



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/Y5420/X/24/3351809

19 Courcy Road, London N8 0QH

- 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 Anne Quinn against the decision of the Council of the London Borough of Haringey.
 - The application ref HGY/2023/3331, dated 12 December 2023, was refused by notice dated 19 March 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 house into 5 self contained studio flats.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the existing use which is found to be lawful.

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.
3. An appeal is determined on the basis of 'all the evidence now available' and an Appellant is entitled to bring forward evidence, in addition to that submitted at application stage, in support of her appeal.

Reasons

4. 19 Courcy Road is a mid-terraced two-storey former dwellinghouse that is now sub-divided into five self-contained studio flats. The Appellant maintains that the existing use has subsisted since November 2018. To be immune from enforcement action and thus lawful, the Appellant must submit sufficient precise and unambiguous evidence to demonstrate, on the balance of probability, that the use of the property as 5 self-contained studio flats subsisted continuously for the four year period prior to the date of the application, that is 12 December 2019 to 12 December 2023.
5. The Appellant has submitted many photographs of showers and kitchens but these are not identified as having been taken in the appeal property. She has also submitted emails and invoices about works carried out but, again, nothing identifies them with the appeal property. The Appellant has obtained and submitted four signed and dated affidavits by past and current residents of the property. One of these is by Mr Medina who has occupied Flat 2 from 10 September 2018 to the present day. Mr Medina has therefore been a resident of 19 Courcy Road throughout the four year period.

6. Mr Chowdhury, from his affidavit, occupied Flat 1 from 1 March 2019, before the start of the four year period, up to 30 June 2022, and Ms Quinn, from her affidavit, occupied Flat 3 from June 2019, again before the start of the four year period, up to October 2020. A submitted tenancy agreement indicates that Ms Thomas occupied Flat 5 for one year from 12 March 2019 and another indicates that Mr MacClarence occupied a flat for one year from 28 September 2019. Mr MacClarence must have occupied Flat 4 because the other four flats were occupied by others.

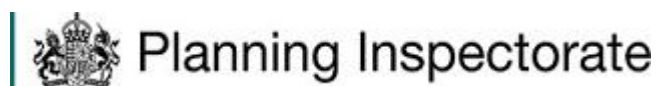
7. Evidence indicates that five flats at 19 Courcy Road were occupied when the four year period began. Another affidavit and two other tenancy agreements indicate that flats were occupied by other tenants during the four year period. Having established five studio flats in the property and given that they were all occupied at the start of the four year period it is inconceivable that the Appellant would not continue to let the flats. Mr Medina has stayed but other tenants have been temporary. There will have been gaps between tenancies but only as is normal in this type of property.

8. The Appellant has provided sufficient precise and unambiguous evidence to demonstrate, on the balance of probability, that the use of the property as 5 self-contained studio flats subsisted continuously for the four year period prior to the date of the application, 12 December 2019 to 12 December 2023.

9. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for the conversion of house into 5 self contained studio flats at 19 Courcy Road, London was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

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 12 December 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black 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:

The use has subsisted continuously for the four year period prior to the date of the application.

Signed

John Braithwaite

Inspector

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First Schedule

Conversion of house into 5 self contained studio flats

Second Schedule

Land at 19 Courcy Road, London N8 0QH

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 and identified on the attached plan. 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.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 01 December 2025

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Land at: 19 Courcy Road, London N8 0QH

Reference: APP/Y5420/X/24/3351809

Scale: Not to Scale

