



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/23/3332394 710 Holloway Road, London, N19 3NH

- 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 North Derby Investment Ltd. against the Council of the London Borough of Islington.
 - The application ref P2023/0639/COL is dated 6 March 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 the property has been used as 16 self-contained flats for a continuous period of more than 4 years.
-

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.

Applications for costs

2. An application for costs has been made by the appellant and is subject to a separate decision.

Main Issue

3. Whether the evidence supports the contention that the property has been occupied as 16 flats for more than 4 years prior to 6 March 2023.

Reasons

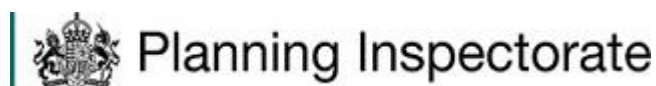
4. The 4 year period begins on 6 March 2019 but evidence has been provided that goes way beyond that. The appellant purchased the property in 2022 when it was already divided into 16 flats. However, they have provided a valuation report from 2014 where the property was valued by a valuation company on behalf of a bank as it was being offered as security for a loan. At that time it was divided into 16 one-bed flats (although 14 are described as studio flats). Each flat was occupied by tenants at that time. It is clear therefore the sub-division took place before 2014. There is also a letter from the management agent confirming the rent payments since 2022 when they took over the property.
5. In addition I have ASTs for tenants going back beyond April 2019. Although there is not one AST for each year it seems the landlords have sometimes allowed tenants to roll over each year when appropriate and only issued new ASTs when new tenants take over. Other flats have ASTS for every year, whether or not a new tenant took over. L Christou for example occupied Flat 1A from before 2015

and has an AST for every year up to 2022. Sigbert Holder however, occupied Flat 2c from at least 2017 up to 2023 but only has 2 ASTS.

6. Bank statements have also been provided, although they were not easily understandable. But it seems Sigbert Holder, for example paid in 2021 and 2022. There is no evidence he paid in 2019 or 2020 but from the ASTs he was there in 2017. I think it is reasonable to assume he was a continuous tenant.
7. A number of other flats have similar gaps that can be explained by the ASTs rolling over. Some have evidence of payments every year, others of only some years. However, when pieced together there are either payments or ASTs (or both) for each flat for the 4 year period and beyond.
8. The picture that emerges is one that would be expected for a building with 16 flats. Some residents were permanently in place, others coming and going. There were, no doubt, gaps between some of the tenants leaving and a new one being found but there is no evidence those gaps were substantial and the flats seem to have been popular so I have no reason to believe they were difficult to let.
9. There is no counter evidence from the Council and so there is nothing to lead me to believe the appellant's evidence is anything other than cogent and consistent. Therefore on the balance of probabilities I find that No710 has been used for 16 self-contained flats for more than 4 years continuously 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 6 March 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: The 16 flats have been continuously occupied for a period of more than 4 years.

Signed

Simon Hand

Inspector

Date: 24 March 2025

Reference: APP/V5570/X/23/3332394

First Schedule

The property has been used as 16 self-contained flats for a continuous period of more than 4 years

Second Schedule

Land at 710 Holloway Road, London, N19 3NH

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.