

Town and Country Planning Act 1990

— Section 191

Planning Statement in support of an application for a Certificate of Lawful Existing Use or Development (LDCE)

Use of 30 Rowley Road, London N15 3AX as a House in Multiple Occupation (Use Class C4)

Site address	30 Rowley Road, Tottenham, London N15 3AX
Applicant	Mr Hasan Mustafa Kasim (registered freeholder)
Application type	Certificate of Lawful Use or Development — Existing (LDCE)
Statutory basis	Section 191, Town and Country Planning Act 1990
Use to be certified	Use of the property as a House in Multiple Occupation within Use Class C4
Local planning authority	London Borough of Haringey
Planning Portal reference	To be confirmed on submission
Title number	NGL425964 (freehold)
Agent	Bashkal Consultancy Ltd
Date prepared	June 2026

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Contents

1. Introduction
 2. The application
 3. The site and planning history
 4. Legal framework
 5. The case for the certificate
 6. The documentary record
 7. Conclusion and requested decision
- Appendix A — Tenancy and occupation schedule
- Appendix B — Index of evidence

1. Introduction

This Planning Statement is submitted by Bashkal Consultancy Ltd on behalf of the applicant, Mr Hasan Mustafa Kasim, the registered freehold owner of 30 Rowley Road, Tottenham, London N15 3AX (“the property”). It supports an application to the London Borough of Haringey (“the Council”) under Section

191 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”) for a Certificate of Lawful Existing Use or Development (“LDCE”).

The certificate sought is confirmation that the use of the property as a House in Multiple Occupation within Use Class C4 — that is, occupation by between three and six unrelated persons who do not form a single household, sharing basic amenities such as a kitchen, bathroom and WC — is lawful for the purposes of Section 191 of the 1990 Act.

The use is lawful because it has subsisted continuously for substantially more than ten years and is therefore immune from enforcement action under Section 171B(3) of the 1990 Act. On the documents accompanying this application, the property has been in continuous use as a Class C4 small HMO since no later than 1 April 2015, and on the wider evidence since September 2014. The ten-year period required to establish immunity had therefore accrued well before the date of this application.

This Statement sets out the site and its planning history, the legal framework that governs the application, the documentary basis for the use and its continuity, and the reasons why, on the balance of probabilities, the certificate should be granted. A tenancy and occupation schedule is provided at Appendix A and a consolidated index of the evidence relied upon is provided at Appendix B.

2. The application

The application is made under Section 191 of the 1990 Act and seeks a certificate that the following use is lawful:

“Use of 30 Rowley Road, London N15 3AX as a House in Multiple Occupation within Use Class C4 (occupied by between three and six unrelated persons who do not form a single household and who share basic amenities).”

The applicant is the registered proprietor of the freehold title (NGL425964) and has owned the property since 1992. Ownership Certificate A accompanies the application form, the applicant being the sole owner of the whole of the land to which the application relates.

For the avoidance of doubt, this is an application for a lawful development certificate determined on the facts and the law; it is not an application for retrospective planning permission, and it does not invite the Council to exercise any planning judgment on the merits of the use.

3. The site and planning history

3.1 The site

30 Rowley Road is a two-storey dwellinghouse of traditional construction in the Tottenham area of the London Borough of Haringey. As shown on the existing floor plans (Drawing 001, scale 1:100, dated 17 November 2025 — submission bundle document 04), the property is arranged over ground and first floors and contains six letting rooms (Rooms 1 to 6) together with a shared kitchen / dining room, a shared bathroom, a separate WC and a separate shower room. The gross internal area is approximately 99.5 sqm (ground floor 51.24 sqm; first floor 48.25 sqm).

The occupiers are unrelated and share the kitchen, bathroom and other amenities; they do not form a single household. The property is configured and used as a single dwelling in shared occupation — one House in Multiple Occupation — and not as a building subdivided into self-contained units: there is a single shared kitchen and shared sanitary facilities, and no self-contained cooking or washing facilities within any individual room. With six rooms, the maximum occupation is six persons, which places the use squarely within Use Class C4 and below the seven-person threshold for a sui generis large HMO.

3.2 Planning history

No enforcement notice has been served in respect of the property, and the Council has taken no enforcement action in respect of the use. This application is made proactively to place the lawfulness of the established use beyond doubt.

