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PLANNING STATEMENT

1. INTRODUCTION

1.1 This statement has been prepared in support of an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) under section 191 of the Town and Country Planning Act 1990 (as amended).

1.2 The application seeks confirmation that the outbuilding to the rear of 43 Vicarage Road, London, N17 0BB has been used as a self-contained residential flat (Use Class C3) continuously for a period exceeding four years prior to the date of the application.

1.3 The purpose of this statement is to describe the site and the use, explain the relevant legal test, and set out the documentary evidence which demonstrates, on the balance of probability, that the use as a self-contained flat has been continuous and uninterrupted for at least four years.

2. SITE AND DESCRIPTION OF USE

2.1 The application site comprises an outbuilding located to the rear of the main dwelling at 43 Vicarage Road, London, N17 0BB.

2.2 The outbuilding is arranged and occupied as a self-contained residential unit.

2.3 The unit is occupied as "Flat Rear Of 43 Vicarage Road, London, N17 0BB" and has been let as an independent dwelling separate from the main house.

for clarity, the property does not fall within a conservation area and is not listed.

There is no relevant planning history applicable to this application.

3. RELEVANT LAW AND TEST

3.1 Section 171B(2) of the Town and Country Planning Act 1990 provides that the use of a building as a single dwellinghouse becomes immune from enforcement after four years of continuous use.

3.2 Under section 191, the local planning authority must consider whether, on the evidence available, it can be satisfied that the use described has subsisted for the requisite period. The appropriate standard of proof is the civil test, namely the balance of probability.

3.3 Established guidance and case law confirm that:
the applicant's own evidence does not need to be corroborated by independent evidence in every case; and
where the applicant's evidence is sufficiently precise and unambiguous, and there is no contrary evidence from the authority or third parties, a certificate should be granted on the balance of probability.

3.4 The key question in this case is therefore whether the outbuilding has been used continuously as a self-contained residential flat for at least four years prior to the date of this application.

4. SUMMARY OF EVIDENCE

4.1 The following documents are submitted in support of the application:

Appendix A1 – Bank statement showing first underlined rent payments (August and September 2021) with references identifying the rear flat.

Appendix A2 – Main bank statement bundle and rent schedule showing continuous rental income linked to the rear flat from October 2021 to January 2026.

Appendix B – Assured Shorthold Tenancy Agreement commencing 01/08/2021 for “Flat at Rear of 43 Vicarage Road, London N17 0BB”, continuing to the present date.

Appendix C – Electricity bills addressed to “Flat Rear Of 43 Vicarage Road, London N17 0BB”, including the annual bill and subsequent monthly bills.

Appendix D – Electricity Statement of Account for account number 40776911, covering the period from May 2021 through to January 2026 and confirming ongoing billing and payments for the rear flat, together with the confirming email from Ecotricity regarding the provision of this full account history.

Appendix E – Statutory Declarations from Mr Fernandes Correia Nelson and Mrs Gizele Lopes de Carvalho Correia (tenants) and from Mr Samuel Wohhaftig of WHH Estates Ltd (landlord), confirming continuous occupation and use of the rear flat as a self-contained dwelling.

Appendix G – Site photographs and Google aerial imagery showing the existence of the rear flat/outbuilding from at least March 2021, together with any additional supporting correspondence.

Appendix G includes Google aerial imagery dated March 2021, which clearly shows the rear outbuilding in situ. This confirms that the structure has physically existed for more

than four years prior to the date of this application and supports the case that the outbuilding has been present and capable of use as a self-contained flat throughout the relevant period.

5. RENTAL EVIDENCE AND OCCUPATION HISTORY

5.1 The earliest rental evidence comes from the bank statement extract in **Appendix A1**, which shows rent payments received from the tenant in August 2021 and September 2021, with clear references linking the payments to the rear flat.

5.2 The main rental schedule in **Appendix A2**, derived from the subsequent bank statements, shows a continuous pattern of monthly rent payments from late 2021 through to at least January 2026.

5.3 On some occasions, two rent payments are received within the same calendar month. In those instances, one payment relates to the previous rental period and the other to the forthcoming period. The schedule explains which rent month each payment covers. This pattern is typical of private rental arrangements and does not indicate any interruption in occupation; rather it confirms an ongoing tenancy with regular payments.

5.4 Taken together, the bank statements demonstrate that rent has been paid consistently for the rear flat from August 2021 through to at least January 2026.

6. TENANCY EVIDENCE

6.1 The Assured Shorthold Tenancy Agreement (**Appendices B**) for “Flat at Rear of 43 Vicarage Road, London N17 0BB” commenced on 01/08/2021 and has continued in place to the present date. This supports the conclusion that the tenant has remained in continuous occupation, with no breaks in the rental record over the four-year period since the tenancy commenced.

