

Statement of Case

Certificate of Lawfulness of Existing Use or Development (CLEUD)



B.E.L GROUP

Planning, Engineering & Consultancy

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CLIENT:

Miss Miah

PROJECT ADDRESS:

75 Wolves Lane, N22 5JD



REPORT INFORMATION

Report Title:

Application for a Certificate of Lawfulness of Existing Use under Section 191 of the Town and Country Planning Act 1990 for the Use of the Former Garage as a Self-Contained Studio Flat

Site Address:

75 Wolves Lane, N22 5JD

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**Local Planning Authority**

London Borough of Haringey (Planning Department)

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1. Introduction

- 1.1. This Statement of Case 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.
- 1.2. The application relates to the existing use of the rear garage at 75 Wolves Lane, London, N22 5JD as a separate self-contained residential studio flat within Use Class C3.
- 1.3. The purpose of the application is to establish, on the balance of probabilities that the residential use has continued for the applicable statutory period and has thereby become lawful through the passage of time.
- 1.4. The former owner's evidence is that the rear garage had already been converted and was in residential use before he acquired the property on 31 March 2015. This earlier history is supported by evidence of the residential configuration of the accommodation dating from 2015, but the application does not depend upon establishing continuous separate occupation from that date.
- 1.5. The application principally relies upon documentary evidence demonstrating separate residential use from 10 May 2021 onwards. The accommodation has thereafter continued to be used as a self-contained residential unit and is presently occupied by two persons as their principal place of residence.
- 1.6. Section 171B of the Town and Country Planning Act 1990 was amended by Section 115 of the Levelling-up and Regeneration Act 2023, with the general enforcement period increasing from four years to ten years from 25 April 2024. However, the transitional provisions preserve the former four-year period where the relevant change of use to a single dwelling occurred before that date.
- 1.7. In this case, the documentary evidence demonstrates that the material residential use was established by no later than 10 May 2021, substantially before 25 April 2024. The application is therefore assessed against the former four-year enforcement period, with the evidence of continuity considered in detail within this Statement of Case.
- 1.8. The application is concerned solely with establishing the lawfulness of the existing residential use and does not seek planning permission for a new residential use or development.

2. Application Site, Existing Accommodation and Planning History

Application Site and Site Arrangement

- 2.1. The application site is located at 75 Wolves Lane, London, N22 5JD, within the administrative area of the London Borough of Haringey.
- 2.2. The surrounding area is predominantly residential in character and comprises a mixture of terraced and semi-detached dwellinghouses.
- 2.3. The property is not a listed building, is not located within a conservation area, and no specific planning designations or site constraints have been identified which materially affect the consideration of the existing residential use subject to this application.
- 2.4. The property comprises the principal residential building together with a rear garden and the former garage building which is the subject of this application.
- 2.5. The former garage is positioned towards the rear of the site and is physically separate from the principal dwelling.
- 2.6. Access to the rear studio is available independently from the main dwelling via the shared side alleyway, allowing the occupiers to enter and leave the accommodation without passing through the principal house.
- 2.7. A portion of the rear garden has been subdivided for the use of the studio accommodation and is physically separated from the remainder of the garden by fencing. This provides the studio with its own identifiable external amenity area and reinforces the physical and functional separation between the studio and the principal dwelling.

Garage and Existing Use

- 2.8. The principal dwelling at 75 Wolves Lane is currently occupied as a House in Multiple Occupation (HMO) and is subject to a temporary HMO licence. The occupation and management of the main dwelling are separate from the residential use of the rear studio which is the subject of this Certificate application.
- 2.9. To the rear of the site is the former garage building, which has been converted and is presently used as a separate self-contained residential studio flat. The studio is physically separate from the principal dwelling and has its own independent access via the shared side alleyway. The occupiers are therefore able to enter and leave the accommodation without passing through the main house.
- 2.10. Internally, the accommodation comprises a sleeping/living area together with its own kitchen and cooking facilities and separate shower/bathroom facilities.



