

Recommendation

Approve

PLANNING & ENFORCEMENT HISTORY

The relevant planning history is as follows this site:

OLD/1982/0704: 30/3/82 Erection of single storey rear extension – Approved 23/06/1982

HGY/1995/0083: Use of the premises as two self-contained flats (Certificate of Lawfulness) – Approved 09/5/1995

REPRESENTATIONS

Planning Practice Guidance (PPG) on Lawful Development Certificates, sets out that: "There is no statutory requirement to consult third parties. It may, however, be reasonable for a Local Planning Authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application." (Paragraph: 008 Reference ID: 17c-008-2014030).

No representations have been received.

RELEVANT PLANNING LEGISLATION

The application has been made under section 191 of the Town and Country Planning Act 1990 and relevant amendments. This is not a planning application but instead the applicant seeks confirmation that the proposed development is lawful.

Town and Country Planning Act 1990

Section 191 of the Town and Country Planning Act 1990 (as amended by section 10 of the Planning and Compensation Act 1991) states that:

"If any person wishes to ascertain whether any existing use of buildings or other land is lawful ...he may make an application for the purpose to the Local Planning Authority specifying the land and describing the use ... For the purposes of this Act uses ... are lawful at any time if –

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

If, on an application under this section, the Local Planning Authority are provided with information satisfying them of the lawfulness at the time of the application of the use, described in the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application."

National Planning Practice Guidance (PPG)

National Planning Policy Guidance issued by the Government in relation to Lawful Development Certificates explains the process for obtaining a lawful development certificate for existing or proposed use.

In this case, the Local Planning Authority is requested to grant a certificate confirming that: "(a) an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under section 191 of the Town and Country Planning Act 1990" Paragraph 001 Reference ID: 17c-001-20140306.

Paragraph: 009 Reference ID: 17c-009-20140306 of the PPG indicates:

"A Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process."

As such, the impact of the proposed development on the neighbouring amenity or the character of the area cannot be taken into consideration for the purpose of this submission.

Paragraph: 006 Reference ID: 17c-006-20140306 of the PPG indicates:

"The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.

In the case of applications for 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."

EVALUATION

Section 191 of the Act indicates that the burden of proof lies with the applicant, but the relevant test is 'the balance of probability'. Local Planning Authorities (LPAs) are advised that (unless the applicant's evidence is imprecise or ambiguous, or the LPA has evidence of its own which contradicts or undermines the applicant's version of events), a certificate should be issued.

In this case, a Certificate is sought on the grounds that the building outlined in red on the submitted plan has been in use as two flats/maisonettes for a continuous period of 4 or more years from when the application was submitted on 03/02/2023, so between 04/02/2019 – 03/02/2023.

Applicant's evidence

General Evidence:

- Application form claims the works completed/use commenced on 31/12/2017
- Existing floor plan: JUN23_2FR_02

The plan shows the building laid out with 4 studio flats on the ground floor, 3 studio flats on the first floor, one of which has a set of steps up to the second floor where the kitchen is located, alongside 2 other studio flats on the second floor. All studio flats are shown to be self-contained, with separate bathrooms and kitchenettes. All units on the ground floor are labelled as belonging to '13A':

Studio A
Studio B
Studio C
Studio D

Units located on the first and second floor are shown as belonging to '13 B':

