

STATEMENT OF CASE Appeal Reference: APP/F5540/X/25/3365277

Appellant: Mrs Satinder Toor

Site: The Firs Lodge, 289-291 Bath Road, Hounslow, TW3 3DB

Date: 26 June 2025

1. INTRODUCTION

This Statement of Case is submitted on behalf of Mrs Satinder Toor in support of her appeal against the refusal by the London Borough of Hounslow (the LPA) to grant a Certificate of Lawfulness under Section 191 of the Town and Country Planning Act 1990 (TCPA 1990) for the use of the premises known as The Firs Lodge, 289-291 Bath Road, Hounslow, as a Bed and Breakfast (B&B).

The purpose of this statement is to set out in full the factual and legal case to be presented at the inquiry scheduled for 3 September 2025, with the Case Management Conference scheduled for 8 July 2025.

2. BACKGROUND AND APPLICATION SUMMARY

An application was made under Section 191 of the TCPA 1990 for a Certificate of Lawfulness for the continued use of the above premises as a B&B. The use class applied for is C1 (Hotels).

The LPA refused the application on 8 November 2024 on the basis that the appellant had failed to demonstrate a continuous use for a minimum of ten years prior to the date of the application (16 September 2024), with specific reference to an alleged interruption of use in 2018.

The appellant disputes the refusal and submits that on the balance of probabilities, the use has been continuous and lawful since at least 2005, as supported by a wide body of documentary and testimonial evidence.

3. STATUTORY AND LEGAL FRAMEWORK

Under Section 191(2) TCPA 1990, an existing use of land is lawful if:

- No enforcement action may be taken in respect of it (i.e., it is immune);
- It does not constitute a contravention of any enforcement notice in force;

And under Section 171B(3), any material change of use becomes immune from enforcement after ten years of continuous use.

The burden of proof is on the appellant and the standard of proof is the civil standard: "on the balance of probabilities" (F W Gabbitts v SSE & Newham LBC [1985] JPL 630).

4. THE CASE FOR THE APPELLANT

A. CONTINUOUS USE

The appellant will demonstrate, through a combination of financial records, safety certifications, council communications, and sworn statements, that the premises have been in continuous use as a B&B since at least 2005.

Key documents include:

- Business rates and council tax documentation identifying the site as a B&B
- VAT returns and HMRC tax filings under Firs Lodge Ltd
- Booking.com and guest booking records.
- Sworn statements by the site manager, director, and accountant
- Energy Performance Certificates, Gas Safety, and Fire Safety Certificates across the years
- Planning correspondence from 2011 and 2012 acknowledging immunity from enforcement
- Ongoing payments from Richmond and Hounslow Councils for temporary accommodation

B. SPECIFIC REBUTTAL OF 2018 INTERRUPTION CLAIM

The LPA refusal hinges on an alleged lapse in B&B use in 2018. However:

- Council inspection reports from 2012 refer to use as short-term lets, which falls within Class C1.
- Financial records for 2018, including bookings and VAT filings, confirm commercial guest use.
- No enforcement notice or formal designation of discontinuity was issued.

On the balance of probabilities, the use continued within the intended scope of C1.

C. PLANNING HISTORY AND ENFORCEMENT

- 2011 enforcement report concluded B&B use likely immune and declined to act
- 2012 enforcement addressed outbuildings only, not principal B&B use
- enforcement notice (2013) affects only ancillary structures and has been complied with

No live enforcement action exists against the primary B&B use.

5. SUPPORTING DOCUMENTATION

The appellant's case is supported by:

- Application Form and Cover Letter
- Draft Statement of Common Ground (SoCG)
- Questionnaire response from LPA
- All documents listed in the Appendix to the Document Bundle (Document Submissions PDF)
- Additional documents like: payment confirmation from Hounslow and Richmond Council etc.

6. Possible Matters Agreed (per SoCG)

- Site location and ownership details
- Use class C1 (Hotels) applicable
- Properties 289 and 291 function as a single B&B unit
- Site lies within St Paul's Conservation Area
- No current enforcement action affects the B&B use

7. RELIEF SOUGHT

The appellant respectfully requests that the Planning Inspectorate issue a Certificate of Lawfulness under Section 191 of the TCPA 1990 confirming that the use of 289–291 Bath Road as a Bed and Breakfast (Class C1) is lawful by virtue of 10+ years of continuous use.

8. CONCLUSION

The appellant's evidence, assessed cumulatively, satisfies the statutory threshold of the balance of probabilities. The local authority's refusal rests on a single speculative assertion (about 2018), unsupported by enforcement action or substantive documentation.

This appeal is supported by unbroken chains of documentary and testimonial evidence confirming C1 use. We respectfully submit that a Certificate of Lawfulness for existing use should be granted.

Submitted by:

Gill & Associates Ltd.

On behalf of Mrs Satinder Toor

26 June 2025