indicates that prison officers, their families and others with some connections to the operations of the prison, continued to use the flats as living accommodation. A pre-requisite for securing occupancy of one of the flats was that the principal occupier (a prison officer) needed to be employed at the prison. This is clear from, amongst other things, the responses to the submitted questionnaires, completed by former residents of Flats 3, 6, 8, 12, 17, 18, 19, 24 and 25 (Appeals C, F, H, L, Q, R, S, X and Y).

132. There is no evidence to suggest that persons not employed by the prison service could simply rent one of the flats at HMP Pentonville on the open market or that the MoJ or its predecessor Department acted as a commercial, rather than a prison service or Crown Department landlord. Nor had the flats been transferred to the local authority or housing association. In my view, far from indicating that the flats were completely separate from the use of the prison and that '*the evidence paints a vivid picture of independent residential living',* I consider the opposite to be the case. As a matter of fact and degree, I consider that the evidence indicates that the flats continued to be directly and functionally linked to the prison, with the prime purpose and function of providing accommodation for officers who worked there and those related in some way to the officers or those linked to the ancillary (Care Quality) prison services.

133. I acknowledge that there is evidence that some people living at the flats did not work for the prison service. However, there is no evidence to suggest that they lived there independently and without having some family or other connection to those who were employed at HMP Pentonville, at another prison or for a service associated or affiliated with the prison. The agreement referred to above clearly indicated that approval from the prison Governor was required for anyone living in any of the flats.

134. I agree with the Council that this functional link is clear and is further evidenced by parts of the Statutory Declarations. These confirm, amongst other things, that rent was '*deducted from officers' salaries*'; that other people living there worked at the prison '*as they were tied flats';* that the use of the flats was considered to be a '*perk'* and that that the rent was incredibly cheap and '*affordable to staff'*. The appellant's statement also confirms that the flats were used '*to provide prison staff with living accommodation until 2018'.* I also agree, with the Council that there is no reason to dispute these facts.

135. In my view the submitted evidence from former residents, rather than confirming separate Class C3 uses, indicates firm links between the employment of officers at the prison and the general occupation and character of usage of each of the 28 the flats. I now turn to more specific evidence in detail and refer below to some of the same general headings used by LGPWM and the Council as well as being referred to in the legal opinions.

The Council Tax Evidence

136. It is the case that '*Council Tax is only payable in respect of a dwelling (section 1 of the Local Government Finance Act 1992) and that 'to constitute a dwelling the property in question must constitute a separate unit of occupation'.* In these cases there is no dispute that the flats are dwellings, or indeed that each flat is a physically separate unit with its own access. But a separate unit of residential occupation does not make the flats separate planning units. As referred to above, the question is whether or not the 28 flats have been used in conjunction with the use of HMP Pentonville and are,

therefore, within a single planning unit (unit of occupation) or that each flat comprised its own separate independent use and was an individual planning unit.

137. Council Tax is a local taxation which taxes any domestic property. Prior to that the Community Charge or Poll Tax was the relevant residential tax. In order to raise the appropriate tax Councils are obliged to assess all dwellings, whether separate or tied in some way to another unit of occupation (for example manager accommodation attached to a public house). As indicated by the Council, the criteria for assessment are not simply based on the specific residential Use Class of the property. Thus the Council Tax valuations, in themselves, cannot categorically indicate the lawful use of the flats as independent Class C3 dwellings. They simply confirm that an amount of local tax had to be paid on each of the 28 flats being used as dwellings, however they were occupied.

138. Council Tax was required to be paid on each of the flats, whether or not their use was as 28 separate Class C3 units or 28 domestic residences which were ancillary to the use of the prison. It matters not whether the domestic properties were in Class C3 (a) (b) or (c), Class C4 or indeed, ancillary to the prison in Class C2A. It is a matter of fact that, due to their domestic nature and use as dwellings, Council Tax and Poll Tax prior to that, was required to be paid.

139. Most of the records indicate that HMP Pentonville was the payor but it would not have been unreasonable for the prison housing management service to expect each officer to be responsible for paying the tax. Over the years and seemingly for management purposes, the manner in which the Council Tax was paid could have changed. There is evidence to indicate that initially various payments were deducted from officers' salaries. Clearly, later the system was changed so as to bill each responsible officer separately. This would explain why some individuals, rather than the prison service, are named as direct payors. However, again the status of the payor is not, in my view, directly indicative of the lawful residential planning use of the dwellings.

