



PLANNING STATEMENT

463 High Road, London, N22 8JD

April 2026 Revision – 0

MSK Design Ltd

230 High Street, Barnet, London, EN5 5TD

020 3962 4480

info@mskdesign.co.uk

www.mskdesign.co.uk

Reg. Company Number: 6044594

1.0	Executive Summary.....	2
2.0	The Site.....	3
2.1	Location.....	3
2.2	Existing Building and Layout.....	3
2.3	Relevant Planning History	3
3.0	Legal Framework.....	4
3.1	Section 191 of the Town and Country Planning Act 1990	4
3.2	Enforcement Immunity	4
3.3	Burden and Standard of Proof	4
3.4	Relevant Case Law Principles	5
4.0	Chronology of Existing Use	5
5.0	Evidence Review.....	6
5.1	Tenancy Agreements - Primary Occupation Evidence.....	6
5.2	Flat-by-Flat Occupation Continuity Summary.....	7
5.3	Sworn and Signed Evidence.....	8
	Former Managing Agent Statement - Locus Estate Agency.....	8
	Statutory Declaration - Two Six Estates.....	8
	Occupier Declarations	8
	EPC Certificates - Administrative and Technical Evidence	8
	Existing Plans and Photographic Evidence	9
6.0	Assessment of Lawfulness	10
7.0	Conclusion	11
	Appendix Schedule	11
	APPENDIX A - Tenancy agreements.....	12
	APPENDIX B - Affidavits/statutory declarations	13
	APPENDIX C - Existing floor plans.....	14
	APPENDIX D - EPC certificates	15
	APPENDIX E - Flat 1 photographs	16
	APPENDIX F - Flat 2 photographs	17
	APPENDIX G - Flat 3 photographs.....	18
	APPENDIX H - Flat 4 photographs.....	19
	APPENDIX I - Flat 5 photographs	20

Applicant	Mr Ahmet Akdogan	Revision	0
Agent	MSK Design Ltd	Date	April 2026
Application type	Lawful Development Certificate (Existing use)		
Proposal	Use as 5 self-contained flats		

1.0 Executive Summary

This Planning Statement has been prepared in support of an application for a Certificate of Lawfulness for an Existing Use or Development pursuant to Section 191 of the Town and Country Planning Act 1990.

The application seeks to establish the lawfulness of the continued use of 463 High Road, Wood Green, London N22 8JD as five self-contained residential flats, identified in the submitted evidence as Flats/Studios 1 to 5.

The application is supported by tenancy agreements for the flats, sworn affidavits/statutory declarations, EPC certificates, existing floor plans and internal photographs. The tenancy agreements provide primary occupation evidence, while the sworn evidence and physical/administrative evidence corroborate the continued five-flat arrangement and the absence of any material interruption.

The tenancy agreement schedule reviewed for this redraft includes agreements for all five flats. The agreements demonstrate separate residential occupation of the individual units and, when read together with the sworn management and occupier evidence, no vacant period or reversion to single dwellinghouse use has been identified.

On the balance of probability, the cumulative evidential position demonstrates that the property has operated continuously as five self-contained residential flats for the relevant period and that the existing use is lawful for the purposes of Section 191.

2.0 The Site

2.1 Location

The application site comprises 463 High Road, Wood Green, London N22 8JD, within the administrative area of the London Borough of Haringey.

The submitted existing floor plan identifies the property within a street frontage context on High Road, with adjacent/nearby properties shown as 461 and 465 High Road.

2.2 Existing Building and Layout

The existing floor plans are titled “Existing Floor Plans Showing Setting Out” and identify the current internal arrangement of the building as five flats across ground, first and second floor levels.

- Flat 1 and Flat 2 at ground floor level;
- Flat 3 and Flat 4 at first floor level;
- Flat 5 at second floor level.

Each flat is shown as containing self-contained residential accommodation, including a living/kitchen area, bedroom or bedroom/living space and bathroom facilities. The plans therefore provide physical evidence that the use being certified corresponds with the current configuration of the building.

2.3 Relevant Planning History

There is no relevant planning history, previous refusal, enforcement notice, planning contravention notice or other enforcement history relating to the use of the property as five self-contained flats.

There is therefore no identified contradictory planning record that undermines the evidential position advanced in this application.

3.0 Legal Framework

3.1 Section 191 of the Town and Country Planning Act 1990

Section 191 of the Town and Country Planning Act 1990 enables a person to apply to the Local Planning Authority to ascertain whether an existing use, operation or activity is lawful.

A use is lawful for the purposes of Section 191 where no enforcement action may be taken against it.

The purpose of this application is therefore to determine whether, as a matter of fact and planning law, the existing use of the property as five self-contained residential flats is lawful.

3.2 Enforcement Immunity

Section 171B of the Town and Country Planning Act 1990 sets out statutory time limits for taking enforcement action. The Levelling-up and Regeneration Act 2023 has amended the enforcement period in England so that a single ten-year period applies to breaches of planning control. However, the commencement regulations brought those changes into force from 25 April 2024 and include transitional provisions.

On the applicant's case, the use of the property as five self-contained residential flats commenced before 25 April 2024 and has continued without material interruption. The relevant evidential issue is therefore whether the submitted evidence demonstrates, on the balance of probability, that the five-flat use has continued for the relevant immunity period and is now lawful for the purposes of Section 191.

3.3 Burden and Standard of Proof

The burden of proof rests with the applicant.

The relevant test is the civil standard of proof, namely the balance of probability. The applicant is not required to demonstrate absolute certainty.

Government guidance confirms that the onus of proof in a lawful development certificate application rests with the applicant and that the relevant test is the balance of probability. It also confirms that, where the Local Planning Authority has no evidence to contradict or otherwise make the applicant's version of events less probable, there is no good reason to refuse a certificate provided the applicant's evidence is sufficiently precise and unambiguous.

3.4 Relevant Case Law Principles

The Courts and appeal decisions have consistently confirmed that:

- the applicant must discharge the burden of proof;
- the relevant standard is the balance of probability;
- evidence should be assessed cumulatively and in the round;
- sworn evidence should be afforded substantial weight unless directly contradicted;
- minor administrative inconsistencies do not necessarily defeat an otherwise coherent evidential case.

Relevant authorities include:

- *Gabriel v Secretary of State for the Environment* [1987];
- *Fasbender v Secretary of State for the Environment* [1987];
- *Hughes v Secretary of State for the Environment, Transport and the Regions* [2000];
- *Allen v Secretary of State for the Environment, Transport and the Regions* [1992].

4.0 Chronology of Existing Use

Date / Period	Evidence	Relevance
1 Dec 2020	Flat 4 Locus AST commences	Historic primary occupation evidence predating the core 2021 period.
1 Dec 2021 onwards	Locus ASTs for Studio/Flat 1, Studio/Flat 3 and Studio/Flat 4	Primary occupation evidence of separate residential letting of individual units.
1 Dec 2023 onwards	Two Six Estates ASTs and declaration evidence	Confirms continued management/letting of the property as five flats from December 2023.
2023-2026/2027	Further ASTs for Flats 1 to 5	Demonstrates continuing separate occupation of each unit in the current period and corroborates the sworn management evidence confirming the ongoing five-flat arrangement
4 Feb 2025	EPC certificates for Flats 1 to 5	Independent administrative evidence that the property is separately identified as five flats.
Existing position	Floor plans and photographs	Physical evidence of five self-contained residential units with separate facilities.

5.0 Evidence Review

5.1 Tenancy Agreements - Primary Occupation Evidence

The tenancy agreement bundle provides primary evidence of separate residential occupation. The agreements reviewed identify individual units within 463 High Road and demonstrate letting of the flats to separate occupiers. The agreements are summarised below.

