

**Appeal under section 191 of the Town and Country Planning Act 1990 (as amended).**

**Appeal by Mrs Toor. Site: Firs Lodge, 289-291 Bath Road, Hounslow, TW3 3DB**

**Re: LPA Statement of Case in regards to the above appeal.**

1. The above appeal relates to the refusal by the Local Planning Authority to a Certificate of Lawfulness for the existing use of the property in question as a bed and breakfast.
2. The Council's position with regard to the lawful use of the property in question, as presented in the Officer's Report (Appendix 1), remains unchanged. This includes the position regarding the incompleteness of the evidence and the inconsistent representation of both addresses (289&291 Bath Road) across the submitted documentation.
3. Therefore, this statement of case seeks to comment on the additional points raised by the appellant in their submitted appeal statement. The information held by the Council referenced in the Officer's Report, including previous application documents and decisions, is included in the Appendices of this Statement.
4. Within the statements included in the appellant's questionnaire and the updated appeal statement, the following claims are made:
  - a. The Council states there is 'insufficient proof' of usage as a bed and breakfast in 2018.
  - b. That, in the absence of contradictory evidence supplied by the LPA, an applicant's own evidence does not need to be independently verified in order to be accepted.
  - c. That the council's enforcement records, dating from 2011 and 2012, state that the use as a bed and breakfast was ongoing at the time and would likely be immune from enforcement action.
  - d. That enforcement notices from 2012 and 2018 found that the property was in use as 'multi-unit accommodation'.
  - e. That Annex 8 of Circular 10/97 states that a use becomes lawful if no enforcement notice has been issued. As a result, the use of the premises as a bed and breakfast should be permitted.
5. We respond to these points individually:
  - a. This does not fully reflect the Council's position which is that, **alongside insufficient evidence, we present contrary evidence**. This is in the form of the enforcement report dated 13/06/2018 for 291 Bath Road (Appendix 2), which states that **the premises was in use as three self-contained flats and not as a bed and breakfast**.

- b. The same enforcement history also refutes the appellant's statement that 'the Council's refusal fails to provide any contradictory evidence', and that therefore the certificate should be granted. During the key 2018 period, when the Council presents evidence for the use of 291 Bath Road as a self-contained flats, the evidence provided by the appellant is inconsistent in its use of addresses, **with VAT returns and booking.com invoices listing only 289 Bath Road as the address of Firs Lodge.**
  - c. Enforcement records from 2011 (Appendix 3) state that at this time the use of 289 Bath Road as a bed and breakfast would likely be immune from enforcement action and that the use of **291 Bath Road as four flats** is also likely immune from enforcement action. As such, this does not confirm that the use of both 289 and 291 Bath Road as a bed and breakfast was likely immune from enforcement action in 2011. **Furthermore, the use of the property in 2011 does not indicate the use of the properties as a bed and breakfast for a continuous period of ten years from 16/09/2014.**
  - d. The current application is not to determine the use of the properties as multi-unit accommodation, but rather as a bed and breakfast. Therefore, while the 2018 enforcement report does recognise that **291 is in use as three self-contained flats, this contradicts the appellant's contention that the site has been in continuous use as a bed and breakfast for a period of ten years.**
  - e. The Council does not dispute that no enforcement notice has been served during the period. However, the lack of an enforcement notice is due to the fact that, when the property was visited in 2018, **it was shown not to be in use as bed and breakfast.** As a result, the lack of enforcement records supports, rather than undermines, the Council's position on the matter.
6. The appellant has provided no evidence to substantiate the ownership of the site during the critical period. Land registry records show that the freehold for the subject site and the leasehold for 291A (title number AGL2705) were purchased in November of 2022 Firs Lodge LTD in 2022. A 2017 search found that the freehold of 291 was owned by Adda Hotels and the leasehold for 291A was held by Hilton International Hotels. These title records are attached in Appendix 4 of this statement.
7. The subject site is registered for non-domestic council tax purposes, however electoral roll records for the site demonstrates that, for periods during the critical ten-year span of the application that various individuals were registered at the application. This includes various individuals at 289 from 2015-2017, various individuals registered at 291 in 2016, and various individuals registered at 'Room 3, The Firs Lodge, 289-291' in 2023 and 2025. This suggests that the property was in use for longer-term accommodation than would be typically expected for a bed and breakfast use.
8. Based on the information held by the Council, the lawful use of the site is a two, single family dwellinghouses (Use Class C3).