140. In any case, although the Council Tax records go back to the 1990s, other than a few redacted names, there is only very limited evidence to link specific Council Tax payments to any occupiers of individual flats and certainly not for any clear and precise relevant 4 year continuous period. The records show that for Flat Nos 3 to 10 (Appeals C to J); 12 to 22 (Appeals L to V) and 24 to 28 (Appeals X to AB), HMP Pentonville was the liable party with a contact address (for payments) in Newport. There is no evidence to counter these facts.

141. Whilst accepting that some payments are registered as being from individuals, these are relatively few compared to the number of cases whereby it is shown that HMP Pentonville was the payor. In any case, in order to occupy one of the flats any occupant would have to be, or have links to, a person employed by the prison service. In summary, therefore, I do not consider that the Council Tax evidence can be precisely or unambiguously conclusive as to the character of the residential usage of each of the 28 flats as being in a separate Class C3 use.

Electoral Roll Evidence

142. The Electoral Register lists the names and addresses of everyone who is registered to vote. Irrespective of whether or not those living in the flats lived in a dwelling within Class C3 or as a dwelling tied (and therefore ancillary) to the use of the prison as a residential property, they would have had to complete the Electoral Roll request. Prison officers and their families were obliged to complete the required

Electoral Roll requests if they occupied one of the flats and, for example, were not registered to vote elsewhere.

143. Although this evidence indicates that certain people lived in certain flats at specific times, it does not, in itself, signify on what basis the occupation was being carried out. If they did not have any other address where their right to vote was registered, prison officers would have been expected to be listed on the Electoral Roll based on a Wellington Mews, HMP Pentonville address. Similarly relatives, or others sharing the accommodation at the time, would also be added to the Register.

144. In any case, as indicated by the Council, this particular line of evidence simply comprises a spreadsheet which was prepared by the appellant in support of the initial applications. This has not been included with all of the appeal submissions. However, the Council acknowledges that it has no evidence to dispute the submitted information and I also accept, therefore, that those listed must have lived in the respective flats as indicated, albeit that the names and addresses listed on the spreadsheet are only consistent with 5 of the statutory declarations. However, there is no other consistent or precise evidence (such as specific links to payments of utility or other bills at the addresses) to fully corroborate the details of the spreadsheet submitted.

145. In summary, similar to the situation for Council Tax payments, I do not consider that the Electoral Register evidence can conclusively show that that each of the flats had been in a separate Class C3 residential use since 1935. Again whilst accepting that here is a vast amount of evidence in relation to Council Tax payments and the Electoral Roll, I do not consider that it can conclusively be relied upon to indicate that each flat formed its own separate planning unit, as opposed to being part of the residential accommodation ancillary to the use of the prison.

Photographic and other evidence.

146. Whilst acknowledging that there is considerable photographic evidence to indicate that the flats have been occupied as typical residential units over the years, again I do not consider that this indicates the precise nature or character of that occupation. The images are typical of any residential occupation and there is nothing to prove, one way or another, whether the flats were in an independent Class C3 use or were occupied as being ancillary or incidental to the use of the prison.

147. Prison officers and others living in the flats would have been expected to receive mail relating to bank accounts, store details, driving licenses etc. It is also the case that officers' and others' children would have shared the accommodation; hence the obvious evidence of toys being shown in some of the submitted images.

148. Nor do I consider that simply being referred to as *'flats'* in the Council Report and the anecdotal press articles can be considered to be robust evidence with regard to an independent Class C3 use. There is no dispute that each unit comprises a *'flat'* with all of the necessary facilities for day to day living. It is difficult to envisage the units being referred to in reports and the press as anything other than *'flats'*. Indeed they were referred to in the press articles as 'empty flats' which is exactly what they were. Again, there is nothing in this evidence to demonstrate precisely and unambiguously that each flat was in a separate Class C3 use, as opposed to be being an ancillary prison service unit of occupation.

