

Planning Statement

21 Arcadian Gardens
London N22 5AG

APPLICATION

Lawful development: Existing use. The building at No. 21 Arcadian Gardens is and has been in use as a Use Class C4 House in Multiple Occupation.

Site	21 Arcadian Gardens, London N22 5AG
Applicant	Mr Hasan Kasim
Agent	Bashkal
Local planning authority	London Borough of Haringey
Planning Portal reference	PP-14611510 (Council reference HGY/2026/0445)
Our reference	B-0140-PL
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1. Introduction

This Statement is submitted by Bashkal on behalf of the applicant, Mr Hasan Kasim ("the Applicant"), in support of an application to the London Borough of Haringey ("the Council") for a Certificate of Lawful Existing Use or Development ("CLEUD") under section 191 of the Town and Country Planning Act 1990 (as amended) ("the Act"). The application is registered by the Council under reference HGY/2026/0445.

The certificate sought is that the existing use of 21 Arcadian Gardens, London N22 5AG ("the Property") as a house in multiple occupation within Use Class C4 is lawful for planning purposes. That use was established before the Council's Article 4 Direction took effect on 30 November 2013, at a time when no planning permission was required for it; and in any event it has subsisted continuously for a period well in excess of ten years and has become immune from enforcement action.

Bashkal is the planning agent acting for the applicant. All correspondence relating to this application should be directed to Bashkal in the first instance.

This Statement should be read with the application form, the existing floor plans at drawing 001, the Schedule of Accommodation and the Schedule of Evidence at Appendix A. The evidence is presented in an indexed bundle of 48 documents and is cross-referenced in this Statement by bundle reference (for example "A01", "B02", "C01", "D01").

2. The Property

The Property is a two-storey terraced house on Arcadian Gardens, London N22 5AG, in the Woodside ward of the London Borough of Haringey. Its gross internal area is approximately 131.4 sq m, arranged over ground and first floors.

The existing floor plans at drawing 001 (evidence A00) were prepared from a measured survey and 3D scan of the Property carried out on 6 November 2025, and carry a schedule of accommodation. The Property provides six rooms capable of use as sleeping accommodation, together with two kitchens, two bathrooms, a separate WC, hallways and a staircase.

Room	Floor	Floor area	Sleeping accommodation
Bedroom 1	Ground	14.76 sq m	Yes
Bedroom 2	Ground	10.99 sq m	Yes
Bedroom 3	Ground	15.57 sq m	Yes
Bedroom 4	First	9.72 sq m	Yes
Bedroom 5	First	11.39 sq m	Yes
Bedroom 6	First	11.82 sq m	Yes
Room 7	First	5.11 sq m	No, below the statutory minimum

The drawing also shows a seventh room at first floor rear with a floor area of 5.11 sq m. That room cannot lawfully be used as sleeping accommodation. Regulation 4 of the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 prescribes a minimum floor area of 6.51 sq m for a room used as sleeping accommodation by one person aged over ten years, and that minimum is reproduced as condition 1.1(a) of the Council's own licence for the Property (A01). At 5.11 sq m the room falls below it, and it is accordingly not counted as a bedroom.

The Property therefore provides six lettable rooms. That corresponds to the Council's own licensing record: HMO licence HAR-103553-1 (A01) permits a maximum of six persons living as five households, and its schedule of permitted occupation lists six lettings at the Property. The use for which this certificate is sought is the use the Council has itself licensed.

Rooms are let individually to separate occupiers, who share the kitchens, the bathrooms, the WC and the other communal areas. The Property is managed as a whole and is a single planning unit.

3. The use for which the certificate is sought

CERTIFICATE SOUGHT

The use of the land and building at 21 Arcadian Gardens, London N22 5AG as a house in multiple occupation within Use Class C4, occupied by up to six persons living as up to five separate households who share basic amenities.

That description corresponds to the use described in the application form and to the occupation permitted by the Council under HMO licence HAR-103553-1. This is an application in respect of an existing use only; it does not seek to certify any building or engineering operations.

4. The legal test

Under section 191(2) of the Act a use of land 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 of the requirements of an enforcement notice then in force. The Applicant is not aware of any enforcement notice in force in respect of the Property.