Unit	Tenant(s)	Comm.	Expiry	Evidential relevance
Studio / Flat 1	Mergyul Basri Hasan	1 Dec 2021	30 Nov 2022	Initial AST reviewed; separate letting of Studio 1.
Studio / Flat 1	Mergyul Basri Hasan	1 Dec 2022	30 Nov 2023	Immediate renewal; no gap from prior agreement.
Studio / Flat 1	Mergyul Basri Hasan	1 Dec 2023	30 Nov 2024	Immediate renewal; no gap from prior agreement.
Studio / Flat 1	Mergyul Basri Hasan	1 Dec 2024	30 Nov 2025	Immediate renewal; no gap from prior agreement.
Studio / Flat 1	Mergyul Basri Hasan	1 Dec 2025	31 May 2026	Further renewal; occupation continues into 2026.
Flat 1	Gyulfe Fazlieva Fekova & Mehmed Mehmedov Fekov	13 Mar 2026	12 Mar 2027	New AST overlaps with previous Studio 1 evidence; no vacant period identified.
Flat 2	Temenuzhka Davidova Kastamanova	1 Dec 2023	31 Dec 2025	AST evidences Flat 2 occupation through 2023-2025.
Flat 2	Temenuzhka Davidova Kastamanova	1 Jan 2026	31 Dec 2026	Immediate renewal; no gap from prior agreement.
Studio / Flat 3	Ahmet Ozdemir	1 Dec 2021	30 Nov 2022	Initial AST reviewed; separate letting of Studio 3.
Studio / Flat 3	Ahmet Ozdemir	1 Dec 2022	30 Nov 2023	Immediate renewal; no gap from prior agreement.
Flat 3	Galya Nikolaeva Kozhuharska & Romeo Ruskov	1 Dec 2023	31 May 2024	Immediate succession from prior Studio 3 agreement.
Studio / Flat 4	Teodor Biserov Dimitrov	1 Dec 2020	30 Nov 2021	Historic AST evidence predating the core 2021 period.
Studio / Flat 4	Teodor Biserov Dimitrov	1 Dec 2021	30 Nov 2022	Immediate renewal; no gap from prior agreement.
Studio / Flat 4	Teodor Biserov Dimitrov	1 Dec 2022	30 Nov 2023	Immediate renewal; no gap from prior agreement.
Flat 4	Teodor Biserov Dimitrov	1 Dec 2023	31 May 2024	Immediate succession from prior Studio 4 agreement.
Flat 4	Hena Kandi & Shkelgim Kondi	30 Jul 2025	29 Jul 2026	Current/ongoing Flat 4 AST evidence. The apparent AST-document interval is addressed by sworn management evidence confirming continued five-flat operation.
Flat 5	Dilnoza Dilmurod Kizi Kholmurodova & Shamshodjon Bazarov	5 Dec 2023	4 Dec 2024	AST evidences separate Flat 5 occupation from December 2023.

Flat 5	Dilnoza Dilmurod Kizi Kholmurodova & Shamshodjon Bazarov	5 Dec 2024	4 May 2025	Immediate renewal; no gap from prior agreement.
Flat 5	Recep Keskin & Zulal Keskin	1 Apr 2025	31 Mar 2026	Overlaps with prior Flat 5 AST; no vacant period identified.

The table shows repeated and successive ASTs across the building demonstrating separate residential letting of the individual units, which are all corroborated by the sworn management and occupier evidence.

The tenancy agreements provide primary occupation evidence for the individual flats. In several instances the agreements run consecutively or overlap, demonstrating continuing residential occupation without an identified vacancy period. Where the AST documents alone do not provide a complete day-by-day sequence for every unit, the application is supported by sworn management and occupier evidence confirming the continued operation of the building as five self-contained flats. No evidence has been identified of the building reverting to single dwellinghouse use, being abandoned, or ceasing to operate as five flats.