Figure 2 - Independent access to the rear studio via the shared side alleyway



Figure 1 - Front elevation of the rear studio showing its relationship with the segregated garden



Figure 5 - Existing kitchen and cooking facilities

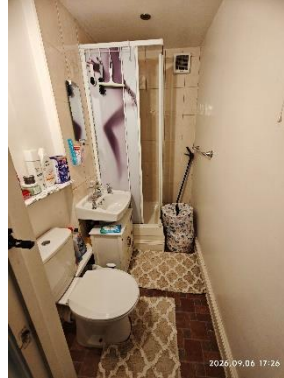


Figure 3 - Existing Toilet/shower facilities



Figure 4 - Existing bedroom

- 2.11. The studio is capable of functioning independently for normal day-to-day residential purposes and does not rely upon the principal dwelling for cooking, washing or sleeping facilities.
- 2.12. A defined portion of the rear garden is also provided for the use of the studio and is separated from the remainder of the garden by fencing, further reinforcing the physical and functional separation between the two residential uses.
- 2.13. The rear studio is occupied independently from the main dwelling and is used by its occupiers as their principal place of residence.
- 2.14. Having regard to its independent access, separate occupation, dedicated amenity area and provision of its own domestic facilities, the former garage functions as a self-contained residential unit within Use Class C3, rather than as accommodation which is incidental or ancillary to the principal dwelling.

Planning History

- 2.15. A review of the available planning history has not identified any previous planning permission or Certificate of Lawfulness specifically relating to the use of the rear garage as a self-contained residential unit.
- 2.16. The planning history does include application HGY/2024/0711, a Prior Approval application for a larger home extension extending 6 metres beyond the rear wall of the original house, with a maximum height of 3 metres and eaves height of 2.7 metres. That application relates solely to the principal dwelling and is unrelated to the existing residential use of the rear garage.

3. Relevant Planning Law, Enforcement Period and Policy Guidance

Certificate of Lawfulness

- 3.1. The application is made under Section 191 of the Town and Country Planning Act 1990 for a Certificate of Lawful Existing Use or Development in respect of the existing use of the rear garage at 75 Wolves Lane, London, N22 5JD as a self-contained residential unit.
- 3.2. An application under Section 191 is concerned with whether an existing use is lawful for planning purposes. The determination is therefore based upon the relevant planning legislation together with the facts and evidence concerning the nature, commencement and continuity of the use, rather than upon the planning merits of the development.

Enforcement Time Limit

- 3.3. The time limits for taking enforcement action are set out in Section 171B of the Town and Country Planning Act 1990.
- 3.4. Prior to 25 April 2024, an unauthorised material change of use of a building to use as a single dwellinghouse was subject to a four-year enforcement period. Section 115 of the Levelling-up and Regeneration Act 2023 amended Section 171B so that, in England, this period became ten years. Section 115 came into force on 25 April 2024 pursuant to the Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 (SI 2024/452). Regulation 5 preserves the former enforcement regime where the relevant breach occurred before 25 April 2024.
- 3.5. The application concerns a self-contained residential unit whose residential use commenced before 25 April 2024. Accordingly, the former four-year enforcement period is applicable to the assessment of lawfulness in this case.

Continuity and Evidential Test

- 3.6. In considering whether a material change of use has become lawful through the passage of time, the evidence must demonstrate when the use was instituted and that it subsequently continued without significant interruption throughout the applicable enforcement period.
- 3.7. The relevant standard of proof is the balance of probabilities. The evidence should therefore be considered collectively in determining whether it is more probable than not that the claimed use existed and continued throughout the relevant period.

- 3.8. National Planning Practice Guidance confirms that an application for a Certificate of Lawfulness is determined on the basis of the facts of the case and relevant planning law, rather than the planning merits of the use.
- 3.9. Where the Local Planning Authority has no evidence which contradicts or otherwise makes the applicant's account less than probable, there is no good reason to refuse the application provided the evidence is sufficiently precise and unambiguous to satisfy the balance of probability test.
- 3.10. The principal matters relevant to the present application are therefore:
- the nature of the existing use;
 - when the material change of use occurred;
 - the duration and continuity of that use;
 - whether the applicable enforcement period has expired; and
 - whether any enforcement action was taken before the use became lawful.

National and Development Plan Context

- 3.11. The National Planning Policy Framework, the London Plan and the adopted planning policies of the London Borough of Haringey form the wider planning policy context for the site. However, this application does not seek planning permission for a new residential unit but a legal determination under Section 191 as to whether the existing use is lawful. Policies relating to matters such as housing standards, residential amenity, design, parking or the principle of residential development are accordingly not determinative; the relevant considerations are the statutory provisions governing Certificates of Lawfulness, the applicable enforcement period and whether the submitted evidence demonstrates the claimed use on the balance of probabilities.

