



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2025

Appeal Ref: APP/Q5300/X/24/3348400

38 Hazelwood Lane, London N13 5EX

- 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 Ms Monica Gigli against the decision of the Council of the London Borough of Enfield.
 - The application ref 23/03944/CEU, dated 2 December 2023, was refused by notice dated 26 January 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is conversion of single family dwelling house into two self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 32 Hazelwood Lane is a mid-terraced two-storey plus attic property. The Appellant is seeking to establish that the sub-division of the former dwelling to create two self-contained flats is lawful. To be immune from enforcement action and thus lawful the two self-contained flats must have been occupied continuously for the four year period prior to the date of the application. The onus of proof is on the Appellant who must provide sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the two self-contained flats were continuously occupied for the four year period; 2 December 2019 to 2 December 2023.
4. The Appellant lives in the ground floor flat and the upper three-bedroom flat, which comprises the first floor and the attic, is let. Evidence indicates that the two flat configuration of the property commenced before 2 December 2019 and continued for a considerable period. However, the Council has brought forward evidence which indicates that the two flat configuration has not been continuous for the four year period. On 6 November 2023 the Appellant submitted to the Council a Property Licence Application for the appeal property. The type of licence sought was a 'Mandatory House in Multiple Occupation (HMO) Licence'
5. Answers to some of the questions in the application provided the Council with the following information; it is the first and attic floors that are in use as an HMO, three people and three households currently live in the property, there are three separate

lettings, there are three bedrooms, and there is a shared kitchen and a bathroom on the first floor. The Appellant declares on the last page of the application that "...the information contained in this application is correct to the best of my knowledge". There can be no doubt, from this evidence, that the first floor and attic of the property was in use as an HMO from some time before 2 December 2023.

6. The use of the property as two self-contained flats did not subsist continuously for the four year period prior to the date of the application.

7. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for conversion of single family dwelling house into two self-contained flats at 38 Hazelwood Lane, London was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector