

# PLANNING STATEMENT

## Certificate of Lawfulness of Existing Use or Development Section 191, Town and Country Planning Act 1990

**Proposal:** Certificate of lawfulness for the existing use of the property as four self-contained residential flats (Use Class C3)

**Site Address:** 563 Uxbridge Road, Hayes, Middlesex, UB4 8HP

**Applicant:** Mr M Ali

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Date: Sept 2026 (Rev.1.0)

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## 1. INTRODUCTION

1.1 This Planning Statement has been prepared by **OPS Chartered Surveyors** on behalf of the applicant in support of an application for a Certificate of Lawfulness of Existing Use or Development ("CLEUD") under Section 191 of the Town and Country Planning Act 1990 ("the 1990 Act").

1.2 The application seeks confirmation that the existing use of the Property as four self-contained residential flats (Use Class C3) is lawful.

1.3 The Property was physically converted into four self-contained residential units by means of building operations that were substantially completed before 25 April 2024. Those building operations are accordingly subject to the four-year limitation period prescribed by Section 171B(1) of the 1990 Act. For the purposes of this application, it is unnecessary to establish the precise date on which the conversion works were substantially completed, because the accompanying evidence demonstrates that the resulting use has existed continuously for a period significantly exceeding the four-year statutory immunity period.

1.4 The accompanying evidence has not been produced solely for the purposes of this application. Instead, it comprises contemporaneous records created independently over a number of years for commercial, regulatory, statutory and property management purposes. These include:

- i) the occupation chronology (Appendix A),*
- ii) statutory declarations (Appendix B),*
- iii) tenancy agreements (Appendix C),*
- iv) accountant-certified rental schedules (Appendix D),*
- v) Council Tax records (Appendix E), utility accounts (Appendices F and G),*
- vi) landlord insurance policies (Appendix H),*
- vii) Energy Performance Certificates (Appendix I),*
- viii) Electrical Installation Condition Reports (Appendix J),*
- ix) fire alarm servicing records (Appendix K),*
- x) tenancy deposit protection documentation (Appendix L),*
- xi) inventory reports (Appendix M) and other supporting documentation.*

1.5 When considered collectively, these documents provide a consistent and mutually corroborative evidential record demonstrating that the Property has been continuously occupied and managed as four independent self-contained residential flats throughout the relevant period.

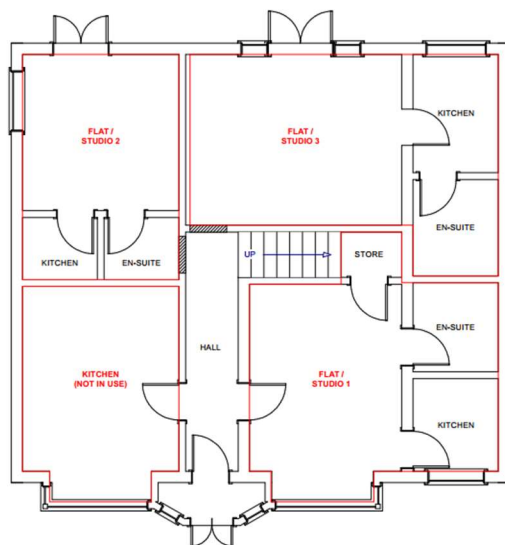
## 2. THE APPLICATION SITE

2.1 The application site comprises a two-storey detached property situated on the southern side of Uxbridge Road within the London Borough of Hillingdon.

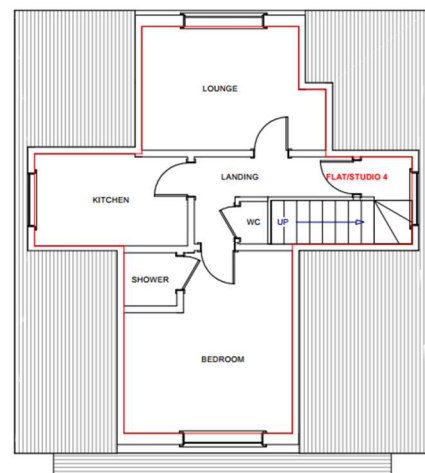
2.2 Internally, the Property has been subdivided into four self-contained residential units. Throughout the documentary evidence, the units are described using slightly different terminology, including "Flat", "Room" and, in certain documents, "Studio". For the avoidance of doubt, these descriptions relate to the same four independently occupied residential units. Accordingly, this Statement refers to each unit as:

- *Flat 1 (also known as Room 1 / Studio 1);*
- *Flat 2 (also known as Room 2 / Studio 2);*
- *Flat 3 (also known as Room 3 / Studio 3); and*
- *Flat 4 (also known as Room 4 / Studio 4).*

2.3 Each flat contains its own independent living accommodation comprising sleeping and living space together with private kitchen and bathroom facilities, enabling occupation as a self-contained dwelling.



EXISTING G/F (1:100)



EXISTING 1/F (1:100)

2.4 The application does not seek planning permission for any operational development or material change of use. The sole purpose of the application is to establish the lawfulness of the existing use of the Property as four self-contained residential flats.

### **3. LEGISLATIVE FRAMEWORK**

3.1 This application has been made pursuant to Section 191 of the Town and Country Planning Act 1990.

3.2 Section 191 provides that any person may apply to the Local Planning Authority for a Certificate of Lawfulness to determine whether an existing use or development is lawful. The Authority's role is to determine, on the evidence before it, whether the use is lawful. It is not required to consider planning merits, design, amenity, highway impacts or planning policy, nor to determine whether planning permission ought to be granted.

3.3 The applicable limitation period is prescribed by Section 171B(1) of the 1990 Act, which provides that where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

3.4 The conversion of the Property into four self-contained residential flats required the carrying out of physical building operations, including the construction of internal subdivisions and the installation of independent kitchen and bathroom facilities within each unit. Those works constitute building operations within the meaning of Section 171B(1) and are accordingly subject to the four-year limitation period.

3.5 The Levelling-up and Regeneration Act 2024 amended Section 171B of the 1990 Act with effect from 25 April 2024, introducing a single ten-year limitation period for all breaches of planning control. However, the transitional provisions preserve the pre-existing limitation periods in respect of breaches occurring before that date. Since the conversion works at the Property were substantially completed before 25 April 2024, the four-year limitation period prescribed by Section 171B(1) continues to apply to this application.

3.6 For the purposes of this application, the relevant question is whether the building operations comprising the conversion of the Property into four self-contained residential flats were substantially completed more than four years before the date of this application, such that those works and the resulting residential use have become immune from enforcement action.

#### **4. BURDEN AND STANDARD OF PROOF**

4.1 An application under Section 191 of the Town and Country Planning Act 1990 is an evidential exercise rather than an assessment of planning merits. The role of the Local Planning Authority is to determine whether, on the evidence before it, the existing use is lawful.

4.2 The burden of proof rests with the Applicant to demonstrate, on the balance of probability, that the claimed use has existed continuously throughout the relevant statutory period. The Authority is not required to determine whether the use ought to receive planning permission, but simply whether the evidence demonstrates that the use is lawful.

4.3 The applicable standard of proof is the civil standard, namely the balance of probability. The Applicant is not required to prove the case beyond reasonable doubt. The Authority must consider all of the documentary evidence collectively and determine whether it is more probable than not that the Property has been continuously occupied and managed as four self-contained residential flats throughout the relevant period.

4.4 It is well established that the Authority is required to consider the evidence as a whole and is not entitled to reject uncontradicted evidence without good reason. The Applicant is not required to produce evidence of every day of occupation. Rather, the evidence must establish a consistent pattern from which continuous use can reasonably be inferred.