9. At the inquiry, the Council shall present two witnesses at the Inquiry who shall both provide evidence establishing the fact that the premises were not used for the alleged bed and breakfast use for the continuous ten year period and that their evidence is fatal to the claim put forward by the appellant. These are Robert Tomlinson, the Case Officer for the application, and Matt Robinson, the Enforcement Team Leader. As a result we consider that the appeal has no prospect of success and the Council will be pursuing costs of the appeal in full on the grounds of unreasonable conduct on the part of the appellant in pursuing an appeal with no chance of success.
  
10. For the reasons set out above and in addition to the points raised in the Officer's Report, the Council maintains that, on the balance of probabilities, the properties have not been in continuous use as a bed and breakfast for a period of ten years, and we respectfully request that the appeal be dismissed and costs awarded to the Council.

Yours sincerely,

Robert Tomlinson | Planning Apprentice  
London Borough of Hounslow

## **Appendix 1 – Planning Officer’s Report**

DELEGATED REPORT

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Reference:	P/2024/3105
Address:	The Firs Lodge, 289-291 Bath Road, TW3 3DB
Proposal:	Certificate of lawfulness for the existing use of the properties as bed and breakfast accommodation.
Drawing numbers:	Unnumbered location plan, unnumbered pre-existing block plan, unnumbered pre-existing ground floor plan, unnumbered pre-existing floor plans, unnumbered pre-existing elevations, unnumbered pre-existing elevations, unnumbered existing block plan, unnumbered existing ground floor plan, unnumbered existing first floor plan, unnumbered existing elevations, unnumbered existing side elevations.

Received: 16/09/2024

1.0 SITE DESCRIPTION

1.1 The site is on the northern side of Bath Road. The site contains two semi-detached properties belonging to separate pairs, although they are now seen attached following various extensions/alterations. Both properties are characterised by white render throughout with black brick quoins, with a shared forecourt for vehicular parking.

1.2 HISTORY

**P/2024/0069** Certificate of lawfulness for the existing use of a bed & breakfast.

**Refused: 04/03/2024**

**Reason:** *The applicant has failed to demonstrate that on the balance of probabilities, the building has been in use as a bed and breakfast for the continuous period of 10 years prior to the submission of the application, and evidence available to the Council demonstrates that the property was not in use as a bed and breakfast in 2018.*

**00083/289-291/LAW1** Certificate of lawfulness of existing use for use of two houses as bed and breakfast accommodation.

**Withdrawn: 24/09/2010**

**00083/289-291/P2** Erection of a part single part two storey rear extension.

**Refused: 20/12/2011**

**00083/289-291/P3**

Erection of a part single part two storey rear extension.

**Refused: 19/07/2012**

**COND/2017/00525**

Details of suspected breach: Conversion of property into Bed and Breakfast.

**Recommendation: Closure – 13/06/2018**

**Reason:** The visit carried out on the 18th May 2018 found that the property is now three flats and some flats are used for shorter term tenancy, but the site is not operating as a Bed and Breakfast.

## **2.0 CONSULTATIONS**

2.1 8 neighbours notified on 20/09/2024. Five letters of objection received.

