

Application ref: 2023/3727/P  
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Date: 18 March 2024

**Development Management**  
Regeneration and Planning  
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Hooper Enterprise Associates Limited  
11 St Marys Place  
Shrewsbury  
SY1 1DZ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990

### **Certificate of Lawfulness (Existing) Granted**

The Council hereby certifies that on the 01 November 2023 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

#### First Schedule:

Regularisation of the former use of the property as House in Multiple Occupation (Class C4).

Drawing Nos: Site Location Plan; Planning Statement (x 8 pages) received on 7th September 2023; Exhibits 1 to 3 (Statutory Declarations - x 8 pages); Exhibit 4 (Extract Tenancy Agreements - x 42 pages); Exhibit 5 and 6 (Plan and Tenancy Agreement Table - x 1 page); Email from Sarah Gilbert to Richard Drew dated 17th January 2014; Room 2A Occupancy Table (2010-2021); Room 2B Occupancy Table (2010-2021); Room 3A Occupancy Table (2010-2021); Room 3B Occupancy Table (2010-2021); Room 4A Occupancy Table (2010-2021); Room 4B Occupancy Table (2010-2021); Tenancy Agreement 2A (Pongiglioni) dated 4th October 2013; Tenancy Agreement (Extract) 2A (Carnicella) dated 5th August 2015; Tenancy Agreement 2A (Narvaez) dated 17th September 2020 (x 12 pages); Tenancy Agreement 3A (Farmer) dated 1st March 2007; Tenancy Agreement 3A (Barrow) dated 5th September 2012 (x 2 pages); Tenancy Agreement 3A (Hopkins) dated 9th September 2013 (x 13 pages); Tenancy Agreement 3A (Yang) dated 24th September 2014 (x 13 pages); Tenancy Agreement 3A (Howarth) dated 6th August 2015 (x 13 pages); Tenancy Agreement 3A (Raschke) dated 5th September 2016 (x 13 pages); Tenancy Agreement 3A (Grey) dated 11th August 2017 (x 12 pages); Tenancy Agreement 3B (Burini) dated 21st September 2014 (x 13 pages); Tenancy Agreement (Signed Page) 3B (Burini) dated 27th July

2015; Tenancy Agreement 3B (Snacke) dated 12th September 2018 (x 12 pages); Tenancy Agreement 4A (Evans) dated 5th September 2014 (x 3 pages); Tenancy Agreement 4A (Maul) dated 1st August 2018 (x 12 pages); Tenancy Agreement (signed page) 4A (Maul) dated 18th October 2019; Tenancy Agreement 4B (Kazumi) dated 24th March 2007 (x 3 pages); Tenancy Agreement 4B (Hopkins) dated 10th October 2012 (x 3 pages); Tenancy Agreement 4B (Nubold) dated 9th September 2013 (x 13 pages); Tenancy Agreement 4B (Timmins) dated 8th October 2014 (x 3 pages); Tenancy Agreement 4B (Thompson) dated 13th March 2015 (x 3 pages); Tenancy Agreement 4B (Gambus) dated 12th July 2015 (x 3 pages); Tenancy Agreement 4B (Sophie Ward) dated 5th September 2016 (x 13 pages).

Second Schedule:

**62 Falkland Road  
London  
NW5 2XA**

Reason for the Decision:

- 1 The use described in the First Schedule was a lawful use, by virtue of operating for a continuous period of ten years, as required by the Act.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope  
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

3. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.