



Section 195 of the Town and Country Planning
Act 1990 (as amended)

London Borough of Hillingdon Appeal Statement of Case

Appeal By:

Mr and Mrs D Khullar

Proposal:

The sub-division of No.126A Green Lane into 7 self-contained flats (Application for a
Lawful Development Certificate for an Existing Use)

Appeal Site:

126A Green Lane Northwood, HA6 1AN

LPA Ref: 69148/APP/2023/2680

Appeal Ref: APP/R5510/X/24/3343726

1. Introduction

- 1.1 This statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant consent to application reference 69148/APP/2023/2680.
- 1.2 The LPA refused a Lawful Development Certificate for an existing use on 22.03.2024 for the following reason (as stated on the Decision Notice, see Appendix 3):
 - (1) The existing development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, Section 191 as amended by Section 10 of the Planning and Compensation Act 1991 as the Applicant has not demonstrated that, on the balance of probability, the use has existed and been continuous for at least a period of four years, prior to the date of this application.
- 1.3 The LPA's case is set out in the Planning Officer's Delegated Report (see Appendix 2), which should be read in conjunction with this statement.
- 1.4 This statement responds to the matters raised in the Appellant's Statement of Case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 The LPA received application reference 69148/APP/2023/2680 on 08.09.2023 via the planning portal.
- 2.2 The Appellant sought a Lawful Development Certificate (LDC) from the LPA, claiming that the subdivision of 126A Green Lane into seven self-contained flats and the property's use as seven self-contained flats were immune from planning enforcement as the works were substantially completed and the use of 126A Green Lane as seven self-contained flats commenced on and continued from 01.09.2018, for at least four continuous years, thus, making the development lawful (see Appendix 1).
- 2.3 For the LPA to consider the property's subdivision and stated existing use to be lawful, the onus was on the Appellant to submit evidence demonstrating that, on the balance of probability, 126A Green Lane was subdivided into seven self-contained flats at least four years prior to the application date (i.e. by 08.09.2019), and that all of these seven self-contained flats remained in continuous use for four years prior – i.e. between 08.09.2019 to 08.09.2023.
- 2.4 On 22.03.2024, the LPA published its Planning Officer's delegated report (see Appendix 2) and issued its refusal notice (see Appendix 3) that concluded the Appellant did not demonstrate that, on the balance of probability, the use of the property as seven self-contained flats existed and had been in continuous use as seven self-contained flats between 08.09.2019 and 08.09.2023.
- 2.5 The Appellant's Statement of Case (SoC) makes reference to the basis of the assessment of continuous use and the fact that there are legal comments which refer to a HMO (Sui Generis Use) where the time period to be evidenced would be ten years and not four years. This point is addressed in the Statement of Common Ground.

- 2.6 The basis for the assessment of the Lawful Development Certificate and this appeal is whether the property has been in use as seven self-contained residential units that have been continuously occupied for four years and whether the Appellant has provided sufficient evidence to demonstrate this. This point will be confirmed within the Statement of Common Ground.
- 2.7 The above response also applied to point 3.3 of the Appellant's SoC, which refers to a site visit that would have established that the subdivision of the property had been undertaken.
- 2.8 The LPA maintains its position to refuse the LDC application based on the following reasons:
- (a) Gaps are evident in the Appellant's submitted bank statements/rent payment 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.
 - (b) Gaps are evident in the Appellant's submitted tenancy agreements 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.
 - (c) The Appellant did not submit Council Tax records for seven self-contained flats at 126A Green Lane towards demonstrating their existence and continuous use over the four years between 08.09.2019 and 08.09.2023. A Council Tax record search in 2023 found two self-contained flats registered for Council Tax at the site, not seven self-contained properties (See Appendix 2). Only two self-contained flats at 126A Green Lane were registered and paying Council Tax on 08.09.2019, up until 31.03.2023. On 01.04.2023, seven self-contained flats were registered for Council Tax at the site (see Appendix 7).
 - (d) The Appellant did not submit statutory declarations for seven self-contained flats at 126A Green Lane towards demonstrating their existence and continuous use over the four years between 08.09.2019 and 08.09.2023.
 - (e) The Appellant did not submit utility bills for seven self-contained flats at 126A Green Lane towards demonstrating their existence and continuous use over the four years from 08.09.2019 to 08.09.2023.
 - (f) The Appellant's submission of bank statements with highlighted transactions that they claim are rental payments does not demonstrate these payments were rental payments for seven self-contained flats at 126A Green Lane, nor do the payments demonstrate that tenants continuously lived in each of the stated seven self-contained flats at 126A Green Lane over the four years between 08.09.2019 and 08.09.2023.
 - (g) During LPA planning enforcement site visit to 126A Green Lane, dated 01.08.2023, and within site photos dated 05.10.2023, seven front door unit numbers were not evident. Site photos taken by the Planning Enforcement Officer are included in Appendix 4 and additional site photos are available in Appendix 5.

- (h) During LPA planning enforcement site visit to 126A Green Lane, dated 01.08.2023, and within site photos, dated 05.10.2023, the front door to 126A Green Lane contained an intercom/doorbells for 'Flat 1' and 'Flat 2', with one other front door doorbell present. Site photos taken by the Planning Enforcement Officer are included in Appendix 4 and additional site photos are available in Appendix 5.
- (i) The Council's Street Naming and Numbering Team confirmed that the Appellant did not apply to register the alleged seven self-contained flats with the Council on its address system. See Appendix 8.

2.9 When the points (a) to (i) above are considered in combination, the LPA's case is that the Appellant has not demonstrated that, on the balance of probability:

2.9.1 126A Green Lane was subdivided into seven self-contained flats at least four years prior to the lawful development certificate application date (08.09.2023); and

2.9.2 That all seven self-contained flats remained in continuous use for four years from 08.09.2019 to 08.09.2023.

2.10 The LPA will further detail these points through the submission of proofs of evidence.

2.11 The LPA will cite the following relevant case law in support of its position:

2.11.1 An appellant must be able to establish that a local planning authority could have taken enforcement action against the breach at any time during the relevant period – in other words an unlawful change of use must be active and continuous: see Schiemann LJ in Thurrock BC v SSETR & Holding [2002] EWCA Civ 226 and Keene LJ in Swale BC v FSS & Lee [2005] EWCA 1568 at [8] and [25].

2.11.2 Keene LJ in Swale also held at [29] that the decision-maker was required to consider not the building's availability or suitability for residential use, but whether it was *actually* put to such use.

2.11.3 In Islington LBC v SSHCLG & Maxwell Estates [2019] EWHC 2691 (Admin), the High Court held at [41]-[42] that an inspector had wrongly applied a "presumption of continuance" by considering that periods in which a flat was empty due to renovation works did not take away or harm its use as a dwelling, as this approach was directly contrary to the principles established in Thurrock and Swale.

2.11.4 As held by Elvin KC (sitting as a Deputy Judge of the High Court) in Ravensdale Ltd v SSCLG [2016] EWHC 2374 (Admin) at [26], an appellant must take care that sufficient evidence is provided which meets the balance of probabilities that there has been a continuous use; it is not for an inspector to seek that evidence or speculate as to what might have been provided. In that case, the Court at [29] endorsed the Inspector's conclusion that the sparse nature of the statutory declarations and "patchy" evidence of lettings was insufficient to satisfy the onus of proof.

2.12 Site History:

69148/APP/2013/1035

Approved on 24.06.2013

Two storey side extension, single storey rear extension and canopy to front involving the raising of roof of existing dwelling and demolition of attached garage to side.

