

LONDON BOROUGH of HILLINGDON COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE
PLANNING AND COMPENSATION ACT 1991), SECTION 195**

**TOWN AND COUNTRY PLANNING APPEALS (DETERMINATION BY
INSPECTORS) (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000**

**ADDENDUM TO PROOF OF EVIDENCE
OF
Mr Alan Corcoran**

Appeal by: Mr and Mrs D Khullar

Appeal Site: 126A Green Lane, Northwood, HA6 1AN.

Planning Inspectorate Reference: APP/R5510/X/24/3343726

Local Planning Authority Reference: 69148/APP/2023/2680

London Borough of Hillingdon,
Civic Centre,
High Street,
Uxbridge,
London, UB8 1UW.

6 September 2024

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1. Introduction

1.1 This Addendum to the Local Planning Authority's (LPA) Proof of Evidence responds solely to (1) the additional evidence that the Appellant submitted to the Planning Inspectorate on 22.08.2024 (received by the LPA on 23.08.2024) and (2) points raised by the Appellant to the LPA on 27.08.2024 regarding check in and check out inventory records.

1.2 Regarding point (1), the Appellant submitted the following additional evidence to the Planning Inspectorate on 22.08.2024:

- Invoice, number Khullar00047, prepared by Ruairi Fahysullivan, dated August 2017.
- Statutory Declaration, prepared by Aaron Issack (Living Space Estate Agent), dated 21.08.2024.
- Statutory Declaration, prepared by Neenu Pauly (tenant of flat 1, studio 1), dated 30.07.2024.
- Statutory Declaration, prepared by Atiyeh Yehude Nowogtodski (Tehilax Maintenance and Contract Cleaning Services), dated 09.08.2024.
- Cleaning Schedule.
- Updated Tenancy Schedule.

1.3 Regarding point (2), the Appellant submitted the following two documents to the LPA on 27.08.2024, stating they had previously submitted them:

- Check out inventory regarding Sarah Lisa Arnold.
- Check out inventory regarding Simona Bukowska.

2. Assessment of Evidence

Additional Evidence

2.1 Invoice, prepared by Ruairi Fahysullivan.

2.1.1 This invoice, dated August 2017, appears to be simply a quote for works. It does not state or demonstrate the builder completed the subdivision of 126A Green Lane into seven self-contained flats at least four years prior to 08.09.2023. No corroborating evidence has been submitted from Ruairi Fahysullivan which confirms that the works alleged were in fact completed and, if so, by when.

2.2 Statutory Declaration, prepared by Aaron Issack (Living Space Estate Agent).

2.2.1 The Appellant had previously submitted a Witness Statement prepared by Mujtaba Arif (Living Space Estate Agent). The LPA understands that due to availability, Aaron Issack (Living Space Estate Agent) will now provide evidence at the inquiry instead of Mujtaba Arif; hence, the Appellant submitted this evidence.

2.2.2 Aaron Issack's Statutory Declaration states that 'The occupancy levels of the [sic] all the properties is [sic] high.' The Statutory Declaration does not provide specified dates for the occupancy of specific self-contained flats or discuss particular gaps in the occupation of the self-contained flats that the Living Space Estate Agent was responsible for renting. The Statutory Declaration adds nothing further to the Living Space Estate Agent's previous Witness Statement.

2.3 Statutory Declaration, prepared by Neenu Pauly (tenant of flat 1, studio 1).

2.3.1 Whilst the tenant's Statutory Declaration states that the tenant moved into the property in October 2022, Neenu Pauly does not state when they moved out of the property. Notably, the Declaration has been amended by manuscript to read 'I ~~am~~ **was** the tenant of flat 1 studio 1', which indicates that they are no longer occupying the property. This appears to be correct given that the Appellant's

submitted bank statements regarding this tenant's rental payments start on 17.10.2022 but stop on 20.03.2023. Neenu Pauly's Statutory Declaration does not satisfactorily address the shortfall in corroborating rental payment records. As per paragraph 5.13.6 of the LPA's Proof of Evidence, the LPA only accepts the rental payment made by Neenu Pauly on 17.10.2022. Furthermore, the tenant states that they pay £905 per month for rent and electricity, but only one of the six highlighted bank statement payments corresponds with this amount.

2.4 Statutory Declaration, prepared by Atiyeh Yehude Nowogtodski (Tehilax Maintenance and Contract Cleaning Services) and Cleaning Schedule.

2.4.1 The Appellant has never previously mentioned Atiyeh Yehude Nowogtodski or Tehilax Maintenance and Contract Cleaning Services or stated that they would provide any such evidence to the inquiry. In the LPA's view this constitutes new evidence which does not accord with the representation made to the Inspector in the Appellant's Statement of Case. Nonetheless, this Statutory Declaration states that the cleaning company has only cleaned the communal areas of 126A Green Lane. The cleaning company has not cleaned inside any of the seven self-contained flats throughout the four years. This cannot be relied upon as positive evidence to demonstrate 126A Green Lane was subdivided into seven self-contained flats at least four years prior to 08.09.2023, and thereafter, tenants continuously occupied all seven self-contained flats for the four years. This evidence therefore adds nothing to the two main issues in this appeal.

2.5 Updated Tenancy Schedule.

2.5.1 Paragraph 5.14 of the LPA's Proof of Evidence addresses Tenancy Agreement records, highlighting gaps are evident in the Appellant's submitted Tenancy Agreement records for the stated continuous use of 126A Green Lane as seven self-contained flats throughout the four years between 08.09.2019 and 08.09.2023.

Check In and Check Out Inventories

- 2.6 The LPA accepts there is a check out inventory recording a check out date for Sarah Lisa Arnold on 15.07.2022. This corresponds with Sarah Lisa Arnold's Tenancy Agreement, dated 15.07.2021 to 14.07.2022, which has already been noted in the LPA's Proof of Evidence.
- 2.7 The LPA accepts there is a check out inventory recording a check out date for Simona Bukowska on 23.12.2019. This corresponds with Simona Bukowska's Tenancy Agreement, dated 27.12.2018 to 26.12.2019, which has already been noted in the LPA's Proof of Evidence.
- 2.8 Neither of these check out inventory sheets affect the conclusion provided at paragraph 5.6.15 of the LPA's Proof of Evidence. The Check In and Check Out Inventories remain patchy and do not demonstrate continuous use of each of the seven self-contained flats throughout the four years between 08.09.2019 and 08.09.2023.

3. Conclusion

- 3.1 The LPA maintains that the Appellant has failed to submit sufficient evidence to demonstrate that, on the balance of probability, 126A Green Lane was subdivided into seven self-contained flats at least four years prior to the lawful development certificate application date, i.e. 08.09.2019, and that all seven self-contained flats remained in continuous use for at least those four years prior to the application date, i.e. between 08.09.2019 and 08.09.2023. The use of 126A Green Lane as seven self-contained flats is therefore unlawful, and it was appropriate to refuse application reference 69148/APP/2023/2680.
- 3.2 For these reasons, the LPA respectfully request that the Planning Inspector dismiss this appeal.