4. Evidence and Chronology of Residential Use

- 4.1. The application is supported by a combination of documentary, financial, utility, technical, marketing and witness evidence relating to the historic configuration, separate letting and continued occupation of the rear studio.
- 4.2. For ease of reference, a full Schedule of Evidence is provided within the Appendix section of this Statement of Case. The schedule identifies each supporting appendix, the documents contained within it and the relevance of those documents to the claimed residential use.
- 4.3. The evidence includes tenancy agreements, tenancy deposit protection documentation, rent-payment records, electricity-meter correspondence, broadband and official address correspondence, historic electrical certification, maintenance records, appliance purchase evidence, letting advertisements, current time-stamped photographs and witness evidence.
- 4.4. In some instances, representative documents have been submitted rather than every available record in order to avoid unnecessary duplication and excessive volume. Further supporting documentation, including additional utility and residential-address records, can be provided to the Local Planning Authority upon request.
- 4.5. The evidence is considered collectively and in chronological order in the following sections in order to demonstrate the nature, commencement and continuity of the residential use.
- 4.6. The evidential record is not dependent upon any single category of document extending throughout the entire period. Where one form of evidence is not available for a particular period, continuity is supported by other contemporaneous evidence, including utility correspondence, official address records, meter-reading correspondence, financial records and witness evidence. The application therefore relies upon the evidence as a whole, rather than upon individual documents considered in isolation.

Historic Residential Configuration – 2015

- 4.7. The earliest contemporaneous documentary evidence presently available is a Domestic Electrical Installation Condition Report dated 20 April 2015, contained at Appendix D.
- 4.8. The report records domestic electrical installations within the former garage, including circuits associated with a kitchen, cooker, shower, room sockets and lighting. The document therefore provides contemporaneous evidence that the building had already been physically fitted with the principal facilities associated with residential occupation by April 2015.
- 4.9. Further historic corroboration is provided by Appendix L, which contains maintenance records relating specifically to the studio accommodation. Invoices dating from 2016 and 2018 identify the accommodation as the "Studio" / "Rear Studio" at 75 Wolves Lane and record works to domestic facilities including the toilet, shower and hot-water provision. These records are not relied upon as

standalone proof of occupation, but provide further contemporaneous support for the residential configuration and maintenance of the accommodation during this earlier period.

- 4.10. This evidence is consistent with the evidence of the former owner, Mr Kuti Miah, who acquired 75 Wolves Lane on 31 March 2015 and states that, when he acquired the property, the rear building had already been converted and laid out as residential accommodation. His evidence further explains that the accommodation contained its own kitchen, bathroom and living/sleeping facilities and continued to be used for residential purposes during his ownership.
- 4.11. The 2015 electrical documentation and historic maintenance invoices are not relied upon in isolation as proof of uninterrupted separate occupation from that date. Their importance is that they provide early contemporaneous corroboration of the longstanding residential configuration and character of the accommodation. The principal documentary chain relied upon for the statutory period is considered below.

Separate Residential Occupation – May to November 2021

- 4.12. Clear documentary evidence of the separate letting and occupation of the accommodation is available from 10 May 2021, when Barbara Gomes Bezerra and Giochan Kararai entered into a residential tenancy of the rear studio.
- 4.13. The evidence relating to this tenancy is contained at Appendix B and includes:
 - an Assured Shorthold Tenancy Agreement;
 - tenancy deposit protection documentation;
 - rent-payment evidence; and
 - subsequent reference confirmation.
- 4.14. The evidence expressly relates to the residential occupation of the Rear Studio, 75 Wolves Lane from 10 May 2021.
- 4.15. The tenancy documentation is particularly significant because it identifies the accommodation separately from the principal dwelling and records it as the subject of its own residential letting arrangement.
- 4.16. The supporting deposit and financial evidence provides independent corroboration of the tenancy documentation and demonstrates that the arrangement was acted upon in practice rather than existing merely as a written agreement.
- 4.17. Taken collectively, the evidence establishes on the balance of probabilities that the rear studio was being separately occupied as residential accommodation from at least 10 May 2021.

