
Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/Q5300/X/24/3353394

46 Grenoble Gardens, London N13 6JG

- 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 Kiks Group Ltd against the Council of the London Borough of Enfield.
 - The application ref 24/00450/CEU is dated 12 February 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 use of property as 8 separate self-contained flats.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 5 December 2025.

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 application for costs has been made by the Appellant against the Council. This application is the subject of a separate Decision.

Reasons

4. 46 Grenoble Gardens is a two-storey plus attic mid-terraced property with an outbuilding in the rear garden. The property has been extended and sub-divided to create seven residential units and the outbuilding is a single residential unit. For the use of the entire property as eight flats to be immune from enforcement action and thus lawful the use must have commenced more than four years before 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 use of the property as eight residential units subsisted continuously through the four year period prior to the date of the application.
5. The Council has stated that "...the information provided is sufficient to demonstrate that flats 1, 2, 3, 6 and 7 have been occupied for a continuous period of four years within the relevant time period. However, with regard to flats...(4, 5 and 8)...there are gaps in the supporting information which covers the relevant 4 year period". Tenancy Agreements and Tenancy Deposit Protection Certificates indicate

that the eight flats were all let prior to the date four years before the date of the application; 12 February 2020. The residents of flats 4, 5 and 8 who signed Tenancy Agreements in late January and early February 2020 remained as residents beyond the date of the application and therefore throughout the relevant four year period.

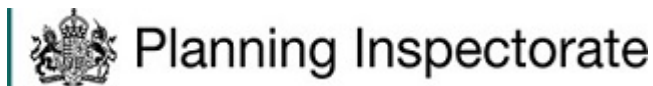
6. The absence of Tenancy Agreements for the residents of flats 4, 5 and 8 beyond their initial one-year agreements is not crucial as they were, as explained, on rolling contracts. Furthermore, when they were paying rent by bank transfer these are shown on transaction statements. There is no reason to doubt that flats 4, 5 and 8 were occupied throughout the relevant four year period. The absence of utility bills or any other corroborating evidence is not important.

7. Given the Council's acceptance that flats 1, 2, 3, 6 and 7 have also been occupied throughout the relevant four year period, it can be concluded that the Appellant has provided sufficient precise and unambiguous evidence to demonstrate, on the balance of probability, that the use of 46 Grenoble Gardens as eight residential units subsisted continuously throughout the four year period prior to the date of the application.

8. For the reasons given above, had the Council refused to grant an LDC in respect of use of property as 8 separate self-contained flats at 46 Grenoble Gardens, London that refusal would not have been 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 February 2024 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 been continuous for the four year period prior to the date of the application and is thus immune from enforcement action.

Signed

John Braithwaite

Inspector

Date:

Reference: APP/Q5300/X/24/3353394

First Schedule

Use of property as 8 separate self-contained flats

Second Schedule

Land at 46 Grenoble Gardens, London N13 6JG

IMPORTANT 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:

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

Land at: 46 Grenoble Gardens, London N13 6JG

Reference: APP/Q5300/X/24/3353394

Scale: Not to Scale