2.2 Summary of comments:

- *Buildings have been altered without planning permission.*
- *The use of the site as a B&B is unlawful and works carried out for this use were done without permission.*
- *Lack of building control oversight on works carried out.*
- *Financial harm to legal hospitality businesses.*
- *Benefits fraud being carried out by the owners.*
- *Lack of food hygiene.*
- *Outbuildings in use as unlawful accommodation.*
- *The subject site generates high levels of anti-social behaviour.*
- *Overdevelopment of the site.*
- *Overdevelopment of the wider area.*
- *Harm to the appearance of the area.*
- *Harm to local housing supply.*

## **3.0 DETAILS**

3.1 This application is for a certificate of lawfulness for the continued use of 289-291 Bath Road, TW3 3DB as a bed and breakfast.

- 3.2 Section 191 (2) of the Town and Country Planning Act 1990 states that uses and operations are lawful at any time if (a) no enforcement action may then be taken in respect of them and (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
- 3.3 The legislation places the onus of proof in a Lawful Development Certificate application on the applicant. The test for the evidence is the balance of probability and the Courts have held that in a case such as this the onus of proof lies with the applicant. The relevant time period beyond which the use as bed and breakfast accommodation becomes immune from enforcement action and may be lawful is a continuous period of 10 years from the date of the application in this case the critical date is 16/09/2014.

#### **4.0 DETAILS OF EVIDENCE:**

- 4.1 The purpose of the application is to determine whether the use of the properties as a bed and breakfast is lawful.
- 4.2 The following supporting evidence was submitted and is organised in chronological order for each sub section of evidence:

##### **4.3 Floor Plans:**

- [Unnumbered Location Plan],
- [Unnumbered Pre-Existing Block Plan],
- [Unnumbered Pre-Existing Ground Floor Plan, Sheet 1/8],
- [Unnumbered Pre-Existing Floor Plans, Sheet 2/8],
- [Unnumbered Pre-Existing Elevations, Sheet 3/8],
- [Unnumbered Pre-Existing Elevations, Sheet 4/8],
- [Unnumbered Existing Block Plan],
- [Unnumbered Existing Ground Floor Plan, Sheet 5/8],
- [Unnumbered Existing First Floor Plan, Sheet 6/8],
- [Unnumbered Existing Elevations, Sheet 7/8],
- [Unnumbered Existing Side Elevations, Sheet 8/8]

##### **4.4 Supporting Statement:**

- Supporting statement from Director of Firs Lodge stating the premises has been running as a bed and breakfast at 289 since 1999 and at the combined premises (289-291) since 2005. Signed and dated: 11/04/2024.
- Supporting statement from P Chana confirming they have acted as the building manager at the subject property for more than 10 years. Signed and dated: 11/04/2024.
- Supporting statement from Chancellors LLP stating they have acted on behalf of Firs Lodge Bed and Breakfast for over 23 years providing accounting and taxation services. Signed and dated: 09/04/2024.

#### 4.5 **Financial Statements:**

- Financial Statement for the period 25/08/2000-31/12/2001, for Firs Guest House. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the Year Ended 31 December 2002, for Firs Lodge Bed and Breakfast. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the period 01/01/2003-31/03/2004, for Firs Guest House. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the Year Ended 31 March 2006, for Firs Guest House. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the Year Ended 31 March 2008, for Firs Guest House. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the Year Ended 31 March 2010, for Firs Guest House. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the Year Ended 31 March 2012, for Firs Guest House. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the Year Ended 31 March 2013, for Firs Guest House. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the Year Ended 31 December 2015, for Firs Lodge Ltd. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the Year Ended 31 December 2017, for Firs Lodge Ltd. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the Year Ended 31 December 2019, for Firs Lodge Ltd. Address: 289 Bath Road, TW3 3DB.
- Financial Statement for the Year Ended 31 December 2021, for Firs Lodge Ltd. Address: 289 Bath Road, TW3 3DB.

#### 4.6 **HMRC/Council Tax:**

- National Non-Domestic Rate Notice 2019/20, in respect of Firs Bed and Breakfast 289 & 291 Bath Road, Hounslow, TW3 3DB. Date of issue: 10/01/2024.
- HM Revenue & Customs Accounting Period overview addressed to The Firs Lodge Ltd. Accounting period ending 31/12/2014. Dated: 16/12/2023.
- Tax year overview for tax year ending 05/04/2006. Information as of 15/12/2023, not addressed to the subject property.
- Tax year overview for tax year ending 05/04/2008. Information as of 15/12/2023, not addressed to the subject property.



- Tax year overview for tax year ending 05/04/2010. Information as of 15/12/2023, not addressed to the subject property.
- Trade Profit (Loss) Computation for the year 01/01/2002-31/12/2002. Addressed to The Firs Guest House. Not dated.
- Trade Profit (Loss) Computation for the year 01/04/2006-31/03/2007. Addressed to The Firs Guest House. Not dated.
- Trade Profit (Loss) Computation for the year 01/01/2014-31/12/2014. Addressed to The Firs Guest House. Not dated.
- Company Short Tax Return Form, addressed to The Firs Lodge Ltd for the period 01/01/2014-31/12/2014. Dated: 10/12/2015
- Non-domestic rate notice 2010/2011, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2011/2012, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2012/2013, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2013/2014, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2014/2015, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2015/2016, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2016/2017, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2017/2018, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2018/2019, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2020/2021, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2021/2022, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024
- Non-domestic rate notice 2022/2023, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024

- Non-domestic rate notice 2023/2024, in respect of The Firs Bed and Breakfast, 289 & 291 Bath Road, Hounslow TW3 3DB. Date of issue: 01/05/2024

#### 4.7 **VAT Certificates:**

- VAT Certificate addressed to The Firs Lodge, 289 Bath Road, TW3 3DB. Dated: 05/05/2015
- VAT Certificate addressed to The Firs Lodge, 289 Bath Road, TW3 3DB. Dated: 06/02/2016
- VAT Certificate addressed to The Firs Lodge, 289 Bath Road, TW3 3DB. Dated: 07/05/2016
- VAT Certificate addressed to The Firs Lodge, 289 Bath Road, TW3 3DB. Dated: 08/08/2016
- VAT Certificate addressed to The Firs Lodge, 289 Bath Road, TW3 3DB. Dated: 19/12/2023.

#### 4.8 **VAT Returns**

- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 02/11/2015.
- VAT surcharge liability assessment for The Firs Lodge Ltd., The Firs Lodge, 289 Bath Road, Hounslow. Dated 13/11/2015.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 05/11/2016.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 06/02/2017.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 05/05/2017.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 05/08/2017.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 06/11/2017.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 07/02/2018.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 10/05/2018.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 07/08/2018.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 06/11/2018.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 07/02/2019.
- VAT return for The Firs Lodge Ltd., 289 Bath Road, Hounslow. Dated 07/05/2019.

- VAT return for The Firs Lodge 01/04/2019 – 30/06/2019. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/07/2019 – 30/09/2019. No address. Not dated.
- VAT return for The Firs Lodge 01/10/2019 – 31/12/2019. No address. Not dated.
- VAT return for The Firs Lodge 01/01/2020 – 31/03/2020. No address. Not dated
- VAT return for The Firs Lodge 01/04/2020 – 30/06/2020. No address. Not dated
- VAT return for The Firs Lodge 01/07/2020 – 30/09/2020. No address. Not dated.
- VAT return for The Firs Lodge 01/10/2020 – 31/12/2020. No address. Not dated.
- VAT return for The Firs Lodge 01/01/2021 – 31/03/2021. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/04/2021 - 30/06/2021. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/07/2021 - 30/09/2021. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/10/2022 – 31/12/2022. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/01/2022 – 31/03/2022. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/04/2022 - 30/06/2022. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/07/2022 - 30/09/2022. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/10/2022 – 31/12/2022. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/01/2023 – 31/03/2023. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/04/2023 - 30/06/2023. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/07/2023 – 30/09/2023. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/10/2023 – 31/12/2023. No address. Dated: 05/09/2024.
- VAT return for The Firs Lodge 01/01/2024 – 31/03/2024. No address. Dated: 05/09/2024.