Electrical Evidence Supporting Residential Use – October 2021

- 4.18. Further independent evidence from within the same period is provided by an Electrical Installation Condition Report dated 10 October 2021, contained at Appendix I.
- 4.19. Although the electrical report relates more generally to 75 Wolves Lane, its electrical schedule expressly refers to the accommodation as a “Studio Flat” (see final page of Appendix I, highlighted by a red circle for ease of reference).
- 4.20. The relevant schedule also identifies domestic circuits serving the studio accommodation, including cooking, showering, socket and lighting facilities.
- 4.21. This is useful contemporaneous technical evidence because it falls directly within the documented Barbara Gomes Bezerra and Giochan Kararai tenancy and independently records the existence of the studio as residential accommodation.

Continued Residential Use Between Tenancies – November to December 2021

- 4.22. The Barbara Gomes Bezerra and Giochan Kararai tenancy came to an end in November 2021. The subsequent tenancy of Dimitar Gerov and Vaska Vladimirova commenced on 11 December 2021.
- 4.23. The short period between those tenancies did not involve the building reverting to use as a garage, storage area or ancillary accommodation associated with the principal dwelling. Rather, it remained physically configured and available for residential occupation while replacement occupiers were sought.
- 4.24. Appendix G contains the historic SpareRoom advertisement for the studio, the photographs used to market the accommodation and correspondence and viewing statistics subsequently supplied by SpareRoom in relation to advert reference 16005906.
- 4.25. The advertisement photographs show the accommodation presented with the domestic facilities expected of a self-contained residential studio, including cooking, washing and living/sleeping accommodation. Historic viewing activity also demonstrates that the accommodation was actively being marketed for residential occupation during the short period between tenants.
- 4.26. The short interval between occupiers therefore represented an ordinary inter-tenancy vacancy. It did not amount to abandonment of the residential use or a material change back to garage, storage or ancillary use.

Dimitar Gerov and Vaska Vladimirova – From 11 December 2021

- 4.27. On 11 December 2021, the rear studio was let to Dimitar Gerov and Vaska Vladimirova, whose occupation has continued thereafter.
- 4.28. The principal documentary evidence relating to their tenancy is contained at Appendix A and comprises:
 - their Assured Shorthold Tenancy Agreement;

- tenancy deposit protection documentation;
- subsequent rent-payment evidence by bank transfer; and
- later cash-withdrawal evidence relevant to the subsequent cash-payment arrangement.

4.29. The evidence is expressly relied upon collectively as evidence of the commencement and continuation of their residential tenancy from 11 December 2021 onwards.

4.30. The tenancy agreement and deposit documentation establish the commencement of the residential tenancy, while the subsequent financial records demonstrate that the arrangement continued to operate in practice.

Rent Payments and Electricity Arrangement

4.31. The earlier tenancy of Barbara Gomes Bezerra and Giochan Kararai was at a monthly rent of £900. The subsequent tenancy agreement for Dimitar Gerov and Vaska Vladimirova, commencing on 11 December 2021, recorded an initial contractual rent of £925 per month.

4.32. The later financial evidence records recurring rental payments of £725 per month. By that stage, the rental arrangement had been revised so that electricity consumption was accounted for separately, with Vaska Vladimirova regularly providing meter readings to the landlord or managing agent.

4.33. The reduced £725 rental payments are therefore consistent with the revised arrangement under which electricity was separately recorded and charged. The change in rental amount does not indicate any change in the nature or continuity of the residential occupation.

4.34. Appendix C contains recurring WhatsApp correspondence in which Vaska Vladimirova provided electricity meter readings during her occupation of the rear studio. The correspondence is relevant both as evidence of the separate electricity arrangement and as continuing contemporaneous evidence of her occupation of the accommodation.

4.35. The meter-reading evidence extends over a substantial period and demonstrates a recurring pattern of communication associated directly with the ongoing use of the studio, rather than relying upon a single isolated document.

4.36. A time-stamped photograph (2026/09/06 at 17:26) of the electricity meter serving the rear studio is reproduced above. The meter shown corresponds with the meter evidenced within the recurring WhatsApp correspondence and provides further physical corroboration of the separate electricity-reading arrangement associated with the studio.



