



Appeal Decision

by Mr Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2023

Appeal Ref: APP/Q5300/X/22/3306304

34 Trent Gardens, Enfield, Southgate N14 4QL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Maria Georghiou against London Borough of Enfield.
 - The application ref 22/01401/CEU is dated 23 April 2022.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is the use of premises as two self-contained flats.
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Decision

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

Preliminary matter

2. I have used the description of the development as set out in the appellant's appeal form as this is more concise and accurate than that set out in the application form.

Main Issue

3. The appeal is made against the Council's failure to give notice within the prescribed period of a decision on the application for an LDC. The main issue is therefore whether the Council's decision to refuse to grant an LDC would have been well-founded had they retained jurisdiction to determine the application.

Reasons

4. The Council have confirmed that had they determined the application they would have granted a certificate. They find the information provided by the appellant is deemed to be sufficiently precise and unambiguous to demonstrate that, on the balance of probability, the building has been in use as 2 self-contained flats for a period of 4 years. The Council also confirm they have no evidence to contradict or undermine the applicant's version of events.
5. Consequently, there are no matters in dispute. Whilst I am not bound by the Council's concession that they would have granted a certificate, based on my own consideration of the evidence before me, I find no reason to conclude otherwise.

Conclusion

6. For the reasons given above, on the evidence now available, the Council's deemed refusal to grant a certificate of lawful use or development in respect of the use of premises as two self-contained flats was not well-founded and the

appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

A Walker

INSPECTOR

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 23 April 2022 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

It has been demonstrated on the balance of probabilities that the property was in use as two self-contained flats for a continuous period of four years prior to the date the application was made.

Signed

A Walker

Inspector

Date: 7 December 2023

Reference: APP/Q5300/X/22/3306304

First Schedule

Use of premises as two self-contained flats.

Second Schedule

Land at 34 Trent Gardens, Enfield, Southgate N14 4QL

IMPORTANT NOTES – SEE OVER

NOTES

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

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 7 December 2023

by A Walker MPlan MRTPI

Land at: 34 Trent Gardens, Enfield, Southgate N14 4QL

Reference: APP/Q5300/X/22/3306304

Scale: Not to Scale

