

Dear Sir Madam

I am the owner of 53 Cranbrook Park, N22 5NA Michael Georgiou.

This is a covering letter which refers to the submitted documents as part of this application.

A certificate of lawfulness as existing use in relation to the above property is sought from the Local Authority.

The applicant has been made under section 191 of the Town and Country Planning Act 1990 (as amended). Section 191 of the 1990 Act provides for anyone to apply to the Local Planning Authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying the lawfulness, for planning purposes, of existing operations on, or use of the land, or some activity being carried out in breach of a planning condition.

By virtue for section 191 (2), uses and operations are 'lawful' if no enforcement action maybe taken against them and they are not in contravention of any enforcement notice which is in force.

In this instance, where a change of a building to self-contained flats has been carried out, the unlawful use must be maintained continuously through the 4-year period while immunity from enforcement action is being accrued. The rationale that underpins the immunity period is that at any time throughout the 4 years while the use was continuing the Council had a chance to take enforcement action. If it did not take that chance, the opportunity is lost and the use becomes lawful.

However, if there were times during the 4 years period when nothing unlawful was taking place, the Council could not have taken enforcement action. The gaps in the continuity of the use interrupts the passage of the exemption period and prevent the accrual of the 4 years.

The test of evidence is "on balance of probabilities' rather than the stricter criminal test of 'beyond reasonable doubt'. In this instance, the applicant seeks to reply on the 4-year rule to establish that the development can be considered lawful.

The onus of proof in a LDC application is firmly on the applicant and the test of the evidence is 'on the balance of probability'. In this case, the applicant therefore has to prove, on the balance of probability the use of the property has been use for a continuous period of at least for years to date.

I understand that it is up to the applicant to prove on balance of probability that this use is immune from enforcement action. By providing the supporting documents and evidence, I am confident to prove that the property has been in use for a continuous period of at least 4 years before the date of submission of the current application.

It is noted that I bought the property in 2006.

I also have an HMO licence which I applied for on the 23rd October 2019 and, was granted by Haringey Council on 21st July 2020 (4 years continuous). I was later informed that I need to apply for planning permission in order to make this lawful. Given that the property has been in this use for more than 4 years, I chose to apply for the certificate of the Existing use of the property as a 7 room HMO.

I have always provided satisfactory accommodation for my tenants and I will keep providing a level of accommodation which is to the satisfaction of the Council.

Please find attached all evidence as part of the submitted documents.

1. **Floor plans** showing the 7 room Licenced House of Multiple Occupation.
2. **Statutory Declaration** from owner (myself) and my (wife) witnessed by Sara Alili of Curwens LLP Solicitors confirming it is used as HMO (7 rooms) for a period of more than four years
3. **Licence application** for House of Multiple Occupation where each licence was valid for 5 years from the date of the certificate.

Date of application: 23rd October 2019

Licence granted: 21st July 2020

4. **Tenancy Agreements** - The amount of tenancy agreements submitted as supporting information to the application is considered acceptable to show that property was being used from 7 individual professionals. Each individual uses his/her own room of the HMO.

Basement Room (room 4) = Tenancy agreement shown from: 2019 – current

Ground Floor Front Room (room 1) = Tenancy agreement shown from: 2019 – current

Ground floor Middle Room (room 2) = Tenancy agreement shown from: 2019 – current

Garden Room (room 3)= Tenancy agreement shown from: 2019 – current

First Floor front Room (room 6) = Tenancy agreement shown from: 2019 – current

First Floor Rear Room (room 5) = Tenancy agreement shown from: 2019 – current

Loft Room (room 7) = Tenancy agreement shown from: 2018 – current

5. **A signed letter from the Accountant** Mr Theo Yiangou (FCCA) of Alexander Young Chartered Certified Accountants, confirming that the property has been let as a 7 room HMO, since before 23/10/2019 and rental income of that property, along with that confirming the assessment on tax returns, prepared by this accountant, and submitted to H M Revenue and Customs on behalf of Mr and Mrs Georgiou.
6. **John Kapetanou of Coultons Ltd** a letting agent in Wood Green, has also confirmed in writing that they have been finding tenants for the 7 room HMO on behalf of Mr Michael Georgiou for over four years (letter dated 22nd January 2024) and is happy to clarify if further details of this are required from them.
7. Mr Lenworth Baily letter dated 23rd January 2024 confirming that Mr Baily has been carrying out maintenance of 53 Cranbrook Park, London N22 5NA for 10 years and can confirm that the property has been a 7 room HMO for over 4years