7. UTILITY EVIDENCE

7.1 Electricity bills and the Statement of Account (**Appendices C and D**) are addressed to “Flat Rear Of, 43 Vicarage Road, London, N17 0BB”. This confirms that the rear flat has its own electricity supply and account, separate from the main house.

7.2 The annual bill dated 12 May 2022 confirms active supply over an earlier period, covering the billing period from 12 May 2021 to 3 May 2022. The later monthly bills then show that electricity supply and use continued with no break. The Statement of Account consolidates the billing history and confirms that the account remained active and paid through to at least January 2026.

7.3 The utility records are consistent with uninterrupted residential occupation of the rear flat from 2021 onwards. They corroborate the rent evidence and tenancy documentation.

7.4 Between August 2022 and February 2024 the tenant did not keep copies of the individual monthly electricity bills. To address this, Ecotricity were asked to provide a full Statement of Account for the entire account history. The company supplied this Statement of Account, which covers and evidences all billing and payments for that period. A copy of the confirming email from Ecotricity is included within Appendix D alongside the Statement of Account.

8. STATUTORY DECLARATIONS

8.1 The Tenant Statutory Declarations (**Appendix E**) from Mr Fernandes Correia Nelson and Mrs Gizele Lopes de Carvalho Correia confirm:

- they are the tenants of Flat Rear Of 43 Vicarage Road;
- they moved into the flat on 01/08/2021;
- they have occupied it continuously as their primary dwelling from that date to the present; and
- the unit has been used as a self-contained flat with its own kitchen and bathroom.

8.2 The Landlord Statutory Declaration (**also within Appendix E**) from Mr Samuel Wohhaftig of WHH Estates Ltd confirms:

- he is the landlord of the rear flat;
- the flat was let to Mr and Mrs Correia as a self-contained unit under an AST commencing 01/08/2021;
- the property has been used continuously since 01/08/2021 as a self-contained dwelling; and
- rent has been paid throughout the tenancy period in accordance with the bank evidence.

8.3 These declarations are formal statements made under the Statutory Declarations Act 1835 and carry significant weight. In the absence of any contrary evidence, they should be accepted as reliable confirmation of the occupation history.

9. CONTINUITY AND FOUR-YEAR PERIOD

9.1 The combined evidence demonstrates that:

- the rear flat was first occupied by the current tenant on 01/08/2021;
- from that date, there has been continuous occupation as a self-contained residential flat;
- rent has been paid for the entire period since 01/08/2021; and
- utilities have been continuously supplied and billed at the rear flat address.

9.2 The four-year period for immunity is therefore reached on 01/08/2025. The rental and the electricity account evidence extends beyond this date (to at least January 2026). Accordingly, at the date of this application in January 2026, the use as a self-contained flat has been ongoing for a period comfortably in excess of four years.

9.3 At no point within the submitted evidence is there any indication that the use ceased, that the unit was returned to another use, or that there was any material interruption in the residential occupation of the outbuilding.

10. CONCLUSION

10.1 The evidence submitted demonstrates that the rear outbuilding at 43 Vicarage Road has been used as a self-contained residential flat (Use Class C3) continuously since at least 01/08/2021.

10.2 The four-year period required by section 171B(2) of the Town and Country Planning Act 1990 is therefore satisfied, and the use has become lawful by virtue of the passage of time.

10.3 The documentary evidence – including tenancy agreements, rental income records, utility bills, Statement of Account, statutory declarations from both tenants and landlord, and aerial imagery – is precise, consistent and unambiguous. There is no known evidence to contradict this version of events.

10.4 On the balance of probability, the existing use of the rear outbuilding as a self-contained flat has subsisted for more than four years prior to the date of the application. The Local Planning Authority is therefore respectfully requested to grant a Certificate of Lawfulness confirming that the use is lawful.

APPENDIX INDEX

Appendix A1 – Bank statement page with first underlined rent payments (Aug–Sep 2021)

Appendix A2 – Main bank statement bundle and rent schedule (Oct 2021 – Jan 2026)

Appendix B – Assured Shorthold Tenancy Agreement commencing 01/08/2021, continuing to the present date

Appendix C – Electricity bills for Flat Rear Of 43 Vicarage Road

Appendix D – Electricity Statement of Account (to Jan 2026) and confirming email from Ecotricity

Appendix E – Statutory Declarations (Mr Fernandes Correia Nelson and Mrs Gizele Lopes de Carvalho Correia, tenants, and Mr Samuel Wohhaftig, landlord)

Appendix F – Google aerial imagery showing the rear outbuilding from at least March 2021