



Appeal Decision

Site visit made on 6 March 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/V5570/X/23/3333796

110 Junction Road, LONDON, N19 5LB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Junc Limited against the decision of the Council of the London Borough of Islington.
 - The application ref P2023/0946/COL, dated 3 April 2023, was refused by notice dated 7 November 2023.
 - 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 use of the upper part of 110 Junction Road as three self-contained residential units.
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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 Matters

2. I have amended to description of development in order to make it clear what the appeal is for.

Main Issue

3. Whether the use for 3 flats has been going on for more than 4 years prior to 3 April 2023.

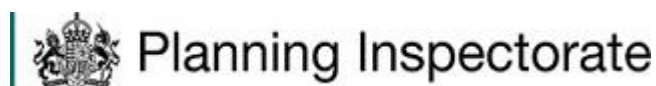
Reasons

4. The appellant has provided a letter from the management agents which confirms all three flats were rented out from at least September 2018 (that is 7 months longer than the 4 year period required). In addition AST documents are provided for all the tenants listed by the management company as well as evidence of rental income every month for all three properties for more than the 4 year period. There are also sundry electricity and gas bills, EIC certificates and other documents suggesting occupation by tenants.
5. There are not ASTs for every single year, but I do not consider they are necessary. In my experience, ASTs are generally only issued when the flat is first occupied. If the tenancy lasts longer than a year the tenancy agreement rolls over to the next year and a new AST is not required until a new tenant moves in.
6. The Council have not provided any counter evidence and I have no reason to believe the appellant's evidence is anything other than cogent and consistent.

Therefore on the balance of probabilities the 3 self-contained residential units on the upper floors of No110 are lawful and shall issue a certificate as applied for.

Simon Hand

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 3 April 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason: they three flats have been occupied for more than 4 years prior to the application for an LDC.

Signed

Simon Hand

Inspector

Date: 24 March 2025

Reference: APP/V5570/X/23/3333796

First Schedule

Use of the upper part of 110 Junction Road as three self-contained residential units

Second Schedule

Land at 110 Junction Road, LONDON, N19 5LB

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 described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was 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 described in the First Schedule and to the land specified in the Second Schedule. Any use 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.