Figure 6 - Time-stamped photograph of the electricity meter serving the rear studio

Change from Bank Transfer to Cash Payments

- 4.37. Bank-transfer evidence is available through the later part of 2025. From approximately December 2025, the tenants' circumstances changed and the parties adopted a cash-payment arrangement.
- 4.38. The absence of equivalent rent bank-transfer entries after that point should therefore not be treated as evidence that occupation ceased. Rather, the nature of the supporting evidence changes from direct electronic rent transfers to a combination of cash-withdrawal evidence, utility correspondence, official residential-address correspondence, meter-reading evidence and witness evidence.
- 4.39. Appendix A contains screenshots and a schedule identifying recurring cash withdrawals from December 2025 onwards. In order to verify that those screenshots relate to the same bank account, two full bank statements from the same account have also been provided within Appendix A. Those statements confirm the account holder and account details and independently demonstrate the same pattern of cash withdrawals shown within the screenshots.
- 4.40. The withdrawal pattern includes repeated withdrawals of £500, £250 and other cash amounts throughout 2026. The recurring nature and timing of those withdrawals are consistent with the explanation that rental payments subsequently came to be made in cash. The schedule within Appendix A records repeated cash withdrawals from December 2025 through August 2026.
- 4.41. The cash-withdrawal records are not relied upon in isolation as proof that every individual withdrawal constituted a rental payment. Their evidential weight arises when they are considered together with the wider evidence of continuing occupation, including the EE broadband bills, NHS/health-service and HMRC correspondence, electricity meter correspondence and witness evidence referred to below.
- 4.42. Taken together, the cash-withdrawal pattern and the independent evidence of continued residence provide a consistent explanation for the change from electronic bank-transfer payments to cash, without indicating any interruption in the underlying residential occupation of the rear studio.

Independent Broadband Evidence

- 4.43. More direct independent evidence of continued occupation during this later period is provided by Appendix H, which contains EE broadband correspondence addressed to Vaska Vladimirova at the Rear Outbuilding, 75 Wolves Lane.
- 4.44. The evidence includes a bill dated 7 June 2025, expressly addressed:

V Vladimirova, Rear Outbuilding, 75 Wolves Lane, London, N22 5JD
- 4.45. The same account continues through the later submitted billing period.
- 4.46. The appendix includes the June 2025 correspondence together with a continuous series of bills from September 2025 to August 2026.

- 4.47. These documents provide independent third-party evidence that Vaska Vladimirova was using the rear outbuilding itself as her residential address, rather than merely receiving correspondence somewhere within the wider property.
- 4.48. Additional EE billing records are available. A representative earlier bill and the most recent continuous billing period have been submitted in order to avoid unnecessary duplication and excessive documentation. The remaining records can be provided to the Local Planning Authority upon request.

Official Residential-Address Correspondence

- 4.49. Further independent evidence of continuing occupation is contained at Appendix J, comprising official correspondence addressed to the current occupiers.
- 4.50. The evidence includes:
- NHS correspondence addressed to Vaska Vladimirova at the Rear Studio, dated December 2024;
 - health-service correspondence issued by Our Future Health in partnership with the NHS and addressed to Vaska Vladimirova at the Rear Studio, dated March 2026;
 - health-service correspondence issued by Our Future Health in partnership with the NHS and addressed to Dimitar Gerov, dated March 2026; and
 - HM Revenue & Customs correspondence addressed to Vaska Vladimirova, dated June 2026.
- 4.51. This evidence is particularly relevant to the later cash-payment period because it provides documentation originating from independent public bodies which continued to recognise the existing occupiers at the property during 2026.
- 4.52. Where the correspondence expressly identifies the Rear Studio, it provides particularly strong corroboration that the address being used by Vaska Vladimirova was the application accommodation itself rather than simply the principal dwelling at 75 Wolves Lane.
- 4.53. The combination of the EE broadband correspondence, NHS/HMRC correspondence, continued meter-reading evidence and witness evidence therefore provides a separate evidential basis for continued occupation after the change in rental payment method.

Current Photographic and Appliance Evidence

- 4.54. Current time-stamped photographic evidence is provided at Appendix N. The photographs dated 6 September 2026 demonstrate the present residential configuration of the rear studio, including its kitchen, shower room, sleeping accommodation, independent access and external amenity area. The internal arrangement broadly corresponds with the historic SpareRoom photographs contained at Appendix G, providing further corroboration that the residential character and general layout of the accommodation have remained substantially consistent over time.

- 4.55. Further supporting evidence is contained at Appendix M, comprising dated appliance purchase records together with current photographs showing corresponding appliances installed within the studio. In particular, the historic SpareRoom photographs show the earlier oven, while Appendix M records the purchase of a replacement Indesit oven in February 2025 and shows the corresponding Indesit appliance currently installed. This sequence is consistent with the ordinary replacement and upgrading of domestic appliances within accommodation that has remained in residential use.

