



08 June 2026

RE: Application for a Lawful Development Certificate for an Existing Use

Site Address: 29 Fenton Road, London, N17 7JL

Proposal: Retention of the property as 3 self-contained residential flats (Use Class C3)

Dear Sir/Madam,

Please find enclosed an application for a Lawful Development Certificate (LDC) under Section 191 of the Town and Country Planning Act 1990, seeking formal recognition of the existing use of the property at 29 Fenton Road, N17 7JL, as three separate, self-contained residential flats (Use Class C3).

We acknowledge the legislative amendments brought into effect by the Levelling-up and Regeneration Act 2023, which extended the time limit for enforcement action against a material change of use to a single dwellinghouse from four years to ten years.

However, the transitional provisions of the Act are unequivocally clear: where the breach of planning control occurred prior to 25 April 2024, the previous 4-year time limit continues to apply.

The enclosed evidence demonstrates that the physical subdivision of the property into three distinct flats (Flat 29, Flat 29A, and Flat 29B) was completed in April 2019, as evidenced by the submitted Building Control invoice. Furthermore, sworn Statutory Declarations from independent neighbours confirm that the continuous occupation of the property by three separate households commenced by at least October 2019.

As the material change of use occurred well before the 25 April 2024 legislative cut-off, the relevant legal test for this application is whether the flats have been in continuous use for a period of 4 years prior to the date of this submission. The submitted evidence overwhelmingly discharges this burden of proof on the balance of probabilities.

To satisfy the 4-year continuous use requirement, we have provided a comprehensive bundle of evidence, including Assured Shorthold Tenancy (AST) agreements, utility bills, banking records, photographic evidence, and sworn Statutory Declarations.

We draw your attention to the following key points within the application:

- **Flat 29 (Ground Floor):**

A complete chain of AST agreements and corresponding financial records has been provided, demonstrating uninterrupted commercial tenancy by Ms Rukiye Cicek and Ms Tulay Cicek. A sworn Statutory Declaration from Ms Rukiye Cicek is also included, confirming that the flat operates as a wholly self-contained and independent household.



- **Flat 29A (First Floor) Void Periods:**

The evidence schedule highlights a continuous chain of tenancies for the first-floor flat. While there are brief void periods between successive tenancies (e.g., between May and October 2022, and October 2023 and January 2024), we emphasise that the residential use class was never abandoned. During these gaps, the flat remained entirely self-contained and was actively undergoing routine maintenance, redecoration, and active marketing by the landlord to secure new tenants.

- **Flat 29B (Loft Floor):**

The evidence for this flat is robust, featuring an unbroken chain of ASTs from July 2021 to the present day, perfectly corroborated by corresponding monthly rent receipts in the landlord's bank statements.

- **Council Tax ('Inclusive Rent' Arrangement):**

We anticipate the Council will note that the property remains registered as a single Band C dwelling on the Valuation Office Agency database. We refer you to the AST agreements (specifically the 2019 and 2025 ASTs for Flat 29A, and the 2023 AST for Flat 29B), which explicitly state that the flats were let on an "inclusive rent" basis. The landlord absorbed the Council Tax liability and paid it directly from the rental income. Consequently, the VOA was not notified to subdivide the banding. The landlord's sworn Statutory Declaration categorically confirms this administrative arrangement.

- **Independent Corroboration:** Crucially, the application includes sworn Statutory Declarations from the immediate neighbours at 27 and 31 Fenton Road. Both neighbours testify under oath that they have observed three separate households, with independent access, living in self-contained flats continuously since at least October 2019.

The breadth and depth of the enclosed documentation, anchored by sworn testimonies from independent third parties and the landlord, provide definitive proof that 29 Fenton Road has operated continuously as three self-contained residential flats for well over the requisite 4-year statutory period. The application perfectly aligns with the transitional arrangements of the Levelling-up and Regeneration Act 2023.

We therefore respectfully request that the Certificate of Lawfulness be granted. Should you require any further clarification, additional documentation, or wish to arrange a site visit, please do not hesitate to contact me.

Yours faithfully,

Ivan Chonkov