My conclusion on the first issue

149. In conclusion on the first issue, I do not consider that sufficient precise and unambiguous evidence has been provided, on the balance of probabilities, to demonstrate that any of the 28 flats has been in a separate lawful Class C3 residential use, since first constructed in 1935. There is no dispute that each flat has provided separate living accommodation since that date but, in my view and as a matter of fact and degree, the character (and terms of occupancy) of that residential usage has been directly related to the Class C2A use and the running and operations of the prison service at HMP Pentonville.

150. It follows that I consider, therefore, that from 1935 each of the flats has been ancillary or incidental to the Class C2A use of the prison and that there was a single planning unit as opposed to 29 planning units (the main prison and each of the 28 flats). This is contrary to the appellant's assertions that there has never been a functional link between the 28 flats and HMP Pentonville. On this particular point I find the submitted evidence confusing since, as well as asserting the above to be the case, elsewhere it is also stated that there has been no functional link *'for at least 20 years'*. Thus, again there is uncertainty, imprecision and ambiguity in the appellant's exact position on this point.

151. I do not consider that the appellant company has successfully demonstrated that the flats have been occupied for a use which was *'substantially different and unrelated'* to the use of the prison; that they constituted *'physically separate and distinct areas of occupation'* or that they were used for a *'different main purpose'.* Although the purposes of the main prison and the flats were different in that the prison housed prisoners and the flats housed officers, these cannot be described, in my view, as *'separate main purposes'.* Both purposes were equally relevant to the overall use and functioning of the prison as one planning unit in Class C2A as a secure residential establishment. It follows, in my view, that the flats have never constituted separate planning units in their own right. Thus all appeals fail on the first issue.

The second issue and whether a separate Class C3 use of Flat 1 (and all of the other 27 flats) has occurred for a continuous period of 4 years.

152. Due to the way in which the parties have presented the evidence in all of these appeals, my consideration of this second issue is inextricably linked to all of the matters referred to above. Similarly some of the specific points covered below also relate to whether or not Flat 1 and Flats 2 to 28 inclusive have been in separate and independent Class C3 (residential) use since 1935.

153. As indicated above, LGPWM has not referred to any relevant continuous 4 year period. However, I consider it necessary to also assess the evidence on this basis in order to establish whether or not Flat 1 and the other 27 flats might have become lawful as separate Class C3 dwellings in the years between 1935 and the date of the applications. If the evidence indicates, on the balance of probability, that there has been a continuous relevant 4 year period of use of each and every flat in Class C3, then all 28 units would be immune from any enforcement action relating to a change of use from Class C2A to Class C3. On the contrary, if the evidence indicates that is not the case the LPA would have been able to take enforcement action against the change(s) of use.

154. With regard to the necessary 4 year period, the case of *'Thurrock BC v SSETR & Holding (CA)[2002]'* is relevant. In that case it was held that once a change of use (COU) had taken place in breach of planning control, it needs to continue uninterrupted

before it accrues immunity from enforcement action and thereby lawfulness. *Thurrock* also clarified the principle in *'Panton and Farmer v SSETR & Vale Horse DC [1999]* that '*A use can be regarded as having continued for a planning purpose, even though completely dormant/inactive on the ground provided that it has not been abandoned or superseded by a different use or a new chapter in the planning history of the site'.*

155. Having concluded that the flats were ancillary to the use of the prison in 1935 when built and that this ancillary use continued, I now turn to whether or not the evidence (jointly and severally) for each appeal indicates that the Council would have been precluded from taking enforcement action against a change of use from the Class C2A prison use to 28 separate Class C3 uses.

156. In a situation for a ground (d) appeal in an enforcement case, where the 4 year rule has to be demonstrated, one would expect sufficient documentation to be submitted to verify the claim that the matter enforced against was immune from such action. In order to demonstrate, precisely and unambiguously that a use was lawful information such as Assured Tenancy (or other formal) Agreements and detailed gas, electricity and/or other utility bills, would normally be expected to have been submitted in conjunction with, and to corroborate, details relating to Council Tax; the Electoral role; the Statutory Declarations and all of the other evidence.