The burden of proof rests on the Applicant and the standard of proof is the balance of probabilities. As confirmed in *F. W. Gabbitts v Secretary of State for the Environment* [1985] JPL 630, an applicant's evidence, if sufficiently precise and unambiguous, is capable of discharging that burden, and the local planning authority should determine the application on the balance of probability where there is no evidence to contradict it. The account given below is corroborated at every stage by contemporaneous documents created by third parties, and in material part by the Council's own records.

5. Primary case: pre-Article 4 establishment

On 30 November 2013 the Council brought into force an Article 4 Direction removing, in twelve named wards including Woodside, the permitted development right allowing a change of use from a dwellinghouse (Use Class C3) to a small house in multiple occupation (Use Class C4). Since that date such a change of use in Woodside has required express planning permission.

The Direction does not affect a C4 use already established before it took effect. With effect from 1 October 2010 the change of use from Class C3 to Class C4 was permitted development under Class L of Part 3 of Schedule 2 to the General Permitted Development Order, introduced by SI 2010/2134; and before Use Class C4 was created on 6 April 2010 the use of a dwelling in small-scale multiple occupation fell within, or was not materially distinct from, Class C3. On either footing no express planning permission was required to establish the use.

The evidence at Section 7 shows that the Property was let in multiple occupation continuously from at least the 2004/05 tax year, and under formal sub-letting management from 1 December 2008, five years before the Direction took effect. An Article 4 Direction operates prospectively only; it removes permitted development rights going forward and does not render unlawful a use already established when it came into force. The use is accordingly lawful and requires no planning permission.

6. Alternative case: ten-year immunity

Further and in any event, by section 171B(3) of the Act no enforcement action may be taken in respect of a material change of use, other than a change to use as a single dwellinghouse, after the end of the period of ten years beginning with the date of the breach. That ten-year period has applied to a change of use of this kind throughout the relevant period, and is now the standard enforcement period for all breaches following the amendment of section 171B by section 115 of the Levelling-up and Regeneration Act 2023, in force from 25 April 2024.

This application was made on 18 February 2026, so the relevant period runs back to 18 February 2016. The use was not begun within that period. The furnished lettings accounts (B01) record letting income from the Property in every tax year from 2004/05 onwards without a break, including the years either side of February 2016; the bank statements (B09) run continuously from January 2010; and the sub-letting management agreements (B02 to B07) and the Applicant's letter to the Council's Revenues service (B08) show the Property in multi-occupied letting use from 1 December 2008. The individual room agreements then evidence the same use continuing from August 2016 onwards.

On that evidence the use had been established and was running well before the start of the relevant period, and has continued since. Any breach of planning control became immune from enforcement long before the date of this application.

7. The evidence relied upon

7.1 The Council's own licensing records

The Property is licensed by the Council as a house in multiple occupation. Licence HAR-103553-1 (A01) was granted to the Applicant on 18 December 2020 under section 64 of the Housing Act 2004 and permits occupation by up to six persons living as five households. It is supported by the Council's determination letters of 1 June 2020 (A04) and 17 July 2020 (A05), the application confirmation (A03) and the schedule of works (A02).

The grant of an HMO licence is a determination by the Council itself, following inspection, that the Property is in use as a house in multiple occupation. It is the strongest independent confirmation available of the use for which this certificate is sought, it is held on the Council's own files, and it can be verified internally.

7.2 Furnished lettings accounts, an unbroken run from 2004/05

Successive Furnished Lettings computations prepared by the Applicant's accountants (B01) record letting income from the Property for each tax year from that ended 5 April 2005 to that ended 5 April 2024, twenty consecutive years, rising from a part-year figure in 2004/05 to a full-year level from 2005/06 onwards. These are independently prepared financial records, they contain no gap, and they establish continuous income-producing multi-room residential letting use from well before Use Class C4 was created in April 2010 and well before the Article 4 Direction of 30 November 2013.

7.3 Management of the Property, 2008 to 2014

Six consecutive annual management agreements with Costas Lettings Limited (B02 to B07), each commencing on 1 December and running from 1 December 2008 through to 2013, expressly provided that "the Property is to be used for sub-lettings as residential accommodation to Licensees or tenants chosen by Costas Lettings Limited". Throughout the five years immediately preceding the Article 4 Direction the Property was therefore managed and let as multi-occupied residential accommodation, the very use now sought to be certified. That arrangement is confirmed by the Applicant's letter to the Council's Revenues service dated 2 October 2014 (B08), which refers to the Costas Lettings management of the Property "from 1st December 2008 to date".