Studio A
Studio B
Studio C
Studio D

Studio E

- Land Registry property title which shows the property was bought by the applicant 09/05/2008, with the address of '13 Lancaster Road, London (N4 4PJ)
- Statutory Declaration by Jakub Orna who states they were one of the managing agents responsible for the letting of the property which was continuously used as 9 self-contained flats. The wording of the declaration is slightly unclear, in stating that they were letting the property 'via my former company Reliable Homes since 2017', which suggests that they no longer work for the property and doesn't make clear the duration of time for which they were – or have been – responsible for the management off the letting of the flats.
- Statutory Declaration from Paolo Di Bernardo. The declaration states they were one of the managing agents for the property since 2016 working for Coultons Estate Agents, and has been continuously used as 9 self-contained flats during that period, signed 06/01/23.
- Statutory Declaration by Cristiana Radaelli who states they were a tenant of Studio B 13a Lancaster Road since 31/01/17, and the building has been used as 9 self-contained flats since then up until the date of the declaration 06/01/23. This is a discrepancy with the application form which claims the works were completed 31/12/2017.
- Screenshot of a list of energy certificate listings for Studios A-D 13a Lancaster Road & Studios A-E 13b Lancaster Road.
- Buildings Insurance from QBE for period 22/05/2018 – 21/05/2019 to landlord in relation to a number of properties, including 13 Lancaster Road, annotated 'Converted into 9 self contained studio flats.'
- Buildings Insurance from QBE for period 22/05/2019 – 21/05/2020 to landlord in relation to a number of properties, including 13 Lancaster Road, annotated 'Converted into 9 self contained studio flats.'
- Property Owners Insurance from Index Financial Servies Ltd, policy holder in name of landlord for period 22/05/21 – 21/05/22 for 7 properties, including 13 Lancaster Road, described as '..9 self contained studio flats – let to working tenants.'
- A buildings insurance quote from Ugis to landlord for period 22/05/22 – 21/05/2023 for 13 Lancaster Road

Evidence for individual units:

13A Lancaster Road Studio A

Tenancy agreements

- 02/07/2018 – 01/07/2019 signed by tenants Mr Blazej Zimnak & landlord
- 16/04/2019 – 15/04/2020 Signed by tenants Miss Giulia Abozzi/Mr Francesko Spahi & landlord
- 16/12/2021 – 15/12/2022 electronically signed by tenant TaqluddIn Hani Abouargub & landlord

Period covered:

02/07/2018 – 15/04/2020: one year 9 months and 13 days

Gap between 16/04/2020 – 15/12/2021 of one year and 8 months of no tenancies

16/12/2021 – 15/12/2022: One year

Total period of 2 years, 9 months and 13 days between 02/07/18 – 15/12/22

Rent payment ledger

- Ledger indicates payments received from Giulia Abozzi and Francesko Spahi between April 2019 – November 2021

Utilities

- Gas Safety Records for Flat A & B 13a Lancaster Road dated 30/11/2017, 29/11/2018, 28/11/2019, 29/11/2020, 30/11/2021

Total period of 5 years safety records between 30/11/17 – 30/11/21 for Flat A & B, 13a Lancaster Road

Bank statements

- Money received on 4 dates from Blazej Zimnak; 2 of which the year is not identified. One payment referenced for November 2018 and one for March 2019.
- Statement of account by Reliable Homes dated 17/12/21 showing £1,100 received for rent period 16/12/2021 – 15/01/2022 from TaqluddIn Hani Abouargub

- Money received on 2 dates for which the year is not identified. One payment referenced received 17/12 from Clients Premi ref. StA13 Lancaster. Payment received 17/01 from T Abouargub for £1,100 ref: Studio A 13 LR.
- Bank Statement for Mr Argyros George Epaminondas 14 May – 13 Jun 2022 showing payment from T. Abourargub of £1,100 for Studio A 13 L.R
- Bank Statement for Mr Argyros George Epaminondas 14 Oct – 11 Nov 2022 showing payment from T. Abourargub of £1,100 for Studio A 13 L.R

Some evidence of payments made by tenants listed on tenancy agreements during relevant periods.

- Screenshot of energy certificate (rating D) for Studio A 13a Lancaster Road valid until 24 October 2031.