3.3 The material change of use

The material change of use from a single dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4) took place no later than 1 April 2015, by which date at least five of the six rooms were let to separate, unrelated tenants on individual room agreements. From that date the property has been continuously occupied as a Class C4 HMO. The evidence is set out at Sections 5.3 and 5.4 and tabulated at Appendix A.

4. Legal framework

4.1 Section 191 and the ten-year rule

Section 191(2) of the 1990 Act provides that a use is lawful at any time if no enforcement action may then be taken in respect of it, whether because the time for enforcement action has expired or for any other reason, and it does not constitute a contravention of any enforcement notice then in force.

Section 171B(3) provides that, in the case of any breach of planning control other than those to which the rule in Section 171B(1) and (2) applies, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. A change of use to a Class C4 House in Multiple Occupation is such a breach. The applicable immunity period is therefore ten years.

For completeness, the amendments made by the Levelling-up and Regeneration Act 2023 (which, from 25 April 2024, applied a single ten-year period to operational development and to change of use to a single dwellinghouse) do not affect this application: the change of use here is to a Class C4 HMO, which has always been governed by the ten-year rule in Section 171B(3). For further completeness, to the extent that the change of use required planning permission (whether because permitted development rights to change from Class C3 to Class C4 were withdrawn by an Article 4 Direction or otherwise), the use has in any event become lawful through the passage of ten years; and if, at the date of the change, those permitted development rights subsisted, the change was lawful when carried out. On either analysis the use is lawful.

4.2 The civil standard of proof

The burden of proof in an application for an LDCE rests on the applicant and the standard is the balance of probabilities. The applicant's own evidence will be sufficient to discharge that burden unless it is contradicted by, or rendered less than probable by, other evidence. As the Planning Practice Guidance puts it, in the case of applications for an existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

That principle, derived from *F.W. Gabbittas v Secretary of State for the Environment* [1985] JPL 630, is determinative here. The applicant's evidence is precise and unambiguous, and there is no positive evidence to contradict it.

4.3 Use Class C4 and the distinction from other uses

Class C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (inserted by the 2010 amendment Order) comprises the use of a dwellinghouse by between three and six residents as a House in Multiple Occupation — that is, persons who do not form a single household but who occupy the dwelling and share one or more basic amenities such as a kitchen or bathroom. Occupation by seven or more persons would be a *sui generis* use; occupation by a single household would remain Class C3. With a maximum of six letting rooms, the use to be certified is squarely within Class C4 and cannot, on the physical capacity of the property, be a *sui generis* HMO.

4.4 Continuity of use

A use, once established, continues unless and until it is abandoned or displaced by a different use; the established lawful use is a question of the character of the property and is not lost merely because the contractual or management arrangements through which it is delivered change over time (see *Panton v Secretary of State for the Environment, Transport and the Regions* [1999] EWHC Admin 815). What matters is whether the multiple-occupation use remained the established and normal character of the property throughout, which it did.

5. The case for the certificate

5.1 The correct evidential test

The question for the Council is whether, on the balance of probabilities, (a) a material change of use to a Class C4 HMO occurred more than ten years before the present application, and (b) that use has continued, without material interruption, since the change of use. It is not necessary for the applicant to produce a document dated within each successive month of the period; the ten-year clock runs from the date of the breach, and the relevant enquiry is whether the use has continued since. On the documents accompanying this application, both limbs are satisfied comfortably.

5.2 The use is a Class C4 House in Multiple Occupation

The room-by-room tenancy agreements on the file name a succession of separate, unrelated tenants in concurrent occupation of individual rooms (Rooms 1 to 6) within the property, each paying a separate room rent with bills included and each sharing the common kitchen, bathroom and WC. That is the defining characteristic of a Class C4 small HMO: between three and six unrelated occupiers who do not form a single household and who share basic amenities.

The Council may observe that some of the later agreements are framed as lettings of the whole property to a company or housing provider, and that the printed terms of certain agreements refer to the property as a “single private dwelling” or state that it “does not have” an HMO licence. Neither matter displaces the application. First, what determines the planning use is the manner of occupation as a matter of fact and degree, not the label used in a private contract: throughout, the property has been occupied by multiple unrelated individuals as separate households sharing basic amenities, which is a

Class C4 House in Multiple Occupation. The interposition of a company or registered provider as the contracting tenant, which then places multiple unrelated occupiers in the rooms, does not alter that planning character. Second, whether premises are a licensable HMO under Part 2 of the Housing Act 2004 is a housing-regulation question that turns on a different statutory test; premises may fall outside Housing Act 2004 licensing yet remain a Class C4 House in Multiple Occupation for planning purposes. The Housing Act 2004 definition and the Use Classes Order definition of Class C4 are distinct.