7.4 Room-by-room letting

The letting of rooms at the Property to separate occupiers is evidenced by twenty-four written agreements (C01 to C24) running from 7 August 2016 to 22 August 2022. Each grants an occupier the use of a specified room together with the shared use of the bathroom, WC, kitchen and sitting room "with other occupiers", the defining characteristic of a house in multiple occupation. They are listed chronologically at Appendix A.

The agreements show rooms let to different occupiers at the same time throughout the period. On 10 August 2020, for example, separate agreements

were in force in respect of Room 1 (Mr Rangelov, C12), Room 3 (Mr Athanasov, C13), Room 4 (Mr A K Mestan, C15) and Room 6 (Mr Asan Mestan, C17), together with Room 5 (Mr Azadin, C07, granted on 1 March 2020): five rooms let individually to five separate occupiers, each sharing the kitchens, bathrooms and WC. That is multiple occupation within Use Class C4 on any view.

The agreements are produced as evidence of the letting of rooms on the dates they bear. A small number overlap in date. Nothing turns on the precise identity of individual rooms for the purposes of this application, which is concerned with the use of the Property as a single planning unit.

7.5 Bank statements and Housing Benefit

Bank statements for the Applicant (B09) spanning January 2010 to October 2025 show rental receipts in respect of the Property, including Housing Benefit credits paid by the Council from February 2011, together with the Applicant's payment of the communal utilities. Concurrent rent credits from different payers, Housing Benefit referable to occupiers of the Property, and a landlord paying shared utilities are consistent only with multi-occupied residential use. These records run to October 2025 and so corroborate continuity across the whole of the relevant period.

7.6 Safety and compliance records

Records characteristic of a house in multiple occupation corroborate the use: Electrical Installation Condition Reports for the ground and first floors dated 15 December 2019 (A06, A07), a Gas Safety Record (A08), a fire safety equipment certificate and fire alarm installation records (A09, A10), and an Energy Performance Certificate (A11). A communal fire alarm system, and inspection of the electrical installation floor by floor across the whole house, are characteristic of a multi-occupied building rather than of a single dwelling.

7.7 Council Tax

Council Tax records (A12, A13) show the Property assessed and billed as a single hereditament with the landlord liable, the position expected of a house in multiple occupation let room by room, where the landlord rather than the individual occupiers is liable. The Council's revenue records may be verified internally.

7.8 Occupation from 20 October 2023

So that the Council has the complete picture, on 20 October 2023 the Applicant granted a company tenancy of the whole Property to Assisted Care Limited (company number 09241491) for a term of five years at a rent of 4,000 pounds per calendar month (D01). Under that agreement the occupiers are individuals nominated by that company who occupy as its licensees, and the agreement provides in terms that the occupiers "will use the Property for private residential purposes only".

The interposition of a management company between the owner and the occupiers does not alter the character of the use of the land, which is what section 191 is concerned with. The Property has continued to be occupied by separate

individuals in separately let rooms sharing the kitchens, bathrooms and WC, as it was before. There has been no material change of use since 20 October 2023 and no interruption of the use for which the certificate is sought.

8. Continuity of use

Period	Evidence	What it shows
2004/05 to 2023/24	Furnished lettings accounts (B01)	Twenty consecutive tax years of multi-room letting income, without a gap
Dec 2008 to Oct 2014	Costas Lettings agreements (B02 to B07); letter to Council (B08)	Property managed and sub-let as multi-occupied accommodation before the Article 4 Direction
Jan 2010 to Oct 2025	Bank statements and Housing Benefit (B09)	Concurrent rent credits, Housing Benefit receipts, landlord paying communal utilities
Aug 2016 to Aug 2022	Room agreements (C01 to C24)	Rooms let individually to separate occupiers sharing amenities
2019 to 2020	EICRs, gas, fire safety (A06 to A10)	Whole-house safety certification characteristic of multiple occupation
2020 to 2025	HMO licence and determinations (A01 to A05)	Council licenses the Property for up to six persons in five households
From 20 Oct 2023	Company tenancy (D01)	Occupation continuing under a company tenancy of the whole Property

9. Conclusion

The evidence demonstrates, comfortably on the balance of probabilities, that the Property has been used as a house in multiple occupation within Use Class C4 continuously for many years. That use was established before the Council's Article 4 Direction took effect on 30 November 2013, at a time when no planning permission was required for it, and is therefore lawful. In any event the use has subsisted continuously since well before 18 February 2016 and has become immune from enforcement action under section 171B(3) of the Act.