157. Whilst acknowledging the presence of individual gas and electricity meters for each flat, this is not in itself, evidence to indicate a separate Class C3 use. Again, for normal management reasons the MoJ and its predecessor Department would not necessarily have wished to give officers 'free-rein' with regard to the provision of gas and/or electricity or other services. Clearly management decisions were made over the years in relation to officers being responsible for Council Tax payments and other utility services such as gas and electricity. Water rates would also normally be applicable to any dwelling. However, there is no specific direct evidence of any individual Gas, Electricity or Water bills being paid by any named individual for any of the 28 flats. In these cases, in order to establish a relevant continuous 4 year period of occupation as a separate Class C3 use the evidence would need to be far more detailed than that submitted in relation to Flat 1 and Flats 2 to 28.

158. For Flat 1 (and all of the other 27 flats) there are no records of any formal tenancy agreements between HMP Pentonville (as Crown landlord or owner) and the occupants of the flat. It has been stated that none has been available. The only evidence, relating to any *'tenancy'* or that *'utility bills'* were paid separately by those living in Wellington Mews, is contained in the references within the Statutory Declarations.

159. It is indicated that there are no copies of tenancy agreements available and neither have copies of utility bills (such as separate and individual gas water and electricity bills) been submitted to corroborate the declarations relating to tenancies and the payment of utility bills. To corroborate the declarations I consider that it would normally have also been necessary for names and dates on the various utility documents to indicate that the use had been carried out for a continuous period of 4 years in relation to each and every flat.

160. Whilst acknowledging that that two 'Notices to Quit' for Flats 12 and 24 (Appeals L and X) were issued and that this indicates that there had been a *'turnover of occupants'* it is not proof that there were any normal commercial tenancy agreements in place. The '*turnover'* description could equally refer to the turnover of prison officer employment. As referred to above no such tenancy agreements have been submitted.

There is also no evidence to indicate that the notices were not served for any reason other than that the named occupants of the flats had ceased to be in the employment of the prison service. This would have been in accordance with the prison terms and rules of accommodation as seen in the previously referred to detailed agreement.

161. I agree with the Council, therefore, that the submitted evidence in relation to Flat 1 (as well as that submitted for the other 27 flats) is not sufficiently precise or unambiguous. Whilst agreeing that there is a *'wealth of evidence submitted'* the evidence is, in my view, presented in a 'scattergun' manner, without any precision or unambiguity. It is relying on a plethora of uncorroborated facts and the reliance on some of the evidence for any particular flat relating to all other flats. This does not, in my view, assist in the assessment of whether or not each flat had at any time become immune from enforcement action.

My conclusion on the second issue

162. I conclude therefore, that nowhere has it been demonstrated precisely and unambiguously that the use of Flat 1 (Appeal A), or any of the other 27 flats (Nos 2 to 28 inclusive -Appeals B to AB) has changed from being ancillary or incidental to the Class C2A, to a separate and independent Class C3 residential use without any functional link to the prison for the required 4 year period. From all of the evidence I consider that the character of usage of each flat, from 1935 up to 2018, when the last officer vacated, remained as one whereby they have been directly related to the prison service operations on the Crown property of HMP Pentonville.

163. This character of usage with its obvious prison management controls; controlled vehicular access and parking; the lack of any control of the occupants regarding sub-letting or HMO use and the lack of any normal local authority bye-law control of the surrounding land, would have always been significantly different to any normal Class C3 use. The residential character of usage of the Wellington Mews flats cannot, in my view, be compared to the normal Class C3 use and occupation of the immediate neighbouring local authority blocks of flats, Burns House and Wallace House.

Other matters

164. On the basis of '*Panton and Farmer',* the Class C2A use can be regarded as having continued for a planning purpose, even when the flats became vacant and empty. The flats have purposely been left empty. It has not been demonstrated that their clear ancillary and incidental use has been superseded by a new chapter in their planning history or that of the prison; namely use as separate Class C3 dwellings. In December 2017 it has been confirmed that 18 flats were vacant, 9 were occupied by prison staff and one was occupied illegally by squatters. By October 2018 all the flats were vacant and it is confirmed that no prison officers have lived there since October 2018. No material change of use has occurred between these dates or any date up until the date of the LDC applications.