4.5 The Courts have consistently confirmed that contemporaneous documentary evidence prepared independently for purposes unrelated to planning generally attracts considerable evidential weight. Accordingly, this application relies upon a wide range of independent documents produced over many years by letting agents, accountants, utility providers, insurers, electrical contractors, fire safety contractors, accredited energy assessors, tenancy deposit schemes and former occupiers.

## 5. EXISTING USE OF THE PROPERTY

5.1 The evidence demonstrates that the Property has long been operated as four independent self-contained residential flats. Each flat has been separately occupied under individual tenancy agreements, managed independently by professional letting agents and supported by the statutory and regulatory documentation ordinarily associated with individual residential lettings.

5.2 Although some documents refer to the accommodation as "Room" whilst others refer to "Flat" or "Studio", there is no inconsistency in the underlying evidence. These descriptions merely reflect differing terminology adopted by letting agents, contractors and service providers over time. The documentary evidence consistently relates to the same four independently occupied residential units.

5.3 The conversion of the Property into four self-contained flats predates the earliest documentary evidence currently available. The earliest tenancy agreements demonstrate that the use was already firmly established by that date, and the subsequent documentation evidences uninterrupted continuation of the same planning use over many years. Consequently, it is unnecessary to identify the precise date on which the conversion originally occurred. The relevant issue is whether the building operations comprising the conversion were substantially completed more than four years before the date of this application, which the accompanying evidence clearly demonstrates.

## 6. OVERVIEW OF THE DOCUMENTARY EVIDENCE

6.1 The evidence accompanying this application has been assembled from a broad range of independent sources. Importantly, the documents were created in the ordinary course of property ownership, residential management, statutory compliance and commercial administration rather than for the purposes of obtaining a Certificate of Lawfulness. As such, they carry significant evidential weight.

6.2 The documentary evidence accompanying this application comprises the following principal categories:

- i) Occupation chronology for each of the four flats (Appendix A);*
- ii) Statutory declarations from the Applicant and former occupiers (Appendix B);*
- iii) Individual tenancy agreements (Appendix C);*
- iv) Accountant-certified rental schedules (Appendix D);*
- v) Council Tax documentation (Appendix E);*
- vi) Water utility records (Appendix F);*  
*(Important Note: Water meter 08-493669 is located at the application site 563 Uxbridge Road, UB4 8HP, and the bill is addressed to the applicant's home at address at 326 Long Lane UB10 9PF, due to the fact that he does not live at the application site. The meter location and serial number can be verified during the officer's site visit if necessary)*
- vii) Gas and electricity accounts (Appendix G);*
- viii) Landlord insurance policies identifying the Property as converted multiple flats (Appendix H);*
- ix) Energy Performance Certificates for individual residential units (Appendix I);*

- x) *Electrical Installation Condition Reports for individual flats (Appendix J);*
- xi) *Fire Detection and Alarm servicing records (Appendix K);*
- xii) *Tenancy deposit protection documentation (Appendix L); and*
- i) *Independent inventory reports (Appendix M).*
- ii) *Pre-existing and existing floor plans (Appendix N)*
- iii) *Gas safety certificate for certain flats (due to installation of appliance(s)) (Appendix O)*

6.3 No single document is relied upon in isolation. Rather, each category of evidence corroborates the others to establish a consistent chronology of independent occupation and continuous residential use.

## **7. ASSESSMENT OF THE DOCUMENTARY EVIDENCE**

### **7.1 Overview**

7.1.1 The documentary evidence accompanying this application demonstrates a continuous and consistent pattern of occupation and management of the Property as four independently occupied self-contained residential flats. The evidence has been assembled from numerous independent sources over a prolonged period and includes statutory, commercial, financial and regulatory records produced in the ordinary course of residential property management.

7.1.2 Collectively, these documents provide a robust and mutually corroborative evidential record that the building operations comprising the conversion of the Property, and the resulting residential use, have been established for a period well in excess of the statutory four-year immunity period.

