

(landlord Statement)

APPEAL STATEMENT(GROUNDS OF APPEAL

Appeal Reference: APP/R5510/X/25/3376637

Local Planning Authority: London Borough of Hillingdon

LPA Reference: 15437/APP/2025/1206

Site Address: 11A Hamilton Road, Hayes, UB3 3AR

Application Type: Certificate of Lawful Use or Development (Section 191)

1. Introduction

I, **Mr Narinder Singh Khurana**, submit this appeal against the decision of the London Borough of Hillingdon to refuse a Certificate of Lawful Use in respect of the existing use of the rear annexe at 11A Hamilton Road.

This appeal seeks confirmation that the rear annexe has been in lawful use as a **self-contained Class C3 studio dwelling**, occupied independently and continuously as a separate unit of accommodation for the relevant period prior to the application date.

2. The use being claimed

At the time of the application, and for several years beforehand, the rear annexe was used as a **self-contained residential studio** occupied by a single household under a tenancy arrangement. The annexe is physically and functionally independent from the main dwelling and has its own kitchen, bathroom, and entrance. It is not shared with, nor used as ancillary accommodation to, the main house.

The annexe has therefore operated as a separate dwelling in its own right, consistent with a Class C3 use.

3. Continuous independent occupation

The annexe was let under an assured shorthold tenancy, and the occupier took up residence in accordance with the terms of that agreement. Following the expiry of the initial fixed term, the tenancy **lawfully continued as a statutory periodic (rollover) tenancy**, with the occupier remaining in residence without interruption.

Throughout this period, the occupier treated the annexe as her sole and primary residence. There was no reversion to ancillary use, no shared occupation with the main dwelling, and no material break in the residential use of the annexe. The continued occupation was normal and typical of a long-term residential letting arrangement.

The occupier remained in continuous residence until **May 2025**, at which point she vacated the property. Evidence relating to the end of occupation, including key return documentation, is included within the appeal submission and clearly demonstrates the continuity of use up to that date.

4. Evidence of continuity and permanence

The documentation submitted with the appeal demonstrates, on the balance of probability, that the annexe has been continuously occupied as a self-contained dwelling. In particular:

- The **original signed tenancy agreement** establishes the start of independent occupation
- The tenancy then continued as a **statutory rollover tenancy**, without any break in occupation
- **Rent statements** show consecutive rental payments, confirming uninterrupted residence over the relevant period
- **Council tax documentation** supports treatment of the annexe as a separate dwelling
- A **deposit protection (DPS) certificate** confirms a formal residential letting
- **Key return records dated May 2025** confirm the end of a continuous period of occupation

Taken together, this evidence clearly demonstrates permanence, continuity, and independence of use. The occupation was not transient, incidental, or ancillary in nature, but instead reflects a settled residential use consistent with Class C3.

5. Planning balance and conclusion

This appeal is made under Section 191 of the Town and Country Planning Act 1990, and the test is not whether planning permission should be granted, but whether the use was lawful at the relevant time.

Based on the evidence submitted, it is clear that the rear annexe had been in continuous use as a self-contained dwelling for the required period prior to the application. On the balance of probability, the use is therefore lawful.

I respectfully request that the Inspector allows the appeal and grants a Certificate of Lawful Use confirming the existing use of the rear annexe at 11A Hamilton Road as a **self-contained Class C3 studio dwelling**.

Signed:

Narinder S. Khurana

Mr Narinder Singh Khurana

Date: 20 DECEMBER 2025