13a Lancaster Road, Studio B

Tenancy agreements

- 31/01/2017 – 31/01/2018 signed by tenant Christina Radaelli & landlord for studio B of 13a Lancaster Road

Bank statements

- A bank statement summary for Agy Epaminondas showing 61 largely monthly payments received from a C Radaelli of £800 or £950 between 01/12/2017 – 28/10/2022

Despite there only being one tenancy agreement covering one year, the submission of the bank statements provide strong evidence that Studio B 13a was occupied by the paying tenant for a period between 01/12/2017 - 28/10/2022 (4 years 11 months)

Gas safety records

Flat A & B 13a Lancaster Road dated 30/11/17, 29/11/18, 28/11/20, 29/11/20, 30/11/21, 19/03/22

Evidence that 13a Lancaster Road had gas meters for flats A and B between 11/2017 – 03/22 (4 years, 4 months)

- Screenshot of energy certificate (rating D) for Studio B 13b Lancaster Road valid until 24 October 2031.

13a Lancaster Road, Studio C

Tenancy agreements

- 10/08/2018 – 09/08/2019 for Studio C, 13a Lancaster Road for tenant Olivia Grace Anne Marshall & Arthur Charlie Willis electronically signed by tenant and agent / Standing order declaration letter by tenants dated 02/08/2018
- 10/01/2020 – 09/01/2021 electronically signed by tenant Florian Frank Fleitmann & landlord for studio C of 13a Lancaster Road
- 23/10/2021 – 22/10/2022 electronically signed by Nneoma Kristen Ituma.. & landlord for studio C of 13 Lancaster Road (no initials)

Tenancy agreements covering approximately 2 years 11 months between 08/18 – 10/22, with a gap of 5 months between 08/19 – 10/20

Other

- Invoice, Statement of account from Reliable Homes Studio C 13a Lancaster Road to M Epaminondas dated 11/08/2018
- Statement of account from Reliable Homes for Studio C 13 Lancaster Road dated 21/12/2018
- Review from 'Reliable Homes' for tenant affordability of Florian Fleitmann for moving into 'Studio C, 13 Lancaster Road N4 4PJ' for 12 month period as of 10 Jan 2020.
- Invoice from Reliable Homes Studio C 13 Lancaster Road to M Epaminondas dated 10/01/2020.
- Statement of account from Reliable Homes for 'Studio C 13 Lancaster Road for period 10/01/2020 – 09/02/2020 for Mr Florian Fleitmann
- Invoice from Reliable Homes to Mr Epaminondas with statement of accounts for Studio C 13 Lancaster Road dated 28/10/2021 and 19/11/2021

Does provide evidence between 08/18 – 11/21 that Studio C 13a Lancaster Road has been in existence and occupied.

Gas safety record

Flat C & D 13a Lancaster Road dated 30/11/17

Flat C & D 13a Lancaster Road dated 28/11/19

Flat C & D 13a Lancaster Road dated 29/11/20

Provides evidence that gas meters have been in existence for flat C and D of 13a Lancaster Road between 11/17 – 11/20.

Bank statements

- Bank statement for account for landlord showing payment on 13 Aug of unspecified year from Reliable Homes ref. Studio C 13 Lan
- Bank statement for account for landlord showing payment on 21 Dec of unspecified year from Reliable Homes ref. Studio C 13 Lan
- Bank statements for account for landlord showing payments on 10 Jan, 10 May & 10 Sep of unspecified year from Arthur Willis ref. rent
- Bank statement for account with same number as listed on letter dated 08/01/2020 from tenant r.e. setting up standing order showing payment on 10 Jan of unspecified year from Reliable Homes, payments on 07/01/ & 08/06 of unspecified year from tenant F.F.F ref Studio C 13 Lanc R for £1,150.
- Bank statements for account for landlord showing payments during unspecified year from Reliable Homes on 19 Nov ref: St C – 13 Lancas / payments from Ituma N ref. Nneoma rent 13 Lan dated 23/05, 23/09, 23/11

Whilst the statements do not provide the relevant year to which they relate, they do provide evidence of payments received from individuals listed on the tenancy agreements between 08/18 - 08/19 and 10/21 – 10/22.

Screenshot of energy certificate (rating D) for Studio C 13a Lancaster Road valid until 24 October 2031.