165. The fact that the prison continued to function without officers occupying the flats cannot, in my view, be a valid argument that the flats were not, and are still not ancillary and functionally linked in planning terms to the prison. The fact that they are empty simply reflects a management decision by the MoJ to dispose of the properties on the open market, as opposed to continuing to use them as officer residential accommodation in conjunction with the operation of the rest of the prison. Until the flats are finally disposed of, change(s) of use are lawfully established and they are all used as completely separate flats (either privately or in association with another housing authority), a new chapter in their planning history will not have commenced.

166. Clearly there have been changes over the years whereby the prison service/MoJ has changed certain matters relating to, for example, how Council Taxes and other utility services were paid for by officers residing at the flats. However, in my view and as a matter of fact and degree, I do not consider that these management changes have significantly altered the fundamental character of a residential usage which was ancillary and functionally related to the running of the prison.

167. In the absence of sufficient precise and unambiguous evidence that there has been a change of use from Class C2A to Class C3 residential units, even as empty units, in my view, their planning status as being part of the same planning or occupational unit as the main prison, remains the same.

168. If the flats are to be used as independent Class C3 dwellings (similar to the adjacent LPA blocks of flats) totally separate from any links with the MoJ and prison authorities, I consider that planning permission(s) will be required. The relevant planning processes need to be carried out to enable the Council and any other interested party or person to consider the material planning considerations and implications of a separate Class C3 usage and how that character of usage would be different to the existing ancillary and incidental prison service use under Class C2A. I have referred above to some obvious differences but the involvement of the local authority through the planning process is, in my view, absolutely necessary in order to assess all of the likely effects that any new chapter in the history of the 28 flats would have in this part of Islington.

169. I do not ascribe any weight to the appellant's contention that, if applications were made to assert that each flat was in Class C2A use, they would fail the evidential test. I consider this argument to be totally misconceived. It is not a matter for the Council, or anyone else for that matter, to demonstrate that the flats are in a Class C2A use. The question is whether or not the appellant has demonstrated precisely and unambiguously that the flats have either been in a lawful Class C3 use since built or that they acquired immunity from enforcement action between then and the date of the applications. I have found against the appellant on both counts.

The Legal Opinions

170. In relation to all of the 28 appeals before me, I have taken into account both the initial legal opinion and the latest up-dated submission. However, I agree with the Council that the opinions do not provide evidence to counter the ancillary nature and the character of the prison service residential use to which the flats have been put over the years. The opinions clearly set out the legal situation regarding Council Tax and other matters relating to the residential use of any property. However, in my view, they do not add any significant weight to the appellant's case that the flats were in lawful use as Class C3 dwellings at the time of the applications.

171. The opinions do not, in themselves, provide any precise and unambiguous evidence to demonstrate, either that the flats have been in independent Class C3 residential use since 1935 or that each flat has become immune from enforcement action by virtue of a change of use to Class C3 use taking place for the necessary continuous 4 year period. The opinions are based on all of the appellants' evidence as submitted and I have concluded that, on the balance of probability, the flats have not been in Class C3 use since 1935 or that a change of use for any relevant 4 year period has taken place.

Overall Conclusion on all 28 appeals

172. In reaching my decisions in all 28 appeals, I have taken into account all other matters raised by the appellant company LGPWM and the Council. These include all documents relating to the initial LDC applications; the various officer reports; details relating to the follow-up applications; all of the appeals statements and all rebuttals by the parties; the matters of clarification and background information; the initial and up-dated legal opinions; the Statutory Declarations; the final submissions and all of the photographic and other documented evidence.

173. However, none of these alters my conclusions that, on the date of the LDC applications, none of the flats at Nos 1 to 28 Wellington Mews was in lawful use for planning purposes as a separate and independent Class C3 dwelling.

174. For the reasons set out above I conclude that the Council's decisions not to issue LDCs for any of the 28 flats at Wellington Mews, as being lawfully in use as Class C3 dwellings on the date of the applications, were sound. It follows that all 28 Appeals (A to AB inclusive and for Flats 1 to 28 inclusive) must fail.

Formal Decisions

175. Appeal A is dismissed and a Lawful Development Certificate for use as a self-contained residential unit (Class C3 Dwellinghouse) of Flat No 1 Wellington Mews, London N7 8SQ is refused.

