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SUPPORTING PLANNING & LEGAL STATEMENT

Application Type: Section 191 Application for a Certificate of Lawfulness of Existing Use or Development (LDC)

Property Address: 37 Edgar Road, West Drayton, Middlesex, UB7 8HN

Existing Use: Class C4 (House in Multiple Occupation, 3–6 residents)

Date: August 2026

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1. Introduction & Background

This legal statement supports an application under Section 191 of the Town and Country Planning Act 1990 (as amended) for a Certificate of Lawfulness of Existing Use (LDC) at 37 Edgar Road, West Drayton, UB7 8HN.

The primary objective of this submission is to conclusively demonstrate that 37 Edgar Road was operating in active, physical, and lawful use as a Class C4 House in Multiple Occupation (HMO) prior to the coming into force of the Local Planning Authority's (LPA) Article 4 Direction restricting Permitted Development rights from Class C3 (Dwellinghouse) to Class C4 (Small HMO).

This application follows a previous refusal of a *Sui Generis* change of use, in which the assigned planning officer expressed doubt as to whether the property was actively occupied or merely physically prepared ("set up") for HMO use prior to the restriction date.

This submission directly resolves that query by presenting an unassailable, multi-layered chain of direct local authority admissions, statutory declarations, contractual tenancies, and financial operational records proving actual residential occupancy prior to the Article 4 Direction coming into force on 11 December 2025.

2. Statutory Framework & Applicable Case Law

In determining an application under Section 191, standard planning policy considerations (e.g., parking, room sizes, residential amenity, or local housing policies) are legally irrelevant. The determination must be made solely as a matter of law and fact based on the evidence submitted.

The legal foundation rests on three fundamental principles of planning law:

A. Standard of Proof – The "Balance of Probabilities"

The applicable standard of proof in LDC applications is the civil standard: *the balance of probabilities*.

- As established in ***FW Cook v SSE [1990] JPL 277*** and reinforced in Government guidance on Lawful Development Certificates, the applicant is not required to prove their case "beyond reasonable doubt".
- National guidance states that if the applicant provides precise, unambiguous, and uncontradicted evidence demonstrating that the property was in lawful C4 use, the Local Planning Authority **must** issue the certificate unless they possess contrary evidence of their own.

B. Legal Weight of Statutory Declarations

Under the *Statutory Declarations Act 1835*, statements sworn under oath carry significant weight in planning law. A Statutory Declaration is a formal legal instrument. In the absence of direct, compelling, and contemporaneous evidence to the contrary held by the LPA, sworn statutory declarations cannot be casually set aside or disregarded by a decision-maker.

C. Actual Physical Occupation vs. Mere Setup

While case law (e.g., *Gravesham BC v SSE [1977]*) confirms that a property must be in actual operational use rather than merely physically prepared for use, the evidence in this bundle—specifically written inspection notes from the LPA’s own enforcement officer—proves active residential occupation by multiple individuals at the property during the critical pre-Article 4 period.

3. Comprehensive Analysis of Evidence

The applicant has assembled an unbroken, mutually corroborative bundle of evidence proving continuous Class C4 HMO occupation prior to 11/2025:

1. Direct Local Authority Records (Written Enforcement Confirmation)

- Following an enforcement visit to 37 Edgar Road in mid-2025, Council Enforcement Officer David provided explicit written confirmation regarding site inspections conducted on 9th July 2025 and 1st September 2025.
- In his official correspondence, the enforcement officer confirmed that during both inspections, he found the property actively operating and occupied as a 6-person HMO.
- This written confirmation constitutes a direct admission of fact by an officer of the Local Authority. It directly refutes any assertion that the site was merely "set up" or vacant, providing direct evidence of active, physical C4 use proving actual residential occupancy prior to 11 December 2025.

2. Statutory Declarations Sworn Under Oath (Docs 1 & 2)

- **Owner’s Statutory Declaration:** Sworn under oath by the property owner, attesting to the continuous operation and residential occupation of 37 Edgar Road as a Class C4 HMO prior to and through the Article 4 implementation date.
- **Management Agent's Statutory Declaration:** Sworn under oath by Skyview Management, confirming that the agency actively let, managed, and maintained the site as a fully occupied multi-let property during the relevant 2025 timeline.

3. Tenancy Agreements / Contractual Occupancy (Doc 3)

- The submission includes six individual Assured Shorthold Tenancy (AST) agreements covering Flats/Rooms 1 through 6.
- All six agreements reflect individual room lets with access to shared amenities (establishing a true C4 HMO setup) and show start dates active prior to the cut-off date, establishing contractual residential occupation.

4. Operational, Maintenance & Financial Evidence (Docs 5–8)

- **Management Ledgers & Bank Records:** Detailed financial ledgers from Skyview Management show ongoing rent collection, account disbursements, and operational management fees associated with 37 Edgar Road during 2025.
- **Third-Party Service Invoices:** Third-party maintenance receipts—specifically including end-of-tenancy deep-cleaning invoices for a multi-bedroom HMO layout—demonstrate active residential turnover consistent with an operating HMO.
- **HMO Licensing Fee Receipts:** Official receipts proving payment of the local authority's HMO Licensing application fee in 2025, confirming active steps taken to comply with multi-occupancy housing regulations.

4. Conclusion & Decision Sought

The evidence presented in this application is precise, unambiguous, mutually corroborative, and backed by both sworn legal declarations and the council's own written enforcement inspection logs.

The applicant has satisfied the legal standard on the balance of probabilities. As the Local Planning Authority holds no contrary evidence, the applicant is legally entitled to a Certificate of Lawfulness.

The Local Planning Authority is therefore respectfully requested to issue the Section 191 Certificate of Lawfulness for Class C4 use at 37 Edgar Road without delay.