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Planning Statement

Continued Use of Property as Two Self - Contained Flats

At

Ground Floor Flat and First Floor Flat,
87 Maryland Road,
London,
N22 5AR

Planning Statement

Ground and First Floor Flat –87 Maryland Road, London, N22 5AR



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1.0 Introduction:

- 1.1 This statement has been prepared in support of an application for an existing certificate of lawfulness under Section 191 of the Town and Country Planning Act 1990 (as amended) for the continued use of a C3 dwelling as two separate self-contained one-bedroom flats.
- 1.2 The purpose of this statement is to provide an overview of the site history, along with details and information that are relevant to the proposal, with the aim of supporting the application process.
- 1.3 Based on the robust evidence that is being submitted in support of this application, we believe this clearly demonstrates that on the balance of probability, the application site has been continuously used as separate self-contained units of accommodation for a period of at least four years prior to the date of this submission.
- 1.4 In addition to this planning statement, the application is supported by the following:
- Supporting Evidence containing the following:
 - Signed Statement of Truth
 - Tenancy Agreements
 - Account Statements
 - Council Tax Information
 - Benefit Claim Documents
 - Existing floor plans and elevations
 - Location and block plans
- 1.5 In determining this application for a certificate of lawfulness under Section 191 of the Town and Country Planning Act 1990, the Local Planning Authority is required to consider whether the evidence submitted is sufficient to demonstrate, on the balance of probability, that the use described has occurred continuously for the required period. The assessment of this application should therefore be based solely on factual evidence and legal compliance, rather than the planning merits of the use or any relevant development plan policies.

2.0 Summary of Use:

- 2.1 The application site is a terraced dwelling which is located at 87 Maryland Road. Approximately 22 years ago, the property was split into two self-contained one-bedroom flats, to provide vital accommodation to Haringey Council to house vulnerable tenants.
- 2.2 The flats were granted individual council tax accounts by Haringey Council on the 10th of November 2004, as evidenced by the submitted information. Each flat has its own individual meters for water, gas and electricity.
- 2.3 The use of the property as two self-contained flats has been continuous throughout the past 22 years, with no enforcement action from the local planning authority. During this period, the self-contained flats have been occupied by the same tenants.
- 3.1 To support this application, robust evidence has been gathered by the applicant that establishes the continued use of the flats as separate self-contained dwellings over the past 4 years, which is the minimum duration required to be immune from enforcement action under Section 171B of the Town and Country Planning Act 1990 (as amended).

3.0 Summary of Evidence:

- 3.2 The applicant has provided a comprehensive range of evidence demonstrating the continuous use of the application site as two self-contained flats from 10th of November 2004 onwards.
- 3.3 The submitted evidence includes the following:

Ground Floor Flat

- Proof of new council tax registration – 10th November 2004
- Proof of primary dwellings council tax deletion – 10th November 2004
- Tenancy agreements ranging from 2014 to 2023
- Haringey benefit decision notice – 4th June 2015
- Rent account statement – 2020 to 2026

First Floor Flat

- Proof of new council tax registration – 10th November 2004
- Proof of primary dwellings council tax deletion – 10th November 2004
- Tenancy agreements ranging from 2014 to 2020
- Haringey benefit decision notice – 16th March 2024
- Rent account payment statement – 2020 to 2026

3.4 The submitted evidence confirms that the application site has been used as two 1-bedroom self-contained flats continuously from 10th November 2004 onwards with no material change in the nature, character, or intensity of the use during this period.

3.5 Whilst some gaps in the submitted tenancy agreements are present, these largely reflect the fact that the occupants transitioned from fixed-term agreements onto periodic or rolling tenancies during various periods of time during their occupation. The provided rent payment statements clearly evidence the occupation of the two flats over the previous 6 years from 2020 onwards by the same occupants.

3.6 During this period of continuous use, the application site has not been subject to any planning enforcement action by the Local Planning Authority. No enforcement notices, planning contravention notices, or related actions have been issued in respect of the use of the dwelling as two self-contained flats.

3.7 In addition, the submitted Statement of Truth provides a sworn account confirming the continuous use of the premises as two self-contained flats from the 10th November 2004 to the present. The declaration corroborates the documentary evidence and confirms that the use has been uninterrupted throughout this period.

3.8 Based on the evidence submitted, it is considered that the use of 87 Maryland Road as two 1-bedroom self-contained flats has been continuous for the minimum required period of 4 years.

3.9 It is therefore concluded that the existing use of the application site as two one-bedroom self-contained flats is lawful, and that a Certificate of Lawfulness of Existing Use should be granted under Section 191 of the Act.