The physical configuration of the property is itself consistent with one dwelling in shared occupation, and not with a building of self-contained flats: a single shared kitchen, a shared bathroom, a separate WC and a separate shower, serving six letting rooms, accessed through a single entrance. Those are the hallmarks of a single dwelling occupied as a House in Multiple Occupation, and they are consistent in every respect with the Class C4 use for which the certificate is sought.

5.3 The material change of use occurred no later than 1 April 2015

The date and fact of the material change of use are evidenced by a sequence of room-by-room assured shorthold tenancies, all listed at Appendix B, under which the individual rooms were let to separate unrelated tenants:

- Room 3 was let to Ms Angelica Bailey-Stratton from 14 September 2014 (Appendix B, item 06);
- Room 2 was let to Mr Cem Yilmaz from 23 January 2015 (item 07);
- Room 4 was let to Ms Hannah Jensen from 1 March 2015 (item 08);
- Room 5 was let to Ms Lydia Vario Da Silva from 2 March 2015 (item 09); and
- Room 1 was let to Mr Angelo Pires from 1 April 2015 (item 10).

By 1 April 2015, therefore, at least five of the six rooms were in concurrent occupation by separate, unrelated tenants — unambiguous multiple-household occupation, and well in excess of the three-person threshold for Class C4. Ten years from that date expired on 1 April 2025. The applicant does not need to rely on the earlier September 2014 letting to succeed, but it provides a substantial margin of comfort.

5.4 Continuity of use to the present

The use established by 1 April 2015 has continued, without material interruption, to the date of this application. The continuity is best appreciated from the schedule at Appendix A, but in summary the documentary chain runs unbroken:

- from 2014 to 2018, a continuous sequence of room-by-room assured shorthold tenancies across Rooms 1 to 6, with successive tenants and renewals (Appendix B, items 06–22), each room let to a separate unrelated occupier sharing the common facilities;
- from 30 January 2019 to 29 January 2023, the whole property was let to Assisted Care Ltd for occupation by up to six persons (item 23), supplemented by a further whole-property agreement with Birch Tree Care Ltd from 31 March 2021 (item 24);
- from 30 January 2023 to 29 January 2025, the property was let to Birchtree Housing CIC for occupation by up to six persons (items 25–27); and
- from 1 November 2025 the property is let to Evergreen Roots Ltd under a three-year lease for occupation by up to six persons (item 28).

Throughout that period the property remained in multiple occupation; at no point did it revert to single-family occupation or to any other use. The letting and management arrangements changed over time — from direct room-by-room lettings to whole-property agreements with providers who in turn accommodated multiple unrelated occupiers — but, as explained at paragraph 4.4, a change in the contractual vehicle does not break the continuity of the established planning use.

5.5 The sufficiency of the documentary record

The documentary record comprises an unbroken sequence of room-by-room assured shorthold tenancy agreements (2014–2018) followed by successive whole-property agreements with care and housing providers (2019–2028), together with the registered title and the scaled existing floor plan. The records are detailed, internally consistent and mutually corroborating. Applying the Gabbittas principle (paragraph 4.2), where the applicant’s evidence is precise and unambiguous and the Council holds no evidence to contradict it, there is no good reason to refuse the certificate. Should the Council consider that any particular period requires further corroboration — for example from Council Tax, utility, electoral-roll or provider occupancy records — the applicant will provide such further material as may assist.

6. The documentary record

The evidence relied upon is listed at Appendix B and submitted with the application. It falls into four groups: (i) the application and plans; (ii) the registered title; (iii) the room-by-room tenancy agreements that establish the Class C4 use and its commencement (2014–2018); and (iv) the whole-property agreements that evidence the continuity of multiple occupation to the present (2019–2028). Read together, they establish on the balance of probabilities a continuous Class C4 House in Multiple Occupation use of more than ten years’ standing.

7. Conclusion and requested decision

On the balance of probabilities, the property has been in continuous use as a House in Multiple Occupation within Use Class C4 since no later than 1 April 2015, and on the wider evidence since September 2014. The ten-year period required for immunity under Section 171B(3) of the 1990 Act has long since accrued, and the use is therefore lawful for the purposes of Section 191. The evidence accompanying this application is sufficiently precise and unambiguous to discharge the civil burden of proof, and there is no evidence to contradict it.