176. Appeals B to AB inclusive are dismissed and Lawful Development Certificates for use as 27 separate self-contained residential units (Class C3 Dwellinghouse) at Flat Nos 2 to 28 inclusive at Wellington Mews, London N7 8SQ are refused.

Anthony J Wharton

Inspector

APP/V5570/X/21/3269829 & SCHEDULE OF THE OTHER 27 APPEALS

Appeal B: APP/V5570/X/21/3269831
Flat 2 Wellington Mews, London N7 8SQ
- The application reference P2020/1210/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal C: APP/V5570/X/21/3269833
Flat 3 Wellington Mews, London N7 8SQ
- The application reference P2020/1211/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal D: APP/V5570/X/21/3269834
Flat 4 Wellington Mews, London N7 8SQ
- The application reference P2020/1203/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal E: APP/V5570/X/21/3269835
Flat 5 Wellington Mews, London N7 8SQ
- The application reference P2020/1212/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal F: APP/V5570/X/21/3269837
Flat 6 Wellington Mews, London N7 8SQ
- The application reference P2020/1213/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal G: APP/V5570/X/21/3269839
Flat 7 Wellington Mews, London N7 8SQ
- The application reference P2020/1214/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal H: APP/V5570/X/21/3269841
Flat 8 Wellington Mews, London N7 8SQ
- The application reference P2020/1215/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal I: APP/V5570/X/21/3269849
Flat 9 Wellington Mews, London N7 8SQ
- The application reference P2020/1216/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal J: APP/V5570/X/21/3269850
Flat 10 Wellington Mews, London N7 8SQ
- The application reference P2020/1217/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal K: APP/V5570/X/21/3269851
Flat 11 Wellington Mews, London N7 8SQ

- The application reference P2020/1218/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal L: APP/V5570/X/21/3269853
Flat 12 Wellington Mews, London N7 8SQ

- The application reference P2020/1219/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal M: APP/V5570/X/21/3269854
Flat 13 Wellington Mews, London N7 8SQ

- The application reference P2020/1220/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal N: APP/V5570/X/21/3269855
Flat 14 Wellington Mews, London N7 8SQ

- The application reference P2020/1221/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal O: APP/V5570/X/21/3269857
Flat 15 Wellington Mews, London N7 8SQ

- The application reference P2020/1222/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal P: APP/V5570/X/21/3269858
Flat 16 Wellington Mews, London N7 8SQ

- The application reference P2020/1223/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal Q: APP/V5570/X/21/3269859
Flat 17 Wellington Mews, London N7 8SQ

- The application reference P2020/1224/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal R: APP/V5570/X/21/3269860
Flat 18 Wellington Mews, London N7 8SQ

- The application reference P2020/1225/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal S: APP/V5570/X/21/3269861
Flat 19 Wellington Mews, London N7 8SQ

- The application reference P2020/1226/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal T: APP/V5570/X/21/3269863
Flat 20 Wellington Mews, London N7 8SQ

- The application reference P2020/1227/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal U: APP/V5570/X/21/3269864
Flat 21 Wellington Mews, London N7 8SQ
- The application reference P2020/1228/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal V: APP/V5570/X/21/3269865
Flat 22 Wellington Mews, London N7 8SQ
- The application reference P2020/1229/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal W: APP/V5570/X/21/3269866
Flat 23 Wellington Mews, London N7 8SQ
- The application reference P2020/1230/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal X: APP/V5570/X/21/3269867
Flat 24 Wellington Mews, London N7 8SQ
- The application reference P2020/1231/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal Y: APP/V5570/X/21/3269869
Flat 25 Wellington Mews, London N7 8SQ
- The application reference P2020/1232/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal Z: APP/V5570/X/21/3269870
Flat 26 Wellington Mews, London N7 8SQ
- The application reference P2020/1233/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal AA: APP/V5570/X/21/3269871
Flat 27 Wellington Mews, London N7 8SQ
- The application reference P2020/1234/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).

Appeal AB: APP/V5570/X/21/3269873
Flat 28 Wellington Mews, London N7 8SQ
- The application reference P2020/1210/COL is dated 6 May 2020
- The LDC sought is for use as a self-contained residential unit (Class C3 dwellinghouse).