5.2 Flat-by-Flat Occupation Continuity Summary

Unit	Tenancy evidence reviewed	Vacancy position	Commentary
Flat 1	1 Dec 2021 to 12 Mar 2027	No vacant period identified.	Successive ASTs run consecutively from December 2021, with overlap in 2026.
Flat 2	1 Dec 2023 to 31 Dec 2026	No vacant period identified within the AST period.	Earlier five-flat use is supported by the managing agent/statutory evidence.
Flat 3	1 Dec 2021 to 31 May 2024 by AST, with sworn occupier evidence from 1 Dec 2023 to the present period.	No vacant period identified.	The Flat 3 tenant declarations bridge the period after the AST evidence.
Flat 4	1 Dec 2020 to 31 May 2024 by AST, and 30 Jul 2025 to 29 Jul 2026 by AST.	No vacant period identified in the overall evidence; there is an AST-document interval from 1 Jun 2024 to 29 Jul 2025.	The interval should be read with the agent/statutory declarations confirming continued operation of the building as five flats and no material interruption.
Flat 5	5 Dec 2023 to 31 Mar 2026 by AST.	No vacant period identified within the AST period.	Earlier five-flat use is supported by the Locus/Two Six and occupier evidence.

5.3 Sworn and Signed Evidence

Former Managing Agent Statement - Locus Estate Agency

The statement from Locus Estate Agency confirms that Locus acted as letting and/or managing agent for the property during the period 2021 to 2023. It confirms that, throughout that period, the building was arranged as five self-contained studio flats, each with its own private kitchen, bathroom and living/sleeping area, and that the flats were let on an individual basis with separate occupiers.

Statutory Declaration - Two Six Estates

The statutory declaration of Mustafa Dervish of Two Six Estates confirms that the agency was instructed by the landlord to manage the property from 1 December 2023. The declaration states that, at the point of instruction, the property was already arranged and in use as five self-contained flats and that tenants were already in situ. It further confirms continued management on the basis of five self-contained residential flats.

Occupier Declarations

The occupier declarations provide direct evidence from persons with first-hand knowledge of the internal occupation of the flats. The declarations for Flat 1 and Flat 3 are particularly important because they corroborate both the self-contained character of the relevant units and the wider five-flat arrangement of the building.

EPC Certificates - Administrative and Technical Evidence

Separate EPC certificates have been submitted for Flats 1 to 5 at 463 High Road. Each certificate identifies the relevant unit as a separate flat and records the property type and floor area. The EPCs provide independent administrative corroboration of the five-flat arrangement as at the assessment date of 4 February 2025.

Unit	Property type	Rating	Floor area	Assessment date	Valid until
Flat 1	Ground-floor flat	D	33 sq m	4 Feb 2025	3 Feb 2035
Flat 2	Ground-floor flat	D	27 sq m	4 Feb 2025	3 Feb 2035
Flat 3	Mid-floor flat	C	19 sq m	4 Feb 2025	3 Feb 2035
Flat 4	Mid-floor flat	C	19 sq m	4 Feb 2025	3 Feb 2035
Flat 5	Top-floor flat	E	40 sq m	4 Feb 2025	3 Feb 2035

Existing Plans and Photographic Evidence

The existing floor plans and photographs provide physical evidence that the property is configured and occupied as five separate self-contained flats. The photographs show separately numbered flat entrance doors and internal accommodation comprising kitchens, bathrooms and living/sleeping spaces within the individual units.

Photograph set	Observed features	Evidential relevance
Flat 1 photographs	Door marked 1; kitchen, bathroom and living/sleeping accommodation.	Supports separate occupation and self-contained facilities.
Flat 2 photographs	Door marked 2; kitchen, bathroom and living/sleeping accommodation.	Supports separate occupation and self-contained facilities.
Flat 3 photographs	Door marked 3; kitchen, bathroom and living/sleeping accommodation.	Supports separate occupation and self-contained facilities.
Flat 4 photographs	Door marked 4; kitchen, bathroom and living/sleeping accommodation.	Supports separate occupation and self-contained facilities.
Flat 5 photographs	Door marked 5; kitchen, bathroom and living/sleeping accommodation.	Supports separate occupation and self-contained facilities.

6.0 Assessment of Lawfulness

The submitted evidence should be considered cumulatively and in the round. The question is not whether each item of evidence proves the case in isolation, but whether the overall evidential picture demonstrates, on the balance of probability, that the building has been used continuously as five self-contained residential flats for the relevant immunity period.