7.1.3 Whilst individual documents may establish only part of the factual history, when read together they form a coherent chronology demonstrating the continuous existence and occupation of four self-contained residential flats.

### **7.2 Occupation History and Chronology**

7.2.1 The primary chronology of occupation is established through the Applicant's tenancy schedule, which records the occupation history of each of the four flats from the earliest available tenancy through to the present day. The schedule provides a continuous record of the commencement and termination dates of each tenancy and demonstrates the succession of occupiers within each individual flat over time.

7.2.2 The chronology is supported by individual tenancy agreements, statutory declarations, accountant-certified rental schedules and tenancy deposit documentation. These independent records consistently identify the same four residential units and demonstrate that each flat has been separately occupied under individual tenancy agreements.

7.2.3 Where a fixed-term tenancy expired, and the occupier remained in possession, the tenancy continued as a statutory periodic tenancy. During such periods the flat remained occupied and the

planning use was uninterrupted. The occupation chronology records the full period of each occupier's possession, including any periodic continuation following the expiry of the original fixed term.

7.2.4 Although the available tenancy agreements do not necessarily include every historic tenancy, the documentary evidence clearly demonstrates that the Property was already operating as four self-contained residential flats by the date of the earliest available tenancy agreement. The conversion therefore predates the earliest documentary evidence presently available.

7.2.5 For the purposes of this application, it is unnecessary to establish the precise date on which the physical conversion was undertaken. The relevant legal question is whether the building operations comprising the conversion were substantially completed more than four years before the date of this application. The documentary evidence clearly demonstrates that they were.

7.2.6 The occupation chronology at **Appendix A** forms the primary evidential record of occupation and is corroborated by the tenancy agreements at **Appendix C**, the statutory declarations at **Appendix B** and the accountant's rental schedules at **Appendix D**, together with the remaining supporting documentation.

### 7.3 Independent Self-Contained Residential Flats

7.3.1 The evidence consistently demonstrates that the Property has operated as four independent residential units rather than a single dwelling or a house in multiple occupation sharing facilities.

7.3.2 Each flat has been occupied under separate tenancy agreements granting exclusive possession to individual occupiers. The tenancy agreements identify individual accommodation within the Property and establish independent contractual relationships between landlord and tenant.

7.3.3 Throughout the evidence, the accommodation is variously described as "Flat", "Room" or "Studio". These differences in terminology merely reflect the administrative practices adopted by different letting agents, contractors and service providers over time. They do not indicate different forms of occupation or different accommodation.

7.3.4 For the purposes of this application:

- i) **Flat 1** is also referred to as **Room 1 or Studio 1**;
- ii) **Flat 2** is also referred to as **Room 2 or Studio 2**;
- iii) **Flat 3** is also referred to as **Room 3 or Studio 3**; and
- iv) **Flat 4** is also referred to as **Room 4 or Studio 4**.

7.3.5 The documentary evidence consistently demonstrates that these references relate to the same four independently occupied self-contained residential units. This conclusion is reinforced by Energy Performance Certificates prepared for individual flats, Electrical Installation Condition Reports undertaken for individual flats, inventory reports describing individual flats, and tenancy deposit records identifying separate residential lettings (**Appendices I, J, L and M** respectively).

## 7.4 INDEPENDENT THIRD-PARTY DOCUMENTARY EVIDENCE

7.4.1 A significant strength of this application is that the overwhelming majority of the supporting evidence has been produced independently by third parties with no interest in the outcome of this application. Independent third-party evidence comprises:

- iv) Accountant-certified rental schedules (Appendix D);*
- v) Energy Performance Certificates (Appendix I);*
- vi) Electrical Installation Condition Reports (Appendix J);*
- vii) Fire Detection and Alarm servicing records (Appendix K);*
- viii) Landlord insurance schedules (Appendix H);*
- ix) Utility provider records (Appendices F and G);*
- x) Tenancy deposit protection records (Appendix L); and*
- xi) Independent inventory reports (Appendix M).*
- xii) Pre-existing and existing floor plans*
- xiii) Gas safety certificate for certain flats (due to installation of appliance(s))*

These documents were created for commercial, statutory and regulatory purposes entirely unrelated to planning. Consequently, they carry considerable evidential weight.