69148/APP/2013/1185

Refused on 02.07.2013

Appeal Dismissed on 02.04.2014 (APP/R5510/A/13/2206096)

Installation of vehicular crossover to front.

69148/APP/2013/2801

Refused on 03.12.2013

Conversion of dwelling into 2 x 2-bed self-contained flats with associated parking and amenity space.

69148/APP/2014/724

Approved on 13.05.2014

Conversion of dwelling into 2 x 2-bed self-contained flats with associated parking and amenity space.

69148/APP/2014/2175

Approved on 12.08.2014

Details pursuant to conditions 3 (Amenity and Car Parking), 4 (Landscape Scheme), 5 (Noise Assessment), 6 (Brick Wall) and 7 (Lifetime Home Standards) of planning permission Ref: 69148/APP/2014/724 dated 13/05/2014 (Conversion of dwelling into 2 x 2-bed self contained flats with associated parking and amenity space).

69148/APP/2023/2680

Refused on 22.03.2024

The sub-division of No.126A Green Lane into 7 self-contained flats (Application for a Lawful Development Certificate for an Existing Use).

ENF/489/15 (enforcement case)

Unauthorised subdivision of property into 5 bedsits.

Status: Closed.

ENF/320/23 (enforcement case)

Alleged unauthorised subdivision of a property.

Status: Still under investigation.

3. Conclusion

- 3.1 In the absence of the Appellant submitting adequate 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 LPA maintains that application reference 69148/APP/2023/2680 should have been refused and the use of 126A Green Lane as seven self-contained flats is unlawful.

Appendices

Appendix 1 – Appellant’s LDC Application Form

Appendix 2 – Planning Officer’s Delegated Report

Appendix 3 – Decision Notice

Appendix 4 – Planning Enforcement Officer Site Photos, dated 01.08.2023

Appendix 5 – Site Photos, dated 05.10.2023, held on file regarding LDC application reference 69148/APP/2023/2680

Appendix 6 – Planning Enforcement Officer Site Photos and Planning Enforcement Notes, dated 06.09.2023

Appendix 7 – Statements from London Borough of Hillingdon’s Council Tax Recovery Manager and Council Tax Valuation Team

Appendix 8 – Statement from London Borough of Hillingdon’s Street Naming and Numbering Team

Appendix 1 – Appellant’s LDC Application Form:

PP-12410855



London Borough of Hillingdon, Residents Services, 3N Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW
Tel: 01895 250230 Web: www.hillingdon.gov.uk

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,
including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

126

Suffix

A

Property Name

Address Line 1

Green Lane

Address Line 2

Address Line 3

Hillingdon

Town/city

Northwood

Postcode

HA6 1AN

Description of site location must be completed if postcode is not known:

Easting (x)

509771

Northing (y)

191352

Description

Planning Portal Reference: PP-12410855

Applicant Details

Name/Company

Title

Mr & Mrs

First name

D

Surname

Khullar

Company Name

c/o Collins & Coward

Address

Address line 1

22 Post Office Road

Address line 2

Address line 3

Town/City

Chelmsford

County

essex

Country

UK

Postcode

CM17AD

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☒ An existing use
☐ Existing building works
☐ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

C3 - Dwellinghouses

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. [View more details on Use Classes.](#)

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

THE SUBDIVISION OF 126A GREEN LANE INTO 7 SELF-CONTAINED FLATS

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☐ The use began more than 10 years before the date of this application
☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
☒ The use as a single dwelling house began more than four years before the date of this application
☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
☒ No

Please state why a Lawful Development Certificate should be granted

four year immunity: see planning statement

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-09-2018

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes
☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- ☐ Yes
☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- ☒ Yes
☐ No

Proposed

Please select the housing categories that are relevant to the proposed units (i.e. the change you are seeking certification for)

- ☒ Market Housing
☐ Social, Affordable or Intermediate Rent
☐ Affordable Home Ownership
☐ Starter Homes
☐ Self-build and Custom Build

Market Housing

Please specify each type of housing and number of units proposed

Housing Type:

Flats / Maisonettes

1 Bedroom:

7

2 Bedroom:

0

3 Bedroom:

0

4+ Bedroom:

0

Unknown Bedroom:

0

Total:

7

Proposed Market Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4+ Bedroom Total	Unknown Bedroom Total	Total
	7	0	0	0	0	7

Existing

Please select the housing categories for any existing units on the site (i.e. prior to the change you are seeking certification for)

- ☒ Market Housing
☐ Social, Affordable or Intermediate Rent
☐ Affordable Home Ownership
☐ Starter Homes
☐ Self-build and Custom Build

Market Housing

Please specify each existing type of housing and number of units on the site

Housing Type:

Flats / Maisonettes

1 Bedroom:

0

2 Bedroom:

2

3 Bedroom:

0

4+ Bedroom:

0

Unknown Bedroom:

0

Total:

2

Existing Market Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4+ Bedroom Total	Unknown Bedroom Total	Total
	0	2	0	0	0	2

Totals

Total proposed residential units	7
Total existing residential units	2
Total net gain or loss of residential units	5

Site information

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Title number(s)

Please add the title number(s) for the existing building(s) on the site. If the site has no title numbers, please enter "Unregistered".

Title Number:
TBC

Energy Performance Certificate

Do any of the buildings on the application site have an Energy Performance Certificate (EPC)?

- ☐ Yes
☒ No

Further information about the Proposed Development

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

What is the Gross Internal Area to be added to the development?

0.00	square metres
------	---------------

Number of additional bedrooms proposed

0

Number of additional bathrooms proposed

0

Vehicle Parking

Please note: This question contains additional requirements specific to applications within Greater London.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Ian Coward

Date

31/08/2023

Appendix 2 – Planning Officer’s Delegated Report:

Report of the Head of Development Management and Building Control

Address: 126A GREEN LANE NORTHWOOD

Development: The sub-division of No.126A Green Lane into 7 self-contained flats
(Application for a Lawful Development Certificate for an Existing Use)

LBH Ref Nos: 69148/APP/2023/2680

Drawing Nos: Location plan
PL- 001 - Existing Floor Plans

Date Plans received: 12-09-23 **Date(s) of Amendments(s):**

Date Application valid 13-09-23

1. RECOMMENDATIONS

1.1 Recommendations

That a certificate of lawful use or development be **REFUSED** for the existing development described above in respect of the land edged red on the attached plans for the following reasons:

The existing development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, Section 191 as amended by Section 10 of the Planning and Compensation Act 1991 as the Applicant has not demonstrated that, on the balance of probability, the use has existed and been continuous for at least a period of four years, prior to the date of this application.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

2.0 APPRAISAL OF EVIDENCE SUBMITTED

A Certificate of Lawfulness has been sought to determine whether or not the subdivision of 126A Green Lane into 7 self contained flats is lawful.

The applicant claims that building has been used as 7 self contained flats for longer than 4 years and therefore, the development (change of use) is exempt from enforcement action (under Section 171 B of the Town and Country Planning Act 1990).

Section 171 B (2) of the Town and Country Planning Act 1990 states 'Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach'.

In order for a Lawful Development Certificate to be granted under Section 191 of the Town and Country Planning Act 1990, the burden of providing relevant facts rests on the applicant, and the test of the evidence is the balance of probability. If there is no evidence to contradict or make the applicant's version of events less than probable and the applicant's evidence alone is sufficiently precise and unambiguous, a Lawful Development Certificate should be granted.