The evidential position is supported by multiple, mutually corroborative categories of evidence: primary tenancy evidence, sworn management and occupier evidence, EPC certificates, existing floor plans and photographs.

The tenancy agreements now reviewed include agreements for all five flats. They demonstrate separate residential letting of individual units and are consistent with the physical layout shown on the existing plans and photographs. The EPC certificates provide further independent administrative corroboration that the property comprises five separate flats.

The former managing agent evidence covers the 2021 to 2023 period and confirms that the property was arranged, let and occupied as five self-contained studio flats. The Two Six Estates declaration confirms the continued five-flat arrangement from 1 December 2023 onwards and confirms that tenants were already in situ when the property was taken on for management.

No material interruption, abandonment, vacancy of the building as a whole, or reversion to use as a single dwellinghouse has been identified. To the extent that the tenancy agreement bundle contains any documentary intervals for particular flats, those intervals are addressed by the sworn management and occupier evidence confirming ongoing five-flat operation.

Accordingly, on the balance of probability, the submitted evidence demonstrates that the property was in use as five self-contained residential flats no later than 2021 and that this use has continued without material interruption to the present day. The existing use is therefore lawful for the purposes of Section 191.

7.0 Conclusion

This application seeks a Certificate of Lawfulness for the existing use of 463 High Road, Wood Green, London N22 8JD as five self-contained residential flats.

The submitted evidence demonstrates that:

- the property has been arranged and used as five self-contained residential flats since at least 2021;
- tenancy agreements have been reviewed for all five flats;
- the tenancy agreements show separate letting and occupation of the individual units;
- the sworn management and occupier evidence confirms the continued five-flat arrangement and supports the absence of any material interruption;
- each unit contains its own kitchen, bathroom and living/sleeping accommodation;
- the existing floor plans, photographs and EPC certificates corroborate the five-flat configuration;
- no material interruption or reversion to single dwellinghouse use has been identified.

When considered cumulatively and in the round, the evidence is sufficiently precise, consistent and corroborative to demonstrate the lawfulness of the use on the balance of probability.

The evidence does not rely on any single document in isolation; rather, the tenancy agreements, sworn evidence, EPCs, plans and photographs are mutually corroborative and together demonstrate the continuation of the five-flat use.

Accordingly, the applicant respectfully requests that the London Borough of Haringey grants a Certificate of Lawfulness under Section 191 of the Town and Country Planning Act 1990 confirming the existing use of 463 High Road, Wood Green, London N22 8JD as five self-contained residential flats.

Appendix Schedule

Appendix	Document	Evidential role
Appendix A	Tenancy agreements	Primary occupation evidence showing separate letting of all five flats.
Appendix B	Affidavits/statutory declarations	Sworn evidence confirming management, occupation, continuity and the five-flat arrangement.
Appendix C	Existing floor plans	Physical evidence of the current five-flat layout.
Appendix D	EPC certificates	Administrative/technical evidence identifying Flats 1 to 5 separately.
Appendix E	Flat 1 photographs	Physical/photographic evidence of self-contained Flat 1 accommodation.
Appendix F	Flat 2 photographs	Physical/photographic evidence of self-contained Flat 2 accommodation.
Appendix G	Flat 3 photographs	Physical/photographic evidence of self-contained Flat 3 accommodation.
Appendix H	Flat 4 photographs	Physical/photographic evidence of self-contained Flat 4 accommodation.
Appendix I	Flat 5 photographs	Physical/photographic evidence of self-contained Flat 5 accommodation.

APPENDIX A - Tenancy agreements

APPENDIX B - Affidavits/statutory declarations

APPENDIX C - Existing floor plans

APPENDIX D - EPC certificates

APPENDIX E - Flat 1 photographs

APPENDIX F - Flat 2 photographs

APPENDIX G - Flat 3 photographs

APPENDIX H - Flat 4 photographs

APPENDIX I - Flat 5 photographs