13a Lancaster Road, Studio D

Tenancy agreements

- 29/11/2019 – 28/11/2020 for Studio D, 13a Lancaster Road for tenant Marco Latte and Luiz Roberto Duarte signed by tenant and agent
- 01/12/2020 – 30/11/2022 for Studio D, 13 Lancaster Road for tenant Roland Robert Reuther electronically signed by tenant and agent

3 years of tenancy agreements shown

Gas Safety Records

Flat C & D 13a Lancaster Road dated 30/11/17

Flat C & D 13a Lancaster Road dated 29/11/18

Flat C & D 13a Lancaster Road dated 28/11/19

Flat C & D 13a Lancaster Road dated 29/11/20

Studios C & D 13a Lancaster Road dated 19/02/22

Provides evidence that individual meters were provided for Flat C & D within 13a Lancaster Road since 30/11/17.

Other

- Invoice & Statement of account from Reliable Homes Studio D 13 Lancaster Road to M Epaminondas dated 29/11/2019. Statement of account 01/02/2022, 13/10/22, 01/11/2022
- Invoice & Statement of account from Reliable Homes Studio D 13 Lancaster Road to M Epaminondas dated 01/12/2020, 07/12/2020 & 01/02/2021, 01/12/2021.
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- Bank statement for account for landlord showing payment on 02 Jan, 01 May & 02 Nov of unspecified year from Latte M ref. Marco Latte
- Bank statement for account for landlord showing payment from Reliable Homes on 02 Feb, ref. Studio D 13 Lancas unspecified year
- Bank statement for account for landlord showing payment from Clients Premi on 01 Dec, ref. St D + 13 Lancas unspecified year
- Bank statement for account for landlord showing payment from Clients Premi on 01 Feb, ref. St D 13 Lancas unspecified year (also 03.10 & 01.11)

Payments on bank statements and statements provide evidence of payments made from tenants during tenancy periods above of 3 years.

Screenshot of energy certificate (rating D) for Studio D 13 Lancaster Road valid until 24 October 2031.

13b Lancaster Road, Studio A

Tenancy agreements

- 17/12/2018 – 16/12/2019 for Studio A, 13b Lancaster Road for tenant Vincenzo Valerio electronically signed by tenant and agent / Standing order declaration letter by tenants dated 17/12/2018
- 13/09/2019 – 12/09/2020 for Studio A, 13b Lancaster Road for tenant Kevin Marc Sylvain Chapuzet, Helene Sandie Melanie Weiss electronically signed by tenant and agent
- 13/09/2020 – 12/09/2021 for Studio A, 13b Lancaster Road for tenant Kevin Marc Sylvain Chapuzet, Helene Sandie Melanie Weiss electronically signed by tenant and agent
- 04/11/2020 – 03/11/2021 for Studio A, 13b Lancaster Road for tenant Mr Vincent Morin signed by tenant and agent
- 17/07/2022 – 16/07/2023 for Studio A, 13b Lancaster Road for tenant Stephen Brendan Lehane electronically signed by tenant and agent 01/06/22

Evidence of tenancy of the unit between 12/18 – 11/21 (2 years 11 months) and 07/22 – 07/23. (3 years 11 months)

Gas safety records

- Gas safety record for Flat A, B and C 13 Lancaster Road dated 15/2/18 (doesn't specify if 13a or b)
- Gas safety record for Flat A, B and C 13 Lancaster Road dated 16/2/19 (doesn't specify if 13a or b)
- Gas safety record for Flat A, B and C 13b Lancaster Road dated 19/2/20
- Gas safety record for Flat A, B and C 13b Lancaster Road dated 19/3/22

Evidence of 3 gas meters for flat A, B and C, 13 Lancaster Road between 02/18 – 03/22 (although 2 of the years not explicitly for 13b, just no. 13).