Overall it is therefore considered that the applicant has to show, on the balance of probabilities, that No.126A Green Lane has been subdivided into 7 independent and self-contained flats for a continuous period of 4 years from the date of the applications submission. Accordingly the use must have commenced on or before 12/09/19 and continued throughout the requisite 4 year period until at least the date that this application was submitted (12/09/23).

In terms of evidence the applicant has submitted:

- Application Form dated 31/8/23
- Location Plan
- PL- 001 - Existing Floor Plans
- Covering Letter (August 2023)
- Spreadsheet with details of tenancies
- Rental Statement
- Statutory declaration
- Check in and Check out inventories
- Tenancy Agreements and deposit assurance letters
- Copies of passports
- Bank Statements

CONSULTEE COMMENTS

The Council's Legal Officer was consulted on the application and provided the following conclusion on the proposed development:

'the Council should refuse the application on the grounds that it does not satisfy the 4 years continuous use or meet the standards required for a residential dwelling. The application should also provide evidence of building operations as they are integral to the change of use and there is no evidence the building works meet building control or standards for residential dwellings prescribed by the Council and the government. Further, the building meets the legal tests for a HMO, therefore the 10-year rule should apply rather than 4 years for a residential dwelling that has been applied for.

As noted above I would also suggest the housing department of the Council are contacted urgently regarding the legislation stated above, the tenants may have to be moved out of the premises if fire safety deem the premises are a risk to the occupiers. The matter should also be referred to the planning enforcement team regarding the unlawful use a HMO and building operations.'

ASSESSMENT OF LAWFULNESS

The legal test requires that evidence be provided to show that 126A Green Lane has been used as

7 independent self contained residential units for 4 years, continuously, prior to the the date of this application (i.e 12/09/2019 to 12/09/2023).

No Council Tax records or receipts have been submitted for any of the so called flats, it is therefore unlikely that they have been lawfully occupied as independent residential units. Furthermore, Officer investigation into Government Council Tax records show that only properties 126a and 126b were registered for Council Tax at the site, not 7 flats.

Statutory declarations have been submitted by the owner, but none of the buildings, previous or existing residents have submitted statutory declarations supporting their residence in any of the flats.

The submitted Bank statements show numerous payments of rent. However, they are ambiguous they do not all specify the tenant name, alongside a correlating flat number where they would have resided, for the continuous period of 4 years; this is the case for all 7 flats. Some payments include electric and the payment of car parking spaces, others do not. There are tenancy agreements for some occupants with evidence of a deposit scheme provided , others have agreements with no deposits. The photographs do not show the outdoors of the premises/communal bins/shared garden/parking facilities, however car parking charges have been taken from tenants. There are some rental payments that detail electric payments, others do not. It is not clear if there is a shared electric system for the self-contained flats, however their payments must include lighting for the common areas.

Collectively the submitted evidence and information available to the council fails to demonstrate that on the balance of probabilities, 126A Green Lane has been used as 7 self contained flats for a continuous period of 4 years from 12/09/2019 to 12/09/2023.

It is agreed with the Council's Legal Officer that insufficient evidence has been submitted to allow for this certificate of lawfulness to be granted and it is therefore recommended that the application be refused.

3.0 Relevant Planning History

69148/APP/2014/2175 126A GREEN LANE NORTHWOOD

Details pursuant to conditions 3 (Amenity and Car Parking), 4 (Landscape Scheme), 5 (Noise Assessment), 6 (Brick Wall) and 7 (Lifetime Home Standards) of planning permission Ref: 69148/APP/2014/724 dated 13/05/2014 (Conversion of dwelling into 2 x 2-bed self contained flats with associated parking and amenity space)

Decision Date: 12-08-2014 Approved

69148/APP/2014/724 126A GREEN LANE NORTHWOOD

Conversion of dwelling into 2 x 2-bed self contained flats with associated parking and amenity space

Decision Date: 13-05-2014 Approved

69148/APP/2013/2801 126A GREEN LANE NORTHWOOD

Conversion of dwelling into 2 x 2-bed self contained flats with associated parking and amenity space

Decision Date: 03-12-2013 Refused

69148/APP/2013/1185 126A GREEN LANE NORTHWOOD

Installation of vehicular crossover to front

Decision Date: 02-07-2013 Refused

69148/APP/2013/1035 126A GREEN LANE NORTHWOOD

Two storey side extension, single storey rear extension and canopy to front involving the raising of roof of existing dwelling and demolition of attached garage to side.

Decision Date: 24-06-2013 Approved

Contact Officer: Haydon Richardson **Telephone No:** 01895 250230

Appendix 3 – Decision Notice:



Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015 ARTICLE 39

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Mr Ian Coward
Collins & Coward
22 Post Office Road
Broomfield
Chelmsford
CM1 7AD

Application Ref: 69148/APP/2023/2680

In pursuance of their powers under the above mentioned Act and Order, the London Borough of Hillingdon (The Council) as Local Planning Authority hereby **REFUSE** your application for a Certificate of Lawful Use or development under section 191 of the Act.

Description of development: The sub-division of No.126A Green Lane into 7 self-contained flats (Application for a Lawful Development Certificate for an Existing Use)

Location of development: 126a Green Lane Northwood

Date of application: 13th September 2023

Plan Numbers: See attached Schedule of plans

The grounds for the Council's decision are listed on the attached schedule:-

R Schen

Head of Development Management and Building Control

Date: 22nd March 2024

NOTES: Your attention is drawn to the attached sheet which sets out the rights of applicants who are aggrieved by the decision of the Local Planning Authority.

**Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Ref: 69148/APP/2023/2680

SCHEDULE

The grounds for the Council's decision are as follows:-

Reason for Refusal:

- 1 The existing development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, Section 191 as amended by Section 10 of the Planning and Compensation Act 1991 as the Applicant has not demonstrated that, on the balance of probability, the use has existed and been continuous for at least a period of four years, prior to the date of this application.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

END OF SCHEDULE

Address:

Development Management
Directorate of Place
Hillingdon Council
3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Ref: 69148/APP/2023/2680

SCHEDULE OF PLANS

Location plan - received 12 Sep 0023

PL- 001 - Existing Floor Plans - received 18 Sep 2023

Appendix 4 – Planning Enforcement Officer Site Photos, dated 01.08.2023:

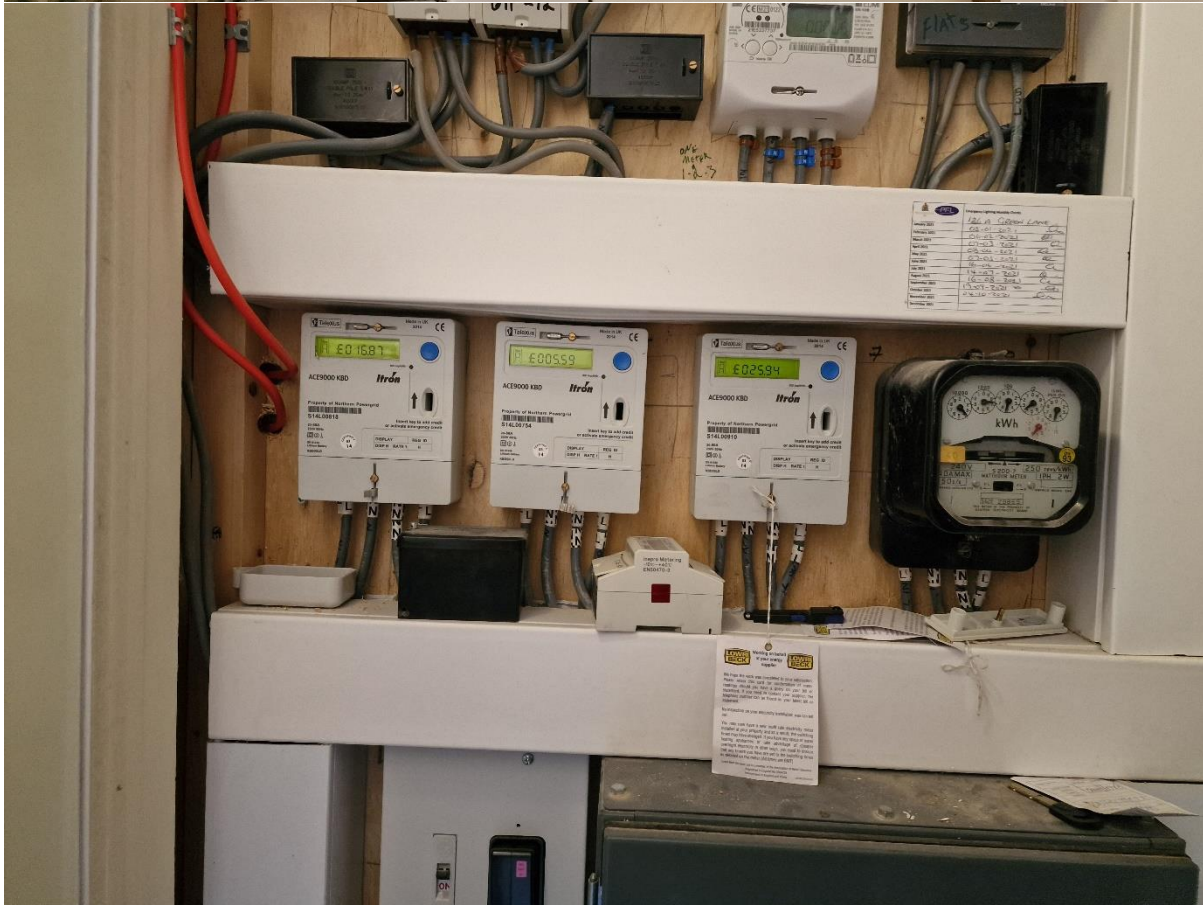




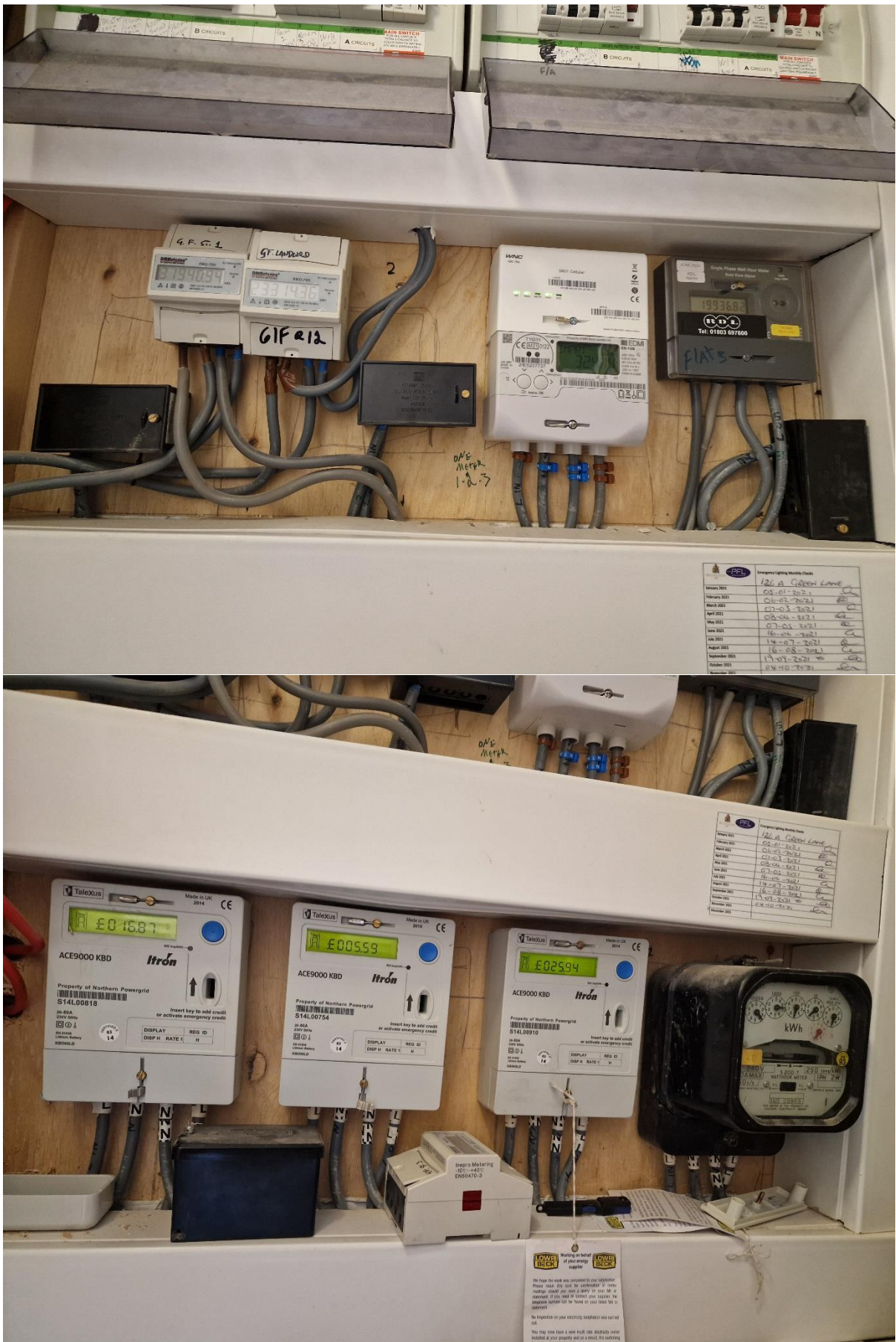


Appendix 5 – Site Photos, dated 05.10.2023, held on file regarding LDC application reference 69148/APP/2023/2680:













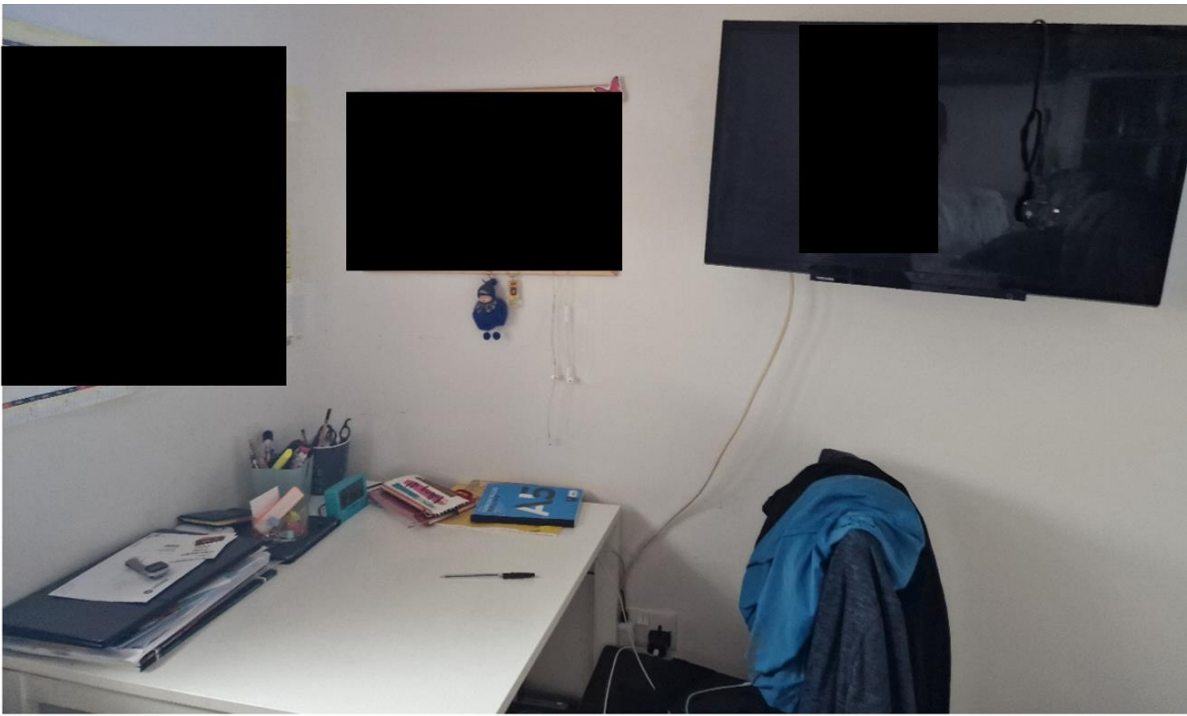






























Appendix 6 – Planning Enforcement Officer Site Photos and Planning Enforcement Notes, dated 06.09.2023:

File ref: ENF/320/23

Address: 126A Green Lane, Northwood HA6 1AN

Date: 6th September 2023

Present: David Lockie (LBH Planning Enforcement Investigations Officer) &
Ian Coward (agent), Mrs Khullar (owner) & locksmith

I made a pre-arranged visit to this property and was met by the owner, her agent and a locksmith.

I was shown inside all of the seven self-contained flats.

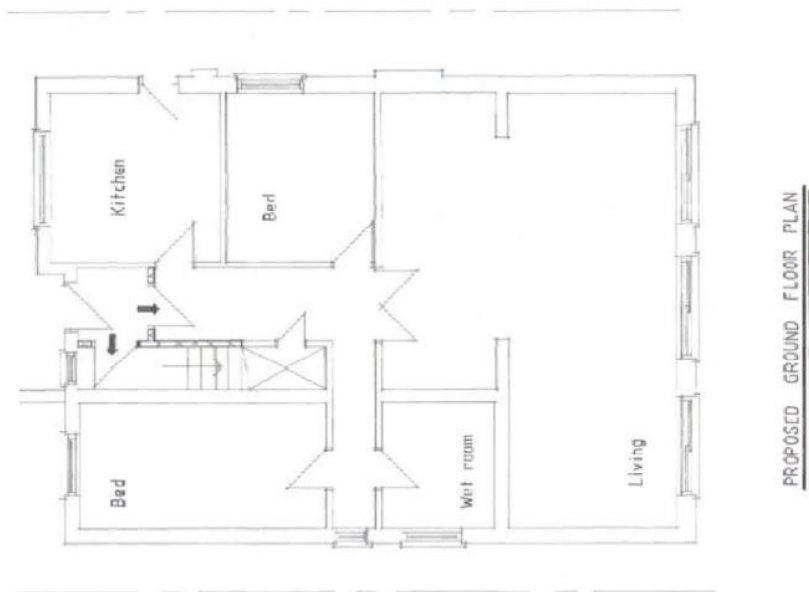
Of the seven flats, all but the ground floor rear unit (which is occupied by two adults and one child) were occupied by one person.

I was informed by the agent that he had submitted an application for a certificate of lawful development claiming that the seven flats had been used for more than four years and were now immune from enforcement action. I told him that I would prepare a report of my findings for my team leader to consider what action should be taken and said we may consider a planning enforcement order (PEO). He asked why we would seek a PEO and I pointed out that Council Tax was only being paid for two flats and not the seven and that we had previously investigated the conversion of the property into more than two flats around 2015 and that the number of units had at that time been reduced to the approved two flats.

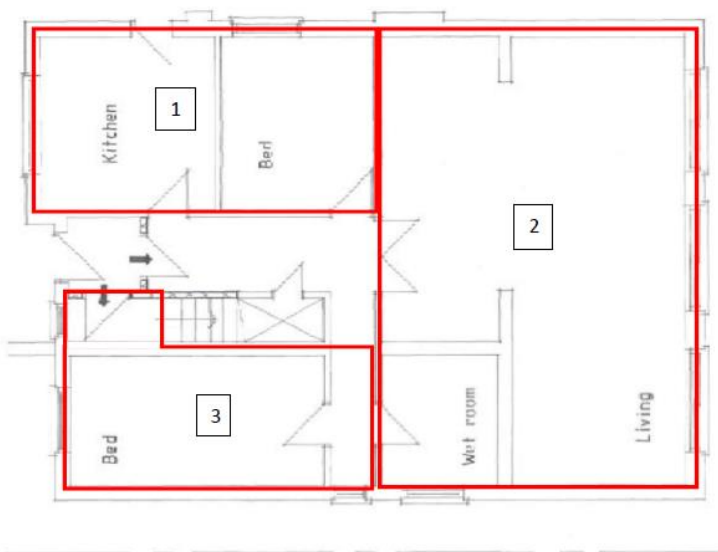
The flats were not themselves numbered but there was a door to the rear unit with No.1 on it and at the bottom of the stairs there was a door with No.2 on it.

Photographs of the site are below for information.

Signed: *David Lockie*



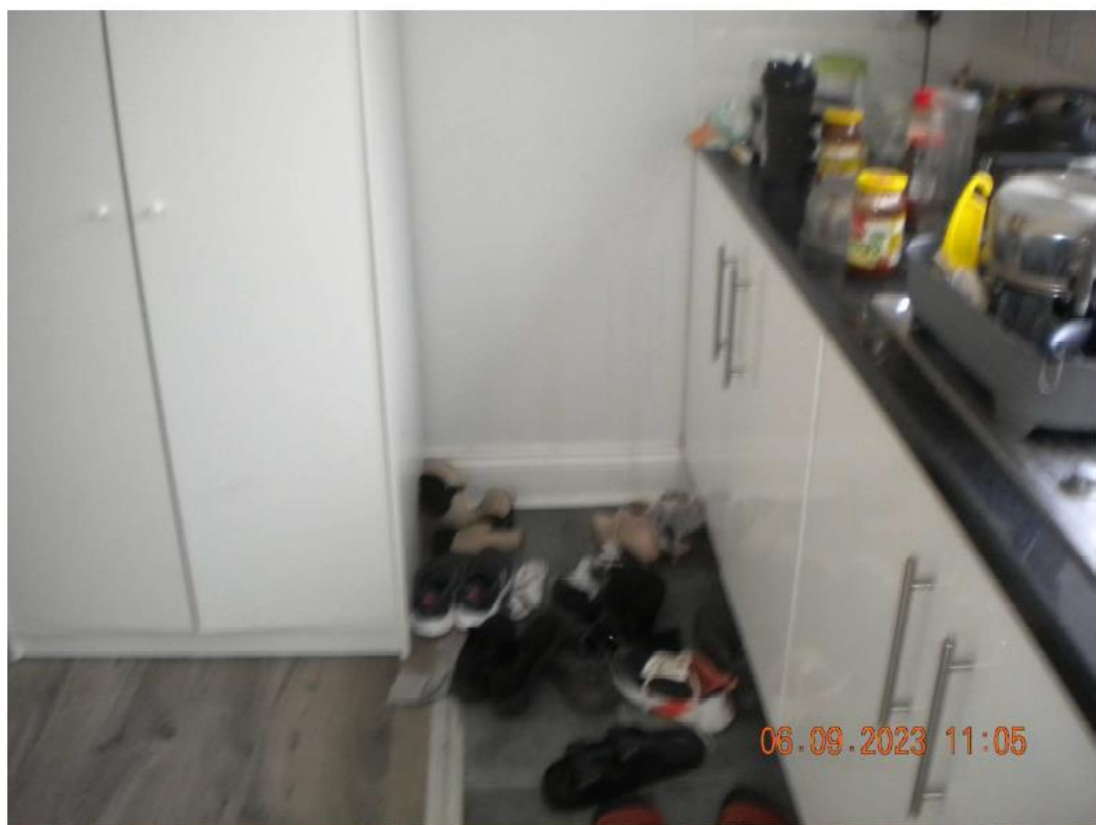
Approved ground floor layout under 69148/APP/2014/724



Ground floor layout as of 6th September 2023

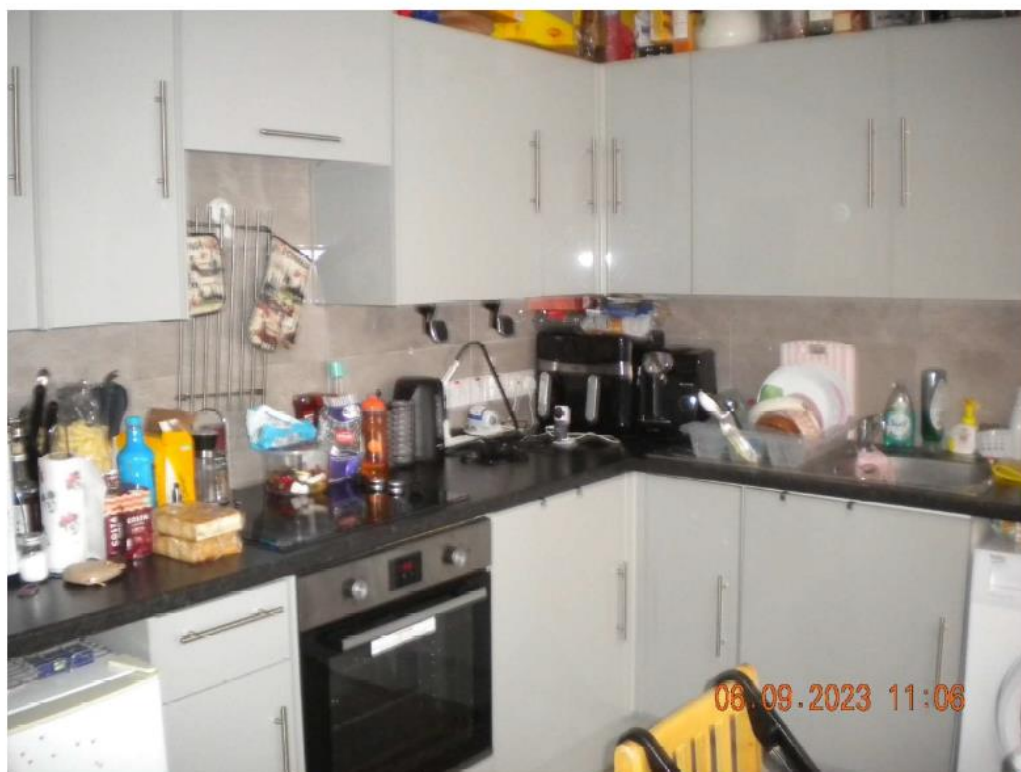
Flat 1 photographs

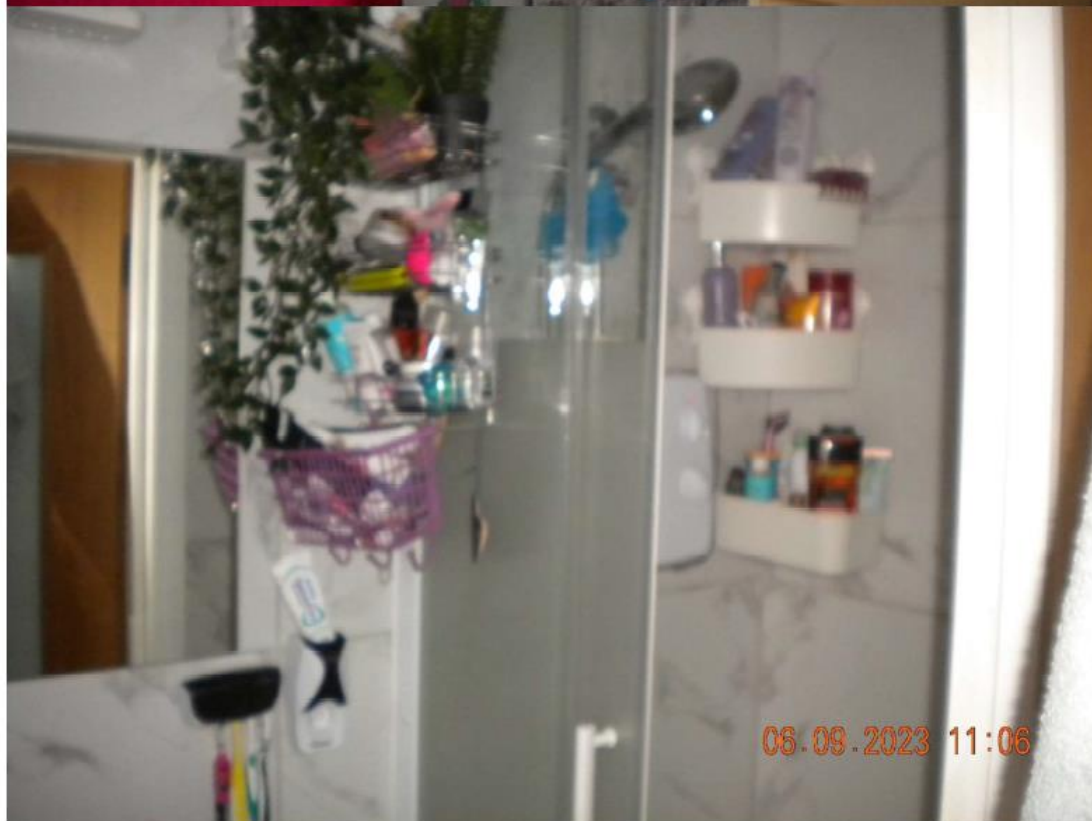






Flat 2 photographs

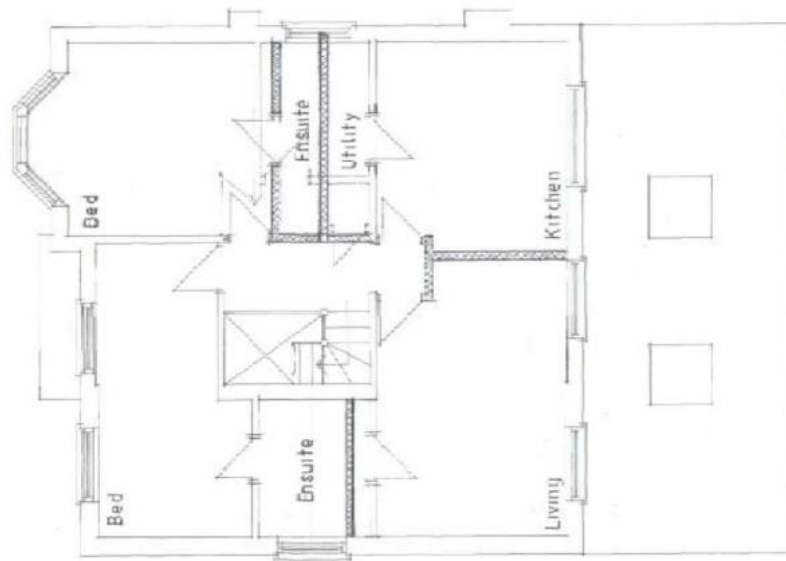




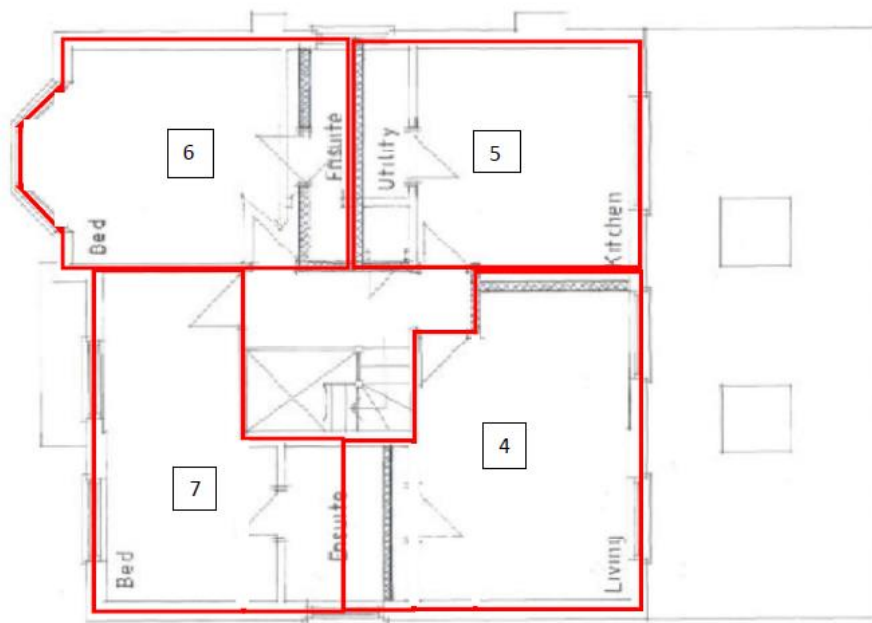
Flat 3 photographs







Approved first floor layout under 69148/APP/2014/724



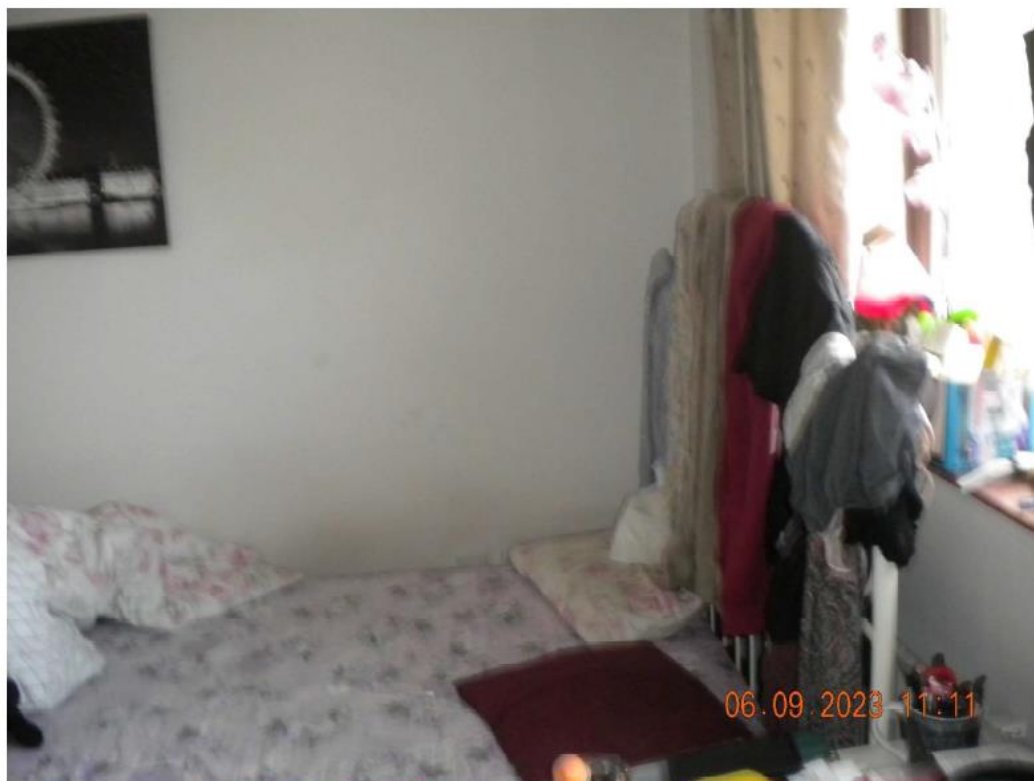
First floor layout as at 6th September 2023