Witness Evidence

- 4.56. The documentary evidence is supplemented by signed witness evidence from persons with direct knowledge of the property and the use of the rear studio.

Former Owner – Kuti Miah

- 4.57. Mr Kuti Miah owned 75 Wolves Lane from 31 March 2015 until September 2025.
- 4.58. His signed statement confirms that, when he purchased the property, the rear garage had already been converted and laid out for residential occupation as a self-contained studio, containing its own kitchen, bathroom and living/sleeping accommodation. He further confirms that he subsequently carried out renovation and improvement works to the existing studio accommodation, including works to the kitchen and bathroom.
- 4.59. Mr Miah states that, throughout his ownership, the rear studio was let and occupied separately as residential accommodation and, to the best of his knowledge, did not revert to use as a garage, storage area or other ancillary accommodation.
- 4.60. His statement further confirms that Dimitar Gerov and Vaska Vladimirova have occupied the rear studio since 11 December 2021 and that, to the best of his knowledge, the studio remained their residence continuously thereafter.
- 4.61. Mr Miah also records that, when the property was transferred to his daughters in September 2025, the existing tenants remained in occupation and the residential use continued without interruption.
- 4.62. In relation to the period before his acquisition of the property, Mr Miah explains that he understood from the previous owner that the rear studio had already been converted and rented as residential accommodation for a number of years. This earlier information is relied upon as supporting historical context rather than as the sole evidence establishing lawfulness.
- 4.63. Mr Miah's statement has been signed and witnessed by a solicitor and provides important first-hand evidence covering the period from March 2015 until the transfer of ownership in September 2025.

Current Owner – Faheema Yasmin Miah

- 4.64. Faheema Yasmin Miah became an owner of 75 Wolves Lane in September 2025, when the property was transferred to her by her father, Mr Kuti Miah.

- 4.65. Her signed statement confirms that, at the time of the transfer, the rear studio was already being used as separate residential accommodation and was occupied by Dimitar Gerov and Vaska Vladimirova, who had been residing there since 11 December 2021.
- 4.66. She confirms that the tenants remained in occupation following the transfer of ownership and that the residential use of the rear studio continued without interruption. She also confirms that the studio contains its own kitchen, bathroom and living/sleeping accommodation and is capable of functioning independently as residential accommodation.
- 4.67. Her evidence is particularly relevant to the later period because it provides first-hand confirmation that the change in ownership in September 2025 did not result in any interruption, abandonment or alteration of the residential use.
- 4.68. Faheema Yasmin Miah's statement has also been signed and witnessed by a solicitor and provides direct evidence of the continuation of the residential use from September 2025 onwards.

Corroborative Evidence from Occupier of the Principal Dwelling – Pribin Kothadu Benny

- 4.69. Further independent corroborative evidence is provided by Pribin Kothadu Benny, a resident of the principal dwelling at 75 Wolves Lane.
- 4.70. Mr Benny confirms in his signed statement that he has resided at 75 Wolves Lane since 11 September 2024.
- 4.71. He further confirms that, throughout the entire period of his residence at the property, Vaska Vladimirova and Dimitar Gerov have been living in the studio accommodation at the rear of the property. His evidence therefore provides direct corroboration of continued residential occupation of the rear studio from September 2024 onwards.
- 4.72. This evidence is of additional value because it comes from an occupier of the principal dwelling who has personally observed the use of the rear studio during his own period of residence, rather than from the property owners or the occupiers of the studio themselves.
- 4.73. If required, the applicant can also provide Mr Benny's tenancy agreement or other tenancy documentation to establish his own period of residence at 75 Wolves Lane and thereby corroborate the period over which he has direct knowledge of the studio's occupation.

Overall Evidential Continuity

- 4.74. The evidence comprises a sequence of mutually corroborative documents and witness accounts, with different forms of evidence overlapping at different points in time.
- 4.75. The 2015 electrical evidence establishes the early residential configuration of the accommodation; the 2021 tenancy, deposit and rent records provide a clear documentary chain of separate residential occupation; the October 2021 electrical report identifies the accommodation as a Studio

Flat; and the SpareRoom evidence demonstrates continued residential configuration and marketing between tenancies.