Other

- Screenshot of energy certificate (rating D) for Studio A 13B Lancaster Road valid until 24 October 2031.
- Invoice and statement of account from Reliable Homes to landlord r.e. Studio A, 13b Lancaster Road dated 18/12/2018
- Invoice from Reliable Homes to landlord for Studio A 13b dated 11/09/2019
- Invoice from Reliable Homes to landlord for Studio A 13b dated 01/09/2020
- Invoice from Reliable Homes to landlord for Studio A 13b dated 28/06/2022
- Statement of account for Studio A from Reliable Homes, 13b dated 16/08/2019
- Statement of account for Studio A from Reliable Homes, 13b dated 11/09/2019
- Statement of account for Studio A from Reliable Homes, 13b dated 03/11/2020
- Statement of account for Studio A from Reliable Homes, 13b dated 18/07/2022
- Statement of account for Studio A from Reliable Homes, 13b dated 17/08/2022
- Statement of account for Studio A from Reliable Homes, 13b dated 20/09/2022
- Review from 'Reliable Homes' for tenant affordability of Kevin Chapuzet & Helene Weiss for moving into 'Studio A, 13b Lancaster Road N4 4PJ' for 12 month period as of 13 Sep 2019.

Evidence of occupancy of Studio A 13b Lancaster Road between 12/18 – 09/22

Bank statements

- Bank statement for landlord from unspecified year with payment from Reliable Homes on 18/12
- Bank statement for landlord with payment from Reliable Homes reference STA13bLan dated 16/05/2019

- Bank statement for landlord for unspecified year showing payment from Kevin Chapuzet 02/07, 03/08, 10/10, 12/11
- Bank statement for landlord with payment from Reliable Homes reference Refund Sta 13B Lan dated 03/11 for unspecified year
- Bank statement for landlord for unspecified year showing payment from Kevin Chapuzet 03/11 reference 3 nights Kevin A, 28/09 reference Chapuzet Weiss O
- Bank statement for landlord for unspecified year showing payment from Morin V reference Rent April dated 06/04, from Vincent Morin ref: Deposit rent 04/11, from Morin V ref: Housing deposit dated 23/10
- Bank statement for landlord for unspecified year showing payment from Clients Premi reference St A 13B Lancaster dated 18/07
- Bank statement for landlord showing payment from Clients Premi reference St 13B Lancaster dated 20/07/22 & payment from Clients Premi ref: St A 13B Lancaster dated 17/08/22

Evidence of payments received by landlord by individuals listed on tenancy agreements for Studio A 13b Lancaster Road in 2019, 2020/21. Evidence of other payments received by landlord in connection with this studio during unspecified years.

13b Lancaster Road, Studio B

Tenancy agreements

- 14/12/2018 – 13/08/2019 for Studio B, 13b Lancaster Road for tenant Mr Mario Sokolowski, initialled by tenant and agent – just initials / Standing order declaration letter by tenants dated 17/12/2018
- Tenancy agreement Final Audit Report produced by agent Reliable Homes for Studio B, 13b Lancaster Road / Letter dated 21st August 2019 outlining acknowledgement of need to set up standing order, electronically signed by Samuel White and Winda Angela Andayani
- 08/08/2020 – 07/08/2021 for Studio B, 13b Lancaster Road by tenant Rosemary May Ying Wong and Ritchie Douglas Woodburne, electronically signed by tenant and agent
- 10/12/2021 – 09/12/2022 for Studio B, 13b Lancaster Road by tenant Antonia Caicedo Holguin, electronically signed by tenant and landlord

Tenancy agreements covering periods 12/18 - 08/19, 08/20 – 08/21 & 12/21 – 12/22 (2 years 8 months with 1 year gap).

- Screenshot of energy certificate (rating D) for Studio B 13B Lancaster Road valid until 24 October 2031.

Gas safety records

- Gas safety record for Flat A, B and C 13 Lancaster Road dated 15/2/18 (doesn't specify if 13a or b)
- Gas safety record for Flat A, B and C 13 Lancaster Road dated 16/2/19 (doesn't specify if 13a or b)
- Gas safety record for Flat A, B and C 13 Lancaster Road dated 19/2/20 (doesn't specify if 13a or b)
- Gas safety record for Studios A, B & C 13 B Lancaster Road dated 19/02/2021
- Gas safety record for Studios A, B & C 13 B Lancaster Road dated 19/03/2022

Evidence of 3 meters for A, B, & C of 13b Lancaster Road on 02/21 and 03/22. Unclear for the years between 2018 and 2020 as does not specify '13b Lancaster Road.'