The applicant respectfully requests that the Council grant a Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 confirming that the use of 30 Rowley Road, London N15 3AX as a House in Multiple Occupation within Use Class C4 is lawful.



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Appendix A — Tenancy and occupation schedule

The table records the documented occupation of 30 Rowley Road by period. The final column gives the principal evidencing document(s), identified by their numbered name in the submission bundle (see Appendix B). Throughout, the property was occupied by multiple unrelated persons forming separate households and sharing basic amenities — a Class C4 House in Multiple Occupation.

Period	Occupation	Rent	Key bundle document(s)
Sep 2014 – Apr 2015	Room-by-room lettings commence; by Apr 2015 at least five of six rooms let to separate unrelated tenants (Bailey-Stratton, Yilmaz, Jensen, Vario Da Silva, Pires) — Class C4 established	£500–£575 per room	06–10
2015 – 2018	Continuous room-by-room lettings across Rooms 1–6, successive tenants and renewals (Sousa, Hassan, Konedokova, Hursowczyk, Elliot-Savic, Aysu, Seaford)	£550–£675 per room	11–22
30 Jan 2019 – 29 Jan 2023	Whole property let to Assisted Care Ltd for up to 6 occupants; further whole-property agreement with Birch Tree Care Ltd from 31 Mar 2021	£2,400–£3,000 pcm	23, 24
30 Jan 2023 – 29 Jan 2025	Whole property let to Birchtree Housing CIC for up to 6 occupants	£3,500 pcm	25–27
1 Nov 2025 – present	Whole property let to Evergreen Roots Ltd under a 3-year lease for up to 6 occupants	£3,800 pcm	28

Appendix B — Index of evidence

Each document is numbered in the submission bundle to match the item number below, so it can be located directly.

Item	Document (bundle file name)	Date / reference
01	Planning Statement in support of the application (this document)	June 2026
02	Application form — Lawful Development Certificate (Existing), Planning Portal	To be confirmed
03	Site location plan (OS-based, to accompany the application form)	To be confirmed
04	Existing Floor Plans — Drawing 001, scale 1:100	17 Nov 2025
05	Office copy of the registered title — title register NGL425964 (HM Land Registry)	24 Oct 2025
06	AST — Room 3 (Angelica Bailey-Stratton)	14 Sep 2014
07	AST — Room 2 (Cem Yilmaz)	23 Jan 2015
08	AST — Room 4 (Hannah Jensen)	1 Mar 2015
09	AST — Room 5 (Lydia Vario Da Silva)	2 Mar 2015
10	AST — Room 1 (Angelo Pires)	1 Apr 2015
11	AST — Room 3 (Daniela Konedokova)	4 Jan 2016
12	AST — Room 2 (Andreas Sousa)	1 Feb 2016
13	AST — Room 5 (Lydia Vario Da Silva, renewal)	3 Mar 2016
14	AST — Room 1 (Raisa Hassan)	2 Apr 2016
15	AST — Room 5 (Lukasz Hursowczyk)	16 Jan 2017
16	AST — Room 3 (Daniela Konedokova, renewal)	4 Jan 2017
17	AST — Room 2 (Andreas Sousa, renewal)	1 Feb 2017

18	AST — Room 4 (Hannah Jensen, renewal)	1 Mar 2017
19	AST — Room 5 (Lee Seaford)	30 Aug 2017
20	AST — Room 4 (Georgina Elliot-Savic)	5 Dec 2017
21	AST — Room 1 (Nukelda Aysu)	7 Jul 2018
22	AST — Room 5 (Lee Seaford, renewal)	30 Aug 2018
23	Company Agreement — Assisted Care Ltd (up to 6 occupants)	30 Jan 2019 – 29 Jan 2023
24	Assured Shorthold Tenancy — Birch Tree Care Ltd (whole property)	from 31 Mar 2021 (36 months)
25	Company Agreement — Birchtree Housing CIC (up to 6 occupants)	30 Jan 2023 – 29 Jan 2024
26	Company Agreement — Birchtree Housing CIC (up to 6 occupants)	30 Jan 2024 – 29 Jan 2025
27	Company Agreement — Birchtree Housing CIC (up to 3 occupants)	1 Jan 2024 – 31 Dec 2024
28	Lease — Evergreen Roots Ltd (supported/exempt accommodation, up to 6 occupants)	1 Nov 2025 – 1 Nov 2028