Flat 4







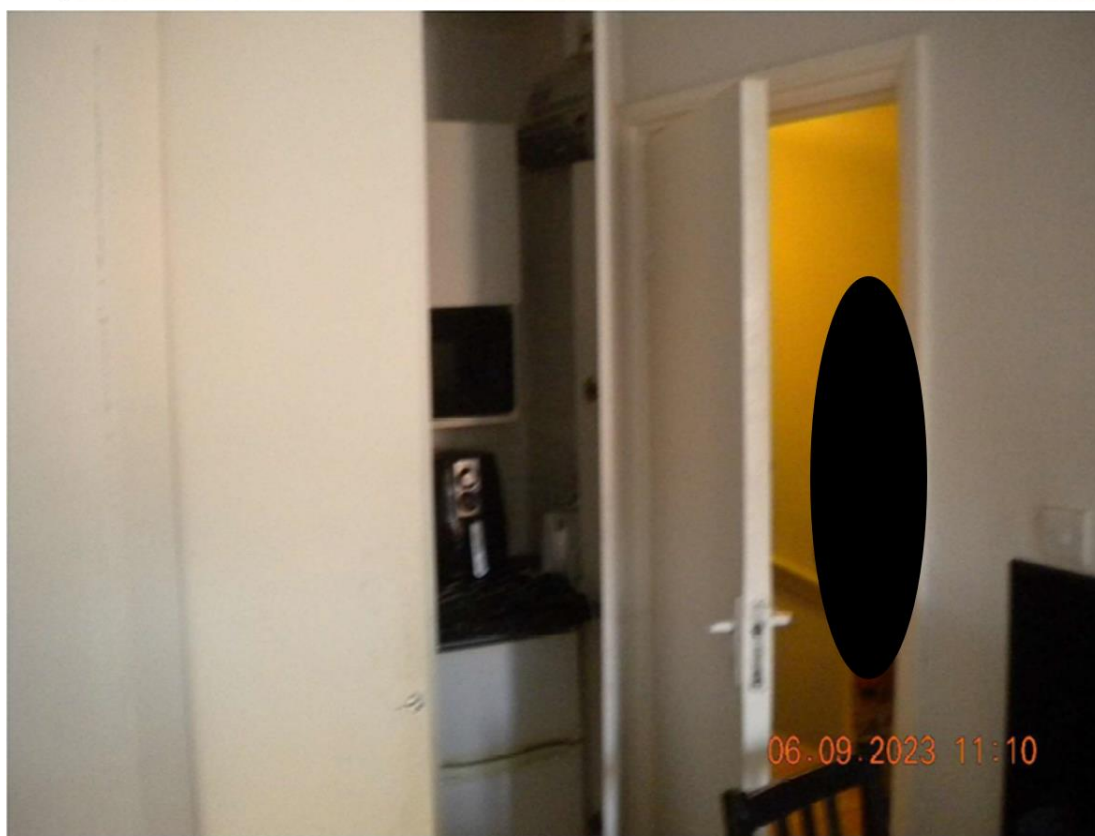








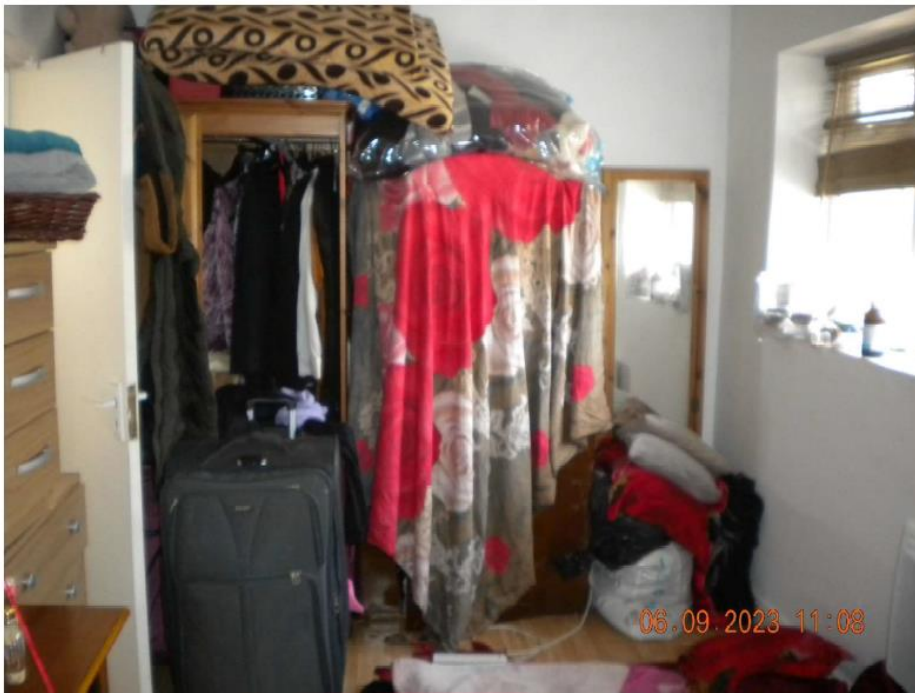
Flat 6













Appendix 7 – Statements from London Borough of Hillingdon’s Council Tax Recovery Manager and Council Tax Valuation Team:



To Whom It May Concern

Date:24/6/2024

Ref: Flats 1 & 2, 126A Green Lane, Northwood, Middx HA6 1AN

I can confirm the following information for the above properties is a true statement of the details held on the council tax data base for the above properties.

126 Green Lane was split from a main dwelling into two subdivided flats as of 10/9/2014. The subdivided flats were, Flat 1 & 2, see below:

3807186-6	Ms Priti Khullar	Flat 2, 126A Green Lane, Northwood, Middx, HA6 1AN	08-Mar-16	31-Mar-23
3778874-0	Ms Priti Khullar	Flat 1, 126A Green Lane, Northwood, Middx, HA6 1AN	10-Sep-14	31-Mar-23

The responsibility for council tax for flat 1 was set to Mrs Priti Khullar from 10/9/2014 to 31/3/2023. The council tax has been paid by direct debit and there are no outstanding charges. The direct debit was in the name of Mrs P Khullar from 2014 to 18/6/2018. Mr Roopak Ruri paid the direct debit from 19/6/2018 to 31/3/2023.

The responsibility for council tax for flat 2 was set to Mrs Priti Khullar from 8/3/2016 (a tenant was liable before) to 31/3/2023. The council tax has been paid by direct debit and there are no outstanding charges. The direct debit was in the name of Mrs P Khullar from 2016 to 18/6/2018. Mr Roopak Ruri paid the direct debit from 19/6/2018 to 31/3/2023

Yours sincerely


Lisa Turfitt
Recovery Manager

lturfitt@hillington.gov.uk
T. 01895 250055

Revenues & Benefits Service, Strategic & Operational Finance
Hillingdon Council, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk



valuation
To: Alan Corcoran

OFFICIAL

Start your reply all with:

[Thank you!](#)

[Thank you for checking.](#)

[Thank you for looking into this.](#)

[Feedback](#)



[Reply](#)



[Reply All](#)



[Forward](#)



Tue 25/06/2024 08:39

Good Morning Alan,

Apologies for the late reply.

I can only confirm that the above property was split into 7 self contained flats on our records from 1st April 2023 as shown below.

Room 1, Flat 1, 126A Green Lane, Northwood, Middx, HA6 1AN

Room 2, Flat 1, 126A Green Lane, Northwood, Middx, HA4 1AN

Room 3, Flat 1, 126A Green Lane, Northwood, Middx, HA6 1AN

Room 2, Flat 1, 126A Green Lane, Northwood, Middx, HA4 1AN

Room 2, Flat 2, 126A Green Lane, Northwood, Middx, HA6 1AN

Room 3, Flat 2, 126A Green Lane, Northwood, Middx, HA6 1AN

Room 4, Flat 2, 126A Green Lane, Northwood, Middx, HA6 1AN

Kind Regards

Andrea Francis

Council Tax Valuation Team
Revenues and Benefits
Strategic and Operational Finance
London Borough Of Hillingdon
Civic Centre 4S/01

Email: valuation@hillingsdon.gov.uk

Appendix 8 – Statement from London Borough of Hillingdon’s Street Naming and Numbering Team:

From: Street Naming and Numbering <streetnamingandnumbering@hillington.gov.uk>

Sent: Tuesday, June 25, 2024 1:55 PM

To: Noel Kelly <NKelly@hillington.gov.uk>

Cc: Roz Johnson <RJohnson@hillington.gov.uk>

Subject: Re: 126A Green Lane, Northwood HA6 1AN

Hi Noel

We have a record for 126A Green Lane, Northwood HA6 1AN created when our records first went electronic, 2001 so it would have existed in our records before that.

Then we have 2 x 'child' records for the same address, Flats 1 and 2 which council tax have told me were created in 2014.

The property owners did not apply for an official address originally (for 126A) or for the subsequent splitting into 2 x flats.

The addresses were added to our address system because they were registered for Council Tax.

Please let me know if you have any queries or if you think I can help further.

Many thanks

Nadya

•

Street Naming & Numbering

Business Administration

Digital & Intelligence

Hillingdon Council

Tel: 01895 250674