- 4.76. From December 2021 onwards, the tenancy, rent-payment records, electricity-meter correspondence, broadband records, official address correspondence and witness evidence collectively demonstrate the continued occupation of the rear studio by Dimitar Gerov and Vaska Vladimirova.
- 4.77. Although the form of evidence changes over time, particularly following the later change from electronic rent payments to cash, the later period remains supported by utility records, NHS and HMRC correspondence, meter-reading evidence, cash-withdrawal records and witness testimony.
- 4.78. There is no evidence of the accommodation reverting to use as a garage, storage area or ancillary accommodation. The short interval between the two 2021 tenancies was an ordinary vacancy during which the studio remained residentially configured and actively marketed.
- 4.79. Taken as a whole, the evidence demonstrates, on the balance of probabilities, the rear studio has remained in continuous separate residential use throughout the relevant enforcement period and thereafter.

5. Assessment of Lawfulness

Nature of the Existing Use

- 5.1. As described in Section 2 and supported by Section 4, the rear accommodation functions independently as a self-contained residential studio, with its own kitchen, bathroom, living/sleeping accommodation, independent access and separate occupation from the principal dwelling.
- 5.2. Its physical arrangement, domestic facilities and separate letting history support the conclusion that it constitutes a separate residential use within Use Class C3, rather than incidental or ancillary accommodation.

Continuity of Use and Applicable Enforcement Period

- 5.3. Section 4 demonstrates a continuous evidential chain of separate residential use from at least 10 May 2021, with earlier 2015 evidence supporting the longstanding residential configuration of the accommodation.
- 5.4. The short period between the two 2021 tenancies did not involve abandonment or reversion to garage, storage or ancillary use; the studio remained residentially configured and actively marketed before the subsequent tenancy commenced on 11 December 2021.
- 5.5. The residential use therefore clearly existed before 25 April 2024 and, as set out in Section 3, is subject to the former four-year enforcement period preserved by the transitional provisions following the amendment to Section 171B of the Town and Country Planning Act 1990.
- 5.6. On the evidence, that four-year period had expired by 10 May 2025, without enforcement action preventing the use from becoming lawful by passage of time.

Evidential Test and Overall Position

- 5.7. As explained in Section 3, the relevant test is the balance of probabilities and the evidence must be considered as a whole. Section 4 shows a consistent and mutually corroborative record comprising tenancy, deposit, financial, utility, official correspondence, marketing, technical and witness evidence.
- 5.8. Importantly, the later change from electronic rent payments to cash occurred after the applicable four-year enforcement period had already expired on 10 May 2025. The later cash-withdrawal, broadband, official correspondence, meter-reading and witness evidence is therefore relied upon principally to demonstrate that the established residential use continued thereafter and remained subsisting at the date of this application, rather than to establish the expiry of the four-year period itself.
- 5.9. There is no evidence of abandonment, interruption or reversion to a different use. Taken as a whole, the evidence establishes on the balance of probabilities that the rear studio remained in continuous separate residential use throughout the applicable four-year period and thereafter.
- 5.10. Accordingly, the existing use of the rear studio as a separate self-contained residential unit within Use Class C3 is lawful by passage of time and the Certificate of Lawfulness of Existing Use should be granted.

6. Conclusion

- 6.1. This application seeks a Certificate of Lawfulness of Existing Use in respect of the rear studio at 75 Wolves Lane, London, N22 5JD, which has been used as a separate self-contained residential unit within Use Class C3.
- 6.2. The evidence demonstrates that the accommodation was already residentially configured by 2015 and that a clear documentary chain of separate residential occupation exists from at least 10 May 2021 onwards.
- 6.3. The tenancy, deposit, financial, utility, official correspondence, marketing, technical and witness evidence is consistent and mutually corroborative. Taken together, it demonstrates that the residential use has continued without material interruption or break, including through the short period between the two documented 2021 tenancies, during which the studio remained residentially configured and actively marketed.
- 6.4. There is no evidence of abandonment, reversion to garage, storage or ancillary use, or any intervening material change of use during the relevant period.
- 6.5. As set out in Sections 3 and 5, the applicable former four-year enforcement period had expired by 10 May 2025 without enforcement action preventing the use from becoming lawful by passage of time.
- 6.6. Accordingly, the existing use of the rear studio as a separate self-contained residential unit within Use Class C3 is lawful, and the Local Planning Authority is respectfully invited to issue the Certificate of Lawfulness sought.

