Planning Inspectorate

Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 20 November 2026

Appeal Ref: APP/Q5300/X/25/3368558

31 Oatlands Road, Enfield EN3 5LJ

- 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 Nicholas Efthymiou against the decision of the Council of the London Borough of Enfield.
- The application ref 25/01454/CEU, dated 17 April 2025, was refused by notice dated 19 May 2025.
- 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 a house in multiple occupation (HMO).

Decision

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

Procedural matter

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. The main issue is whether the Council's decision not to grant an LDC was well founded. To be immune from enforcement action and thus lawful the Appellant must provide sufficient precise and unambiguous evidence to justify a conclusion, on the balance of probability, that the use of the appeal property as an HMO subsisted continuously for in excess of ten years prior to the date of the application.

4. It is not surprising, given the paucity of information submitted to them, that the Council refused the application. Significantly more evidence has been submitted with the appeal, including statutory declarations by resident/owners of the two dwellings that adjoin the mid-terraced two-storey appeal property. It is these residents, given the relationship of their homes to the appeal property, who are best placed to comment on its use over time. Ms Cooling of no.33 and Ms Scripps of no.29, who have both lived in their homes since before the purchase of no.31 by the Appellant, both state that the appeal property has been in use as an HMO continuously since January 2006.

5. The statements of Ms Cooling and Ms Scripps are corroborated by other evidence including a statutory declaration by Ms P Cunningham who has been a resident of the appeal property since September 2018, a statutory declaration by the Appellant, many tenancy agreements, and bank statements detailing payments by residents named in a table of occupancy. The evidence submitted, particularly the declarations by Ms Cooling and Ms Scripps, is compelling and justifies a conclusion, beyond the balance of

probability, that 31 Oatlands Road has been in continuous use as an HMO since January 2006 and thus far in excess of ten years.

6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use of property as a house in multiple occupation (HMO) at 31 Oatlands Road, Enfield 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

Planning Inspectorate

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 17 April 2025 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 of the property as an HMO has subsisted for in excess of 10 years and is immune from enforcement action

Signed

John Braithwaite

Inspector

Date: 20 November 2026
Reference: APP/Q5300/X/25/3368558

First Schedule

House in multiple occupation (HMO)

Second Schedule

Land at 31 Oatlands Road, Enfield EN3 5LJ

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.

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Plan

This is the plan referred to in the Lawful Development Certificate dated: 20 November 2026

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Land at 31 Oatlands Road, Enfield EN3 5LJ

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Scale: Not to Scale