Bank statements

- Bank statement for landlord with payments from M Sokolowski on 14/01/19, 15/07/19, 16/08/19 and 17/09/19
- Bank statement for landlord from unspecified year with payments from W Andayani (reference Studio B 13b Lanrd) on 29/07, 30/12 & St White (reference Studio B 13B Lanrd) on 30/09
- Bank statement for landlord from unspecified year with payments from Reliable Hom (reference Stud B 13b Lancaster) on 08/02
- Bank statement for landlord from unspecified year with payments from Reliable Hom (reference St. B - 13b Lancas) on 10/10
- Bank statement for landlord from unspecified year with payments from Wong&Wood (ref B 13b Lancaster) on 01/01
- Bank statement for landlord from unspecified year with payments from Clients Premi (ref St B 13 B Lancaster) on 11/07
- Bank statement for landlord from unspecified year with payments from Clients Premi (ref St B 13 B Lancaster) on 10/06
- Bank statement for landlord from unspecified year with payments from Clients Premi (ref St B 13 B Lancaster) on 13/12

Evidence of payments received from individuals listed on tenancy agreement for period between 01/19 – 09/19. Evidence of other payment received during unspecified year from individuals listed on tenancy agreements in 08/20 – 08/21. Other payments received from property management company during unspecified years in connection with the property.

Other

- Statement of account for Studio B 13b Lancaster Road from Reliable Homes, 13b dated 29/08/2019 with invoice dated 27/08/2019
- Review from 'Reliable Homes' for tenant affordability of Ritchie Woodburne and Rosemary Wong for moving into 'Studio b, 13b Lancaster Road N4 4PJ' for 12 month period as of 08 Aug 2020
- Statement of account for Studio B 13b Lancaster Road from Reliable Homes, 13b dated 16/12/2019, 07/08/2020 and 08/02/2021
- Invoice from Reliable Homes to landlord for Studio B, 13 Lancaster Road dated 21/09/2021
- Statement of account for Studio B 13b Lancaster Road from Reliable Homes, dated 11/10/2021
- Invoice from Reliable Homes to landlord for unspecified item dated 13/12/2021
- Statement of account for Studio B 13b Lancaster Road from Reliable Homes, dated 13/12/2021
- Statement of account for Studio B 13b Lancaster Road from Reliable Homes, dated 10/06/2022
- Statement of account for Studio B 13b Lancaster Road from Reliable Homes, dated 11/07/2022

Evidence of payment received by landlord in connection with occupancy of the unit between 08/19 – 07/22.

13b Lancaster Road, Studio C

Tenancy agreements

- 24/02/2018 – 23/02/2019 for Studio C, 13b Lancaster Road by tenant James Edmund Hooper, electronically signed by tenant and agent
- 31/08/2019 – 30/08/2020 for Studio C, 13b Lancaster Road by tenant Debora Moreira Soares, William Paul Hemming, electronically signed by tenants and agent
- 31/08/2020 – 30/08/2021 for Studio C, 13b Lancaster Road by tenant Debora Moreira Soares, William Paul Hemming, electronically signed by tenants and agent
- 02/03/2021 – 01/03/2022 for Studio C, 13b Lancaster Road by tenant Dorothy David, electronically signed by tenants and agent

3.5 years of tenancy agreements

Gas safety records

- Gas safety record for Flat A, B and C 13 Lancaster Road dated 15/2/18, 16/2/19 (doesn't specify if 13a or b)

- Gas safety record for Flat A, B and C 13b Lancaster Road dated 19/02/20
- Gas Safety record for Flats A, B, C 13b Lancaster Road dated 19/02/21

