



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/U5360/X/23/3332101

14e Manor Road, London, N16 5SA

- 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 Mr Alexander Matyas against the decision of the Council of the London Borough of Hackney.
 - The application ref N16 5SA, dated 3 May 2023, was refused by notice dated 31 August 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 existing use as four self-contained dwellings (Use class C3).
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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.

Main Issue

2. Whether the evidence shows the occupation of the four flats for at least 4 years prior to 3 May 2023.

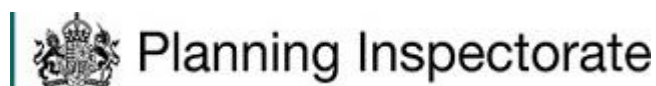
Reasons

3. The four year period begins on 3 May 2019, but despite the evidence provided by the appellant the Council do not consider it was sufficient to show there had been continuous occupation of each flat. The test is whether on the balance of probabilities the flats were let continuously for 4 years or more. If the appellant's evidence is unchallenged by any counter evidence then it can be taken on its face value as long as it is cogent and consistent. The Council seem to have been applying a rather higher test that each piece of evidence, whether ASTs or bank statements should show 4 years without a break. In fact the evidence for each flat should be looked at as a whole, along with other evidence such as statutory declarations, bills, letters addressed to the flats etc.
4. There is evidence that Smartrose Estates (who seem to be the appellant's management company) let the flats out from 2012 or 2013 onwards and for Flat 4 have continued to let the flat. However for Flat 1 responsibility was vested in Midos Management from April 2019 to August 2021 and then Woodland Property Management took over to date. Midos Management also took over Flat 2 from December 2019 to date and Flat 3 from November 2019 to August 2021. Flat 3 was then continued by Woodland Property Management from August 2021 to date. I thus have no doubt the building has been sub-divided into 4 flats for many years and has been actively managed as such.

5. The evidence for occupation of Flat 1 is a ledger accounts from Smartrose and Midos from 2019 to July 2021. Then ledger accounts from Woodland Property when they took over. Various tenancy agreements plus Council Tax bills for 2021 to 2023, a letter of overpayment of housing benefit dated Oct 2022 and an NHS letter in March 2023. The various letters and bills match the tenants on the agreements. All of this adds up to convincing evidence that flat has been occupied continuously for longer than the required 4 years.
6. The other 3 flats show a similar range of evidence, including in every case complete ledger accounts for every month of rent, plus ASTs, council tax bills, letters and other bills. This evidence seems to me to be cogent and consistent and I have been given no reason to think otherwise. I shall therefore issue the 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 May 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 4 flats have been continuously occupied for a period of more than 4 years.

Signed

Simon Hand

Inspector

Date: 24 March 2025

Reference: APP/U5360/X/23/3332101

First Schedule

Existing use as four self-contained dwellings (Use class C3)

Second Schedule

Land at 14e Manor Road, London, N16 5SA

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.