7.4.2 Successive landlord insurance policies consistently describe the insured premises as "**Property Owners occupied as Multiple Flats Converted**", thereby independently confirming the long-established character of the Property. Electrical Installation Condition Reports identify individual flats within the Property and confirm that separate electrical inspections were undertaken for those units. Energy Performance Certificates likewise identify individual self-contained residential accommodation rather than a single dwelling. The fire alarm servicing records demonstrate ongoing maintenance of a professionally managed fire detection system appropriate for a building containing multiple residential units.

7.4.3 Taken collectively, these documents corroborate the occupation history established by the tenancy agreements and statutory declarations.

## 7.5 BUILDING MANAGEMENT AND REGULATORY COMPLIANCE

7.5.1 The evidence demonstrates that the Property has been continuously managed as a residential investment comprising four separate flats. The continued professional management of the Property is demonstrated by:

- i) Individual tenancy agreements (Appendix C);*
- ii) Independent inventory reports (Appendix M);*
- iii) Statutory tenancy deposit protection (Appendix L);*
- iv) Periodic electrical inspections (Appendix J);*
- v) Fire alarm inspection and servicing (Appendix K);*
- vi) Landlord insurance policies (Appendix H);*
- vii) Accountant-certified rental schedules (Appendix D); and*
- viii) Continuous utility provision (Appendices F and G).*

These are not documents ordinarily associated with a single dwelling. Rather, they are entirely consistent with the long-term management of four separately occupied self-contained residential flats.

## **7.6 CONTINUITY OF USE AND TEMPORARY PERIODS OF VACANCY**

7.6.1 The documentary evidence demonstrates that the use of the Property as four self-contained residential flats has remained continuous throughout the relevant period.

7.6.2 Whilst there were occasional intervals between individual tenancies, these represent ordinary letting voids arising from changes of occupier, marketing periods or, in the case of Flat 1, refurbishment works following significant damage caused by departing tenants. The Applicant's evidence confirms that there was never any intention to discontinue the residential use of the Property or to return it to a single dwelling. Throughout any void periods, the Property continued to be managed as four self-contained flats, remained insured as such, continued to receive utility services and was actively marketed for reletting. The temporary absence of tenants did not therefore amount to abandonment of the planning use.

7.6.3 The Courts have consistently recognised that temporary cessation of a planning use does not necessarily amount to abandonment. Whether a use has been abandoned is a question of fact and degree requiring consideration of all the surrounding circumstances, including the owner's intentions and the nature and duration of any interruption.

7.6.4 In *Hartley v Minister of Housing and Local Government* [1970] 1 QB 413, the Court confirmed that temporary cessation of a use does not necessarily constitute abandonment and that the intention of the owner remains an important consideration. Similarly, in *Hughes v Secretary of State for the Environment* [2000] JPL 127, it was recognised that temporary periods during which a property is vacant for refurbishment, repair or reletting do not automatically interrupt the continuity of the planning use where the evidence demonstrates a continuing intention to resume that use.

7.6.5 Accordingly, the temporary void periods identified within the occupation chronology should properly be regarded as normal incidents of residential property management rather than any cessation or abandonment of the existing planning use.

## **8. ASSESSMENT UNDER SECTION 191**

8.1 The purpose of this application is not to seek planning permission, nor to invite the Local Planning Authority to consider the planning merits of the development. The sole question is whether, on the balance of probability, the building operations comprising the conversion of the Property into four self-contained residential flats were substantially completed more than four years before the date of this application, such that those works and the resulting use have become immune from enforcement action.