Bank statements

- Bank statement for landlord with payments from J Hooper on 20/06 of unspecified year ref: St C LancRd, 01/10, 30/03, 01/09, 01/02 from William Hemming
- Bank statement for landlord with payments from Reliable Hom on 02/03 of unspecified year ref: Reliable Homes Ltd (Studioc13Blancas dated 30/04), 02/02, 30/05, 02/09 & 01/10 ref: St C – 13 Lancas

Other

- Screenshot of energy certificate (rating D) for Studio C 13B Lancaster Road valid until 24 October 2031.
- Invoice and statement of account from Reliable Homes to landlord r.e. Studio C, 13b Lancaster Road dated 20/02/2018, 26/02/2018, 16/12/2019, 30/08/2019
- Invoice and statement of account from Reliable Homes to landlord r.e. Studio C, 13b Lancaster Road dated 12/08/2020, 03/11/2020, 01/03/21, 02/03/21, 30/04/2021, 02/09/2021, 01/10/2021, 02/02/2022, 30/05/2022, 05/05/2022, 01/11/2022

Evidence of payments received in connection with Studio C 13b between 02/2018 – 01/11/2022 (4 years 7 months)

13b Lancaster Road, Studio D

Tenancy agreements

- 06/01/2019 – 05/01/2020 for Studio D, 13b Lancaster Road by tenant Tamara Sattlecker, electronically signed by tenant and agent
- 06/01/2020 – 05/01/2021 for Studio D, 13b Lancaster Road by tenant Tamara Miller, electronically signed by tenant and agent
- 02/03/2020 – 01/03/2021 for Studio D, 13b Lancaster Road by tenants Jake William Ball and Karina Kvac, electronically signed by tenant and agent
- 17/07/2020 – 16/07/2021 for Studio D, 13b Lancaster Road by tenant Vincent Chabany Douarre, electronically signed by tenant and agent
- 17/07/2021 – 16/07/2022 for Studio D, 13b Lancaster Road by tenant Vincent Chabany Douarre, electronically signed by tenant and agent
- 06/08/2022 – 05/08/2023 for Studio D, 13b Lancaster Road, tenant Miss Go Woon Lee, signed by tenant and agent

Evidence of tenancies between 01/2019 – 08/2023 (4 years 8 months)

Other

- Invoice from Reliable Homes to landlord r.e. Studio D, 13b Lancaster Road dated 11/12/2018, 10/12/2019, 02/03/2020, Statement of account 16/05/2019, 02/03/2020, 28/05/2020, 17/07/2020, 17/02/2021, 17/06/2021
- Bank statement for landlord with payments from Sattlecker T ref: Rent Studio D on 03/01, 05/11, unspecified year.
- Bank statement for landlord with payment in connection with Studio D 13B LANCA 07/11/22
- Bank statement for landlord with payment from Miller T ref: Studio D 03/01, 03/02 unspecified year
- Bank statement for landlord with payment from Reliable Hom 29/05 unspecified year
- Bank statement for landlord with payment from V Douarre 17/08, 18/01 unspecified year
- Bank statement for landlord with payment from Reliable Hom ref: St D 13B Lancaster 17/02/2021, 21/06/2021

Evidence of payments in connection with unit received by landlord since 12/2018. Names on payments on unspecified years on bank statements correlate with tenancies.

Gas safety records

- Gas safety record for Flat D and E 13 Lancaster Road dated 15/2/18
- Gas safety record for Flat D – Flat E Lancaster Road dated 16/2/19
- Gas safety record for Flats D & E 13b Lancaster Road dated 19/02/20
- Gas safety record for Flat D and E 13b Lancaster Road dated 19/2/21
- Gas safety record for Studios D and E 13b Lancaster Road dated 19/3/22

Other

- Invoice from Reliable Homes to landlord r.e. Studio D, 13b Lancaster Road dated 09/08/2021, Statement of account 17/08/2021, 17/11/2021, 20/06/2022
- Bank statement for landlord with payments from Reliable Hom Ref StD – 13 Lancas 17/08, 17/11, 20/06
- Screenshot of energy certificate (rating D) for Studio D 13B Lancaster Road valid until 24 October 2031.