The Applicant respectfully requests that the Council issues a Certificate of Lawful Existing Use or Development in the terms set out at Section 3 above.

10. Appendix A: Schedule of Evidence

Forty-eight documents accompany this application. Reference codes match the file names in the bundle.

Ref	Section A: Property, layout and licensing	
A00	Existing Floor Plans (Drawing 001)	
A01	HMO Licence HAR-103553-1 (granted 18 Dec 2020)	
A02	HMO Licence, Schedule of Works (2021)	
A03	HMO Licence, Application Confirmation (2020)	
A04	Haringey HMO Licensing Notice (01 Jun 2020)	
A05	Haringey HMO Licensing Final Notice (17 Jul 2020)	
A06	EICR Ground Floor (15 Dec 2019)	
A07	EICR First Floor (15 Dec 2019)	
A08	Gas Safety Record (28 Jul 2020)	
A09	Fire Safety Equipment Certificate (2020)	
A10	Fire Alarm Installation Receipt (Jul 2020)	
A11	Energy Performance Certificate (2019)	
A12	Council Tax Bill (2023-24)	
A13	Council Tax Refund Correspondence (Jan 2024)	
Ref	Section B: Letting history and continuity	
B01	Furnished Lettings Accounts 2004-05 to 2023-24	
B02	Costas Lettings Sub-Letting Agreement (01 Dec 2008)	
B03	Costas Lettings Sub-Letting Agreement (01 Dec 2009)	
B04	Costas Lettings Sub-Letting Agreement (01 Dec 2010)	
B05	Costas Lettings Sub-Letting Agreement (01 Dec 2011)	
B06	Costas Lettings Sub-Letting Agreement (01 Dec 2012)	
B07	Costas Lettings Sub-Letting Agreement (01 Dec 2013)	
B08	Letter to Haringey re Costas Lettings (02 Oct 2014)	
B09	Bank Statements Jan 2010 to Oct 2025	
Ref	Date	Section C: Room tenancy agreements
C01	07 Aug 2016	Room 5 AST, Azadin
C02	01 Jul 2017	Room 1 AST, Ivanova and Arlind
C03	01 Jul 2017	Room 3 AST, Stoyanov and Filipov
C04	25 Oct 2017	Room 4 AST, Atanasov and Mestan
C05	25 Oct 2017	Room 1 AST, Asenov
C06	13 Nov 2018	Rooms 1 and 3 AST, Asenov and Asenova
C07	01 Mar 2020	Room 5 House Share, Azadin
C08	2020	Room 5 Room Agreement particulars, Azadin
C09	01 Jun 2020	Room 6 AST, Elbaz
C10	11 Jun 2020	Room 1 AST, Rangelov
C11	01 Aug 2020	Room 1 Room Agreement, Rangelov
C12	10 Aug 2020	Room 1 House Share, Rangelov
C13	10 Aug 2020	Room 3 House Share, Athanasov
C14	2020	Room 3 Room Agreement particulars, Athanasov
C15	10 Aug 2020	Room 4 House Share, A K Mestan
C16	2020	Room 4 Room Agreement particulars, A K Mestan
C17	10 Aug 2020	Room 6 House Share, Asan Mestan
C18	2020	Room 6 Room Agreement particulars, Asan Mestan

C19	01 Apr 2021	Room 4 House Share and Room Agreement, Filogria
C20	01 May 2021	Room 4 House Share, Asenova
C21	2021	Room 4 Room Agreement particulars, Asenova
C22	22 Aug 2021	Room 2 Room Agreement, Rangelov
C23	22 Aug 2021	Room 1 House Share, Rangelov
C24	22 Aug 2022	Room 1 Room Agreement, Rangelov
Ref	Section D: Current occupation	
D01	Company Tenancy Agreement, Assisted Care Ltd (20 Oct 2023)	