#### 4.9 **Energy Performance Certificate:**

- Energy Performance Certificate – Non-Domestic Building, addressed to The Firs Lodge, 289-291 Bath Road, Hounslow, TW3 3DB. Energy Performance Rating: B. Issue date: 13/08/2018.
- Recommendation Report in association with an Energy Performance Certificate. Addressed to The Firs Lodge, 289-291 Bath Road, TW3 3DB. Issue date: 13/08/2018.

#### 4.10 **Gas Safety Records:**

- Landlord/Homeowner Gas Safety Record. Addressed to 289 Bath Road, TW3 3DB. Tenant address given as 291D Bath Road. Dated: 07/10/2005.
- Landlord/Homeowner Gas Safety Record. Addressed to First Guest House, 289 Bath Road, TW3 3DB. Tenant address listed as 291C Bath Road, Hounslow, TW3 3DB. Dated: 07/10/2005
- Landlord/Homeowner Gas Safety Record. Addressed to First Guest House, 289 Bath Road, TW3 3DB. Tenant address listed as Firs Guest House, 291B Bath Road, Hounslow, TW3 3DB. Dated: 13/10/2005
- Landlord/Homeowner Gas Safety Record. Addressed to 291 Bath Road, TW3 DB. Dated: 13/04/2022.
- Landlord/Homeowner Gas Safety Record. Addressed to 289 Bath Road, TW3 3DB. Dated: 13/04/2023.
- Landlord/Homeowner Gas Safety Record. Addressed to 291 Bath Road, TW3 DB. Dated: 13/04/2023.

#### **4.11 Fire Risk Assessment:**

- Fire Risk Assessment for: The Firs Lodge. Date of assessment: 14/12/2020. Date of review: 13/12/2021.

#### **4.12 Electrical Installation on Condition Report:**

- Electrical Installation on Condition Report, relating to The Firs Lodge, 289-291 Bath Road, TW3 3DB. Inspection date: 07/05/2020.
- Electrical Installation on Condition Report, relating to The Firs Lodge, 289-291 Bath Road, TW3 3DB. Inspection date: 01/09/2023.

#### **4.13 Certificate of Electrical Testing:**

- Certificate of Electrical Testing, awarded to The Firs Lodge Bed and Breakfast Guest House, for Electrical PAT Testing and Socket Testing. Dated: 22/11/2021.
- Certificate of Electrical Testing, awarded to The Firs Lodge Bed and Breakfast Guest House, for Electrical PAT Testing and Socket Testing. Dated: 22/11/2023.
- Certificate of Electrical Testing, awarded to The Firs Lodge Bed and Breakfast Guest House, for Electrical PAT Testing and Socket Testing. Not dated, valid until 28/11/2024.

#### **4.14 Fire Alarm Servicing Certificate:**

- Fire Alarm Servicing Certificate, relating to the Firs Lodge, 289-291 Bath Road, TW3 3DB. Dated: 06/10/2022.
- Fire Alarm Servicing Certificate, relating to the Firs Lodge, 289-291 Bath Road, TW3 3DB. Dated: 06/04/2023.

#### 4.15 **Certificate of Cleaning:**

- Certificate of Cleaning presented to: The Firs Lodge, 289 Bath Road, TW3 3DB, for the canopy extraction service clean. Dated: 28/02/2022.