7. Appendix

Appendix	Evidence	Date / Period	Relevance
Appendix A	Evidence relating to Dimitar Gerov and Vaska Vladimirova, including tenancy agreement, tenancy deposit protection documentation, rent payment evidence by bank transfer and cash withdrawal evidence supporting the later cash-payment arrangement	From 11 December 2021 onwards	Provides documentary and financial evidence of the commencement and continuation of the current residential tenancy. The bank records evidence recurring rental payments through 2025, while the later cash withdrawal evidence supports the change in payment method from December 2025 onwards.
Appendix B	Evidence relating to Barbara Gomes Bezerra and Giochan Kararai, including tenancy agreement, tenancy deposit protection documentation, rent payment evidence and reference confirmation	From 10 May 2021 to November 2021	Provides clear evidence that the accommodation was separately let and occupied as the Rear Studio, 75 Wolves Lane from May 2021.
Appendix C	Electricity meter readings and WhatsApp correspondence between Vaska Vladimirova and the landlord	January 2023 to September 2026	Provides further corroboration of continued physical occupation and supports the arrangement under which electricity usage was accounted for separately from the monthly rent.
Appendix D	Domestic Electrical Installation Condition Report	20 April 2015	Provides contemporaneous supporting evidence that domestic electrical installations and facilities associated with residential occupation were already present by 2015, including kitchen, cooker, shower and lighting circuits.
Appendix E	Witness Statement of Kuti Miah, former owner	Ownership from 31 March 2015 to September 2025	Confirms that the rear studio had already been converted when he acquired the property, that it contained residential facilities, and that it continued to be used as residential accommodation during his ownership.
Appendix F	Witness Statement of Faheema Yasmin Miah, current owner	From September 2025	Confirms that the existing tenants remained in occupation when ownership transferred to her and that the residential use of the rear studio continued thereafter without interruption.

Appendix	Evidence	Date / Period	Relevance
Appendix G	Historic SpareRoom Advertisement and Supporting Listing Evidence, including advert, photographs, SpareRoom correspondence and historic viewing statistics	November–December 2021	Provides independent supporting evidence that the rear studio remained configured, available and actively marketed for residential occupation during the short inter-tenancy period. The advert photographs also support the residential character and internal configuration of the accommodation at that time.
Appendix H	EE Broadband / Utility Evidence – Vaska Vladimirova, addressed to the Rear Outbuilding	June 2025, September 2025–August 2026	Provides independent third-party evidence that Vaska used the rear outbuilding as her residential address and strongly corroborates continued occupation through 2025–2026.
Appendix I	Electrical Installation Condition Report – 75 Wolves Lane, including reference to the studio flat	10 October 2021	Provides contemporaneous technical evidence from within the documented 2021 period expressly recognising the existence of the studio flat, further corroborating the separate residential character of the accommodation.
Appendix J	Official correspondence addressed to Vaska Vladimirova and Dimitar Gerov, including NHS and HM Revenue & Customs correspondence, with certain documents expressly addressed to the Rear Studio	December 2024; March 2026; June 2026	Provides independent third-party evidence that the current occupiers continued to use the rear studio as their residential address, particularly during the period after rent payments changed from bank transfer to cash.
Appendix K	Witness Statement of Pribin Kothadu Benny, occupier of the principal dwelling	From 11 September 2024 onwards	Provides independent first-hand corroboration that Vaska Vladimirova and Dimitar Gerov have continued to occupy the rear studio as residential accommodation throughout Mr Benny's period of residence at 75 Wolves Lane.

Appendix	Evidence	Date / Period	Relevance
Appendix L	Builders' invoices and repair/maintenance records relating to the rear studio	2016, 2018 and 2022	Supports the continued residential configuration and maintenance of the rear studio during the relevant period.
Appendix M	Appliance purchase records together with current time-stamped photographs showing corresponding appliances within the rear studio	December 2021; February 2025; September 2026 photographs	Provides dated supporting evidence of domestic appliances associated with the studio and corroborates its continued domestic fitting-out.
Appendix N	Current time-stamped photographic evidence of the rear studio, including access, domestic facilities and amenity area	6 September 2026	Demonstrates the present residential configuration of the rear studio. The photographs broadly correspond with the historic SpareRoom photographs at Appendix G, supporting continuity of its residential character and general layout.