8.2 Having regard to the evidence as a whole, the Applicant submits that the evidence clearly demonstrates that this is the case. The application is supported by a comprehensive body of documentary evidence extending across numerous years and originating from a wide range of independent sources. Each category of evidence supports the others, creating a coherent and consistent chronology that demonstrates continuous occupation, management and regulation of the Property as four self-contained residential flats.

8.3 The evidence must be considered in its entirety. When viewed collectively, the tenancy agreements, occupation chronology, statutory declarations, accountant-certified rental schedules, Council Tax records, utility accounts, insurance documentation, Energy Performance Certificates, Electrical Installation Condition Reports, fire safety records, inventory reports and tenancy deposit documentation present a consistent and mutually corroborative factual history demonstrating the continuous use of the Property as four self-contained residential flats throughout a period significantly exceeding the statutory four-year immunity period.

8.4 The Applicant therefore submits that the evidential burden imposed by Section 191 has been fully discharged.

## **9. CONCLUSION**

9.1 This application is supported by the documentary evidence contained within Appendices A to M, which collectively provide a comprehensive and mutually corroborative evidential record demonstrating the continuous use of the Property as four self-contained residential flats. Whilst each appendix has evidential value individually, their collective significance lies in the consistency with which they establish the same factual position over an extended period.

9.2 The evidence includes tenancy agreements, occupation schedules, statutory declarations, accountant-certified rental records, Council Tax documentation, utility accounts, landlord insurance policies, Energy Performance Certificates, Electrical Installation Condition Reports, fire alarm servicing records, tenancy deposit documentation and independent inventory reports. Whilst each document has evidential value in its own right, their true significance lies in the fact that they consistently corroborate one another.

9.3 The evidence demonstrates that the conversion predates the earliest available tenancy documentation and that the Property was already established as four self-contained residential flats by that time. Thereafter, the accompanying chronology evidences continuous occupation and management of those flats throughout a period significantly exceeding the statutory four-year immunity period.

9.4 Any temporary gaps between individual tenancies represent ordinary residential letting voids or refurbishment periods and do not amount to abandonment or discontinuance of the planning use. At all times the Property remained managed, insured, serviced and intended for continued occupation as four self-contained residential flats.

9.5 Accordingly, when considered as a whole and applying the correct civil standard of proof, the Applicant respectfully submits that the evidence clearly demonstrates, on the balance of probability, that the building operations comprising the conversion of the Property into four self-contained residential flats were substantially completed more than four years before the date of this application, and that the resulting use of the Property as four self-contained residential flats (Use Class C3) is therefore lawful under Section 191 of the Town and Country Planning Act 1990.

9.6 The Applicant respectfully requests that the Local Planning Authority issue a Certificate of Lawfulness of Existing Use or Development confirming the lawful use of the Property as four self-contained residential flats (Use Class C3).

# Schedule of Appendices

| <b><u>Appendix</u></b> | <b><u>Description</u></b>                                                      |
|------------------------|--------------------------------------------------------------------------------|
| Appendix A             | Occupation Chronology (all four flats)                                         |
| Appendix B             | Statutory Declarations                                                         |
| Appendix C             | Tenancy Agreements                                                             |
| Appendix D             | Accountant's Rental Schedules                                                  |
| Appendix E             | Council Tax Records                                                            |
| Appendix F             | Water Utility Records (Affinity Water)                                         |
| Appendix G             | Gas and Electricity Records (ScottishPower)                                    |
| Appendix H             | Landlord Insurance Policies                                                    |
| Appendix I             | Energy Performance Certificates (EPCs)                                         |
| Appendix J             | Electrical Installation Condition Reports (EICRs)                              |
| Appendix K             | Fire Alarm Inspection and Servicing Records                                    |
| Appendix L             | Tenancy Deposit Protection Documents                                           |
| Appendix M             | Inventory / Check-in Reports                                                   |
| Appendix N             | Pre-existing and existing floor plans                                          |
| Appendix O             | Gas safety certificate for certain flats (due to installation of appliance(s)) |