13b Lancaster Road, Studio E

Tenancy agreements

- 20/10/2018 – 19/10/2020 for Studio E, 13b Lancaster Road by tenant Maria Del Rocio Enriquez Gasca, electronically signed by tenant and agent
- 08/04/2020 – 07/04/2021 Studio E, 13b Lancaster Road tenant Katja Vidic electronically signed tenant/agent
- 30/06/2021 – 29/06/2022 Studio E, 13b Lancaster Road tenant Alia Mohammed Khalid Naji Qasim electronically signed tenant/agent
- 30/06/2022 – 29/06/2023 Studio E, 13b Lancaster Road tenant Alia Mohammed Khalid Naji Qasim electronically signed tenant/agent

Approximately 3.5 years of tenancy agreements

Gas safety records

- Gas safety record for Flat D and E 13 Lancaster Road dated 15/2/18, 16/2/19, (19/02/20, 19/02/21, 19/03/22 13b Lancaster Road)

Other

- Statement of account/invoice from Reliable Homes to landlord r.e. Studio E, 13b Lancaster Road dated 22/10/2018, 08/04/2020, 08/02/2021, 11/03/2021, 07/04/2021, 10/05/2021, 06/07/2021, 30/12/2021, 01/07/2022, 29/07/2022, 30/08/2022, 30/09/2022

Approximately 4 years of accounts/invoices spread over 10/18 – 09/22

Bank statements

- Bank statement for landlord with payment from Reliable Hom 22/10 unspecified year ref. Studio E 13B Lancs
- Bank statement for landlord with payment from Enriquez M 19/12/18 & 20/02/20
- Bank statement for landlord with payment from Reliable Hom ref. St E 13B Lancaster 08/02, 08/03, 07/04, 09/04, 10/05 unspecified year
- Bank statement for landlord with payment from Clients Premi ref. St E 13B Lancaster 06/07, 30/12 unspecified year
- Bank statement for landlord with payment from Clients Premi ref. St E 13B Lancaster 29/07, 30/08, 30/09 unspecified year

Evidence of payments received by landlord in connection with unit, although years of payments are unclear.

- Screenshot of energy certificate (rating D) for Studio E 13B Lancaster Road valid until 24 October 2031.

Overall review:

The energy certificates, alongside the planning enforcement officer site visit indicate that the property has been sub-divided into 9 self-contained units as of Feb 2024. The date from when the conversion of the property from 2 self-contained flats into 9 self-contained units took place is unclear.

The statutory declaration from Paolo Di Bernado states that the property has been let as 9 self-contained flats since 2016 until date of declaration 06/01/23.

The Statutory Declaration by Cristiana Radaelli states they were a tenant of Studio B 13a Lancaster Road since 31/01/17, and the building has been used as 9 self-contained flats since then up until the date of the declaration 06/01/23.

The statutory declarations in isolation would not be sufficient evidence to demonstrate that the property has been converted and occupied as 9 self-contained flats for the relevant period. The buildings insurance submitted indicates that the conversion would have taken place by 22/05/2018, over 4 years prior to submission of the application.

Whilst there are some gaps in the information provided, given the extensive amount of evidence that has been provided and revised, on the balance of probabilities, sufficient evidence has been provided to demonstrate that the premises has been in use as 9 self-contained units for a near-continuous period for over 4 years prior to the date of the submission of the application.

As such, it is considered that a lawful determination can be given on the existing use.

RECOMMENDATION

Grant the requested Certificate of Lawfulness under section 191 of Town and Country Planning Act 1990.

The evidence presented to substantiate the statement of case is considered comprehensive in nature.

On the balance of probability therefore it is considered that the evidence submitted by the applicant precisely and unambiguously demonstrates that 13 Lancaster Road, N4, has been used as 9 self-contained flats for a continuous period of four years before the date of this application.