#### 4.16 **Booking.com documents:**

- Booking.com reservation details for Firs Lodge. No address listed. Date of stay: 24/01/2008 – 27/01/2008.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 10/02/2009.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 16/10/2010.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 02/02/2010.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 06/02/2011.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 01/01/2012.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 06/02/2012.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 01/01/2013.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 02/02/2013.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 06/01/2014.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 06/02/2014.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 01/01/2015.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 05/02/2015.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 06/01/2016.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 05/02/2016.

- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 06/01/2017.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 06/02/2017.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 06/01/2018.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 06/02/2018.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 03/01/2019.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 03/02/2019.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 03/01/2020.
- Booking.com invoice for Firs Lodge 289 Bath Road, Hounslow, TW3 3DB. Dated: 03/02/2020.

#### **4.17 Utilities Bills**

- Electricity bill for The Firs Lodge, 291 FI D, Bath Road, Hounslow, TW3 3DB. Dated 24/05/2006.
- Electricity bill for FI B 291 Bath Road, Hounslow, TW3 3DB. Dated 24/05/2006.
- Gas bill for 291 Bath Road, Hounslow, TW3 3DB. Dated 16/10/2008.
- Gas bill for 291D Bath Road, Hounslow, TW3 3DB. Dated 16/10/2008.
- Gas bill for The Firs Lodge, 289 Bath Road, Hounslow, TW3 3DB. Dated 18/11/2008.
- Electricity bill for 291B Bath Road, Hounslow, TW3 3DB. Dated 28/11/2008.
- Gas bill for 291B Bath Road, Hounslow, TW3 3DB. Dated 28/11/2008.
- Gas bill for 289 Bath Road, Hounslow, TW3 3DB. Dated 03/12/2008.
- Gas bill for 291D Bath Road, Hounslow, TW3 3DB. Dated 15/01/2009.
- Gas bill addressed to Firs Lodge, 289-291 Bath Road, Hounslow, TW3 3DB. Supply address given as 10 Hartlington Road East, Feltham. Dated 02/02/2009.
- Electricity bill for FI C, 291 Bath Road, Hounslow, TW3 3DB. Dated 03/03/2009.
- Electricity bill for 291 FI C Bath Road, Hounslow, TW3 3DB. Dated 18/11/2009.

- Gas bill for 291 Bath Road, Hounslow, TW3 3DB. Supply address 291C Bath Road. Dated 19/07/2010.
- Gas bill for Fir Lodge, 289-291 Bath Road, Hounslow, TW3 3DB. Dated 20/07/2010.
- Electricity bill for The Firs Lodge, 289 Bath Road, Hounslow, TW3 3DB. Dated 25/10/2010.
- Electricity bill for The Firs Lodge, 291B, Bath Road, Hounslow, TW3 3DB. Dated 23/11/2010
- Gas bill for 291B, Bath Road, Hounslow, TW3 3DB. Dated 18/08/2010.
- Electricity bill for 291B, Bath Road, Hounslow, TW3 3DB. Dated 18/08/2010.
- Annual gas statement for The Fir Lodge, 289-291 Bath Road, TW3 3DB. Dated 21/10/2010.
- Electricity bill for The Firs Lodge, 291 FI D Bath Road, Hounslow, TW3 3DB. Dated 23/11/2010.
- Electricity bill for FI C, 291 Bath Road, Hounslow, TW3 3DB. Dated 21/02/2011.
- Electricity bill for FI C 291, Bath Road, Hounslow, TW3 3DB. Dated 21/11/2011.

## **5.0 ASSESSMENT OF EVIDENCE:**

- 5.1 Under Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended), the onus is on the applicant to provide sufficient evidence to demonstrate that the property has, on the balance of probabilities, been in continuous use as a bed and breakfast for a period of 10 years.

### **5.2 Supporting Statements:**

- The submitted supporting statements are not considered legally binding documents, as the documents have not been signed and witnessed by a solicitor. As such, the statements can only be afforded limited weight in determining the continuous use of the subject property as a bed and breakfast.

### **5.3 Financial Statements:**

- Whilst the submitted financial statements demonstrate that the 'Firs Lodge Guest House' has been operating since at least 2000, all of the statements only reference 289 Bath Road, and not 291. Therefore, whilst these documents demonstrate that Firs Lodge has been operating as a business for more than ten years prior to the submission of the



application, they do not demonstrate that both 289 and 291 Bath Road have been operating as a bed and breakfast for this period.

#### **5.4 HMRC/Council Tax:**

- The submitted tax records demonstrate that the 'Firs Lodge Guest House/ Firs Bed and Breakfast' has been operating since at least 2002. The only document to refer to both 289 and 291 Bath Road is the National Non-Domestic Rate Notices dating for 2010 – 2024. This council tax record suggests that a business has been operating at 289 and 291 Bath Road for the period in question.

#### **5.5 VAT Certificate:**

- The submitted VAT Certificate is only addressed to The Firs Lodge, 289 Bath Road, and does not include 291. The document is also dated 19/12/2023, and therefore does not demonstrate that both 289 and 291 Bath Road have been in continuous use as a bed and breakfast for more than 10 years prior to the submission of the application.

#### **5.6 VAT Returns:**

- The VAT returns for the period demonstrate that Firs Lodge Guest House has been operating since 2015. However, these returns either give the address as 289 Bath Road only, or do not have a street address listed alongside the company name. As a result, they are not proof that a B&B was operating from 291 Bath Road for more than 10 years prior to the submission of the application.

#### **5.7 Energy Performance Certificate:**

- Whilst the Energy Performance Certificate is addressed to The Firs Lodge, 289-291 Bath Road, the document is dated 13/08/2018. Therefore this evidence does not demonstrate that the property has been in continuous use as a bed and breakfast for more than 10 years prior to the submission of this application.

#### **5.8 Gas Safety Record:**

- Whilst the submitted Gas Safety Record is separately addressed to each property, the earliest document that falls within the relevant time period is dated 13/04/2022, and previous records from 2005 are not relevant for assessing the current application. As such, these documents do not demonstrate that the subject properties have been in continuous use as a bed and breakfast for more than 10 years prior to the submission of this application.

#### **5.9 Fire Risk Assessment:**

- The Fire Risk Assessment for submitted is addressed to Firs Lodge, but does not specify the individual property addresses, and was dated 1.4/12/2020. As such, this evidence



does not demonstrate that both 289 and 291 Bath Road have been in continuous use as a bed and breakfast for more than ten years prior to the submission of this application.

#### **5.10 Electrical Installation on Condition Report:**

- Whilst the Electrical Installation on Condition Report is addressed to The Firs Lodge, 289-291 Bath Road, the inspection date was 07/05/2020. This evidence does not demonstrate that both 289 and 291 Bath Road have been in continuous use as a bed and breakfast for more than ten years prior to the submission of this application.

#### **5.11 Certificate of Electrical Testing:**

- The Certificates of Electrical Testing are addressed to the Firs Lodge Bed and Breakfast Guest House, but does not specify the address of both 289 and 291 Bath Road. The document is dated 22/11/2021. As such, this evidence does not demonstrate that both 289 and 291 Bath Road have been in continuous use as a bed and breakfast for more than ten years prior to the submission of this application.

#### **5.12 Fire Alarm Servicing Certificate:**

- Whilst the Fire Alarm Servicing Certificates are addressed to both 289 and 291 Fir Road, the earliest document is dated 06/10/2022. As such, this evidence does not demonstrate that both 289 and 291 Bath Road have been in continuous use as a bed and breakfast for more than ten years prior to the submission of this application.

#### **5.13 Certificate of Cleaning:**

- The Certificate of Cleaning is only addressed to Firs Lodge, 289 Bath Road and was dated 28/02/2022. As such, this evidence does not demonstrate that both 289 and 291 Bath Road have been in continuous use as a bed and breakfast for more than ten years prior to the submission of this application.

#### **5.14 Booking.com Documents:**

- The Booking.com invoices and booking confirmation demonstrate that there has been a B&B operating under the name Firs Lodge since 2008. However, the only address associated with these documents is 289 Bath Road, as a result it does not demonstrate that both 289 and 291 Bath Road have been in continuous use as a bed and breakfast for more than ten years prior to the submission of this application.

#### **5.15 Utilities Bills**

- The utilities bills provided are all dated prior to 2011 and, as a result, are not relevant for assessing the continuous use of 289 and 291 Bath Road as a bed and breakfast for a period of more than ten years prior to this application.

## 5.16 Enforcement History:

- The Planning Enforcement site visit carried out on 18/05/2018, following a complaint received that 291 Bath Road was in use as a bed and breakfast, determined that the subject property was comprised of three flats, and whilst some were used for shorter tenancies, no. 291 was not in use as a bed and breakfast. As such, no enforcement action was taken, as there was no identified breach. Given that the Council confirmed the use of 291 Bath Road was not a bed and breakfast in 2018, it cannot be demonstrated that both 289 and 291 Bath Road have been in continuous use as a bed and breakfast for more than ten years prior to the submission of this application.

## 6.0 CONCLUSION

- 6.1 On the balance of probabilities, it is considered that the evidence provided by the applicant fails to demonstrate that the subject property has been in continuous use as a bed and breakfast for a period of at least 10 years prior to the submission of the application. Furthermore, the Council's contradictory enforcement evidence demonstrates that the property at 291 Bath Road has not been in continuous use as a bed and breakfast for a period of at least 10 years prior to the application.

## 7.0 RECOMMENDATION: REFUSE (LAWFULA)

### Reason:

The London Borough of Hounslow as the Local Planning Authority hereby certify that on 16/09//2024, the use of the property as a bed and breakfast at No. 289-291 Bath Road, TW3 3DB was not lawful within the meaning of Section 191 and 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The applicant has failed to demonstrate that on the balance of probabilities, the building has been in use as a bed and breakfast for the continuous period of 10 years prior to the submission of the application, and evidence available to the Council demonstrates that the property was not in use as a bed and breakfast in 2018.

<b>AUTHORITY TO ISSUE (Initials)</b>	<b>RKD</b>
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## **Appendix 2 – 2018 Enforcement Report**



London Borough  
of Hounslow

## PLANNING ENFORCEMENT TEAM

### Case Closure

**Address:** 291 Bath Road, Hounslow, TW3 3DB

**Reference:** COND/2017/00525

**Case Officer:** Faisal Qureshi

**Details of Breach:** Conversion of property into Bed and Breakfast

**Recommendation:** Close Case

**Complied (FC/EN):**

**Reason for closure:** Immune

### Officer's report

A complaint was received on 20 October 2017 suggesting the site was in use as a Bed and Breakfast. In May 2011 the Enforcement Team closed a case on the same site which related to four flats that were found to be immune from planning enforcement action.

The visit carried out on the 18th May 2018 found that the property is now three flats and some flats are used for shorter term tenancy, but it unit is not operating as a Bed and Breakfast.. It is therefore recommended that the case is closed as harm created by two rooms for short term accommodation instead of long term flats is minimum

It is my opinion that this case should be closed

Recommendation put forward by Faisal Qureshi on 13/06/2018

Recommendation agreed by



Head of Development management

Owner's details: s

Complainants details

Personalised letter: No



## **Appendix 3 – 2011 Enforcement report**

## PLANNING ENFORCEMENT TEAM

Closure of enforcement investigation

Address: 289-291 Bath Road

Reference: 427256

Case Officer: Nikolas Smith

Date of report: 16/05/2011

### Description of breach of planning control

Change of use of 289 to bed and breakfast and conversion of 291 to four flats.  
Erection of four outbuildings in rear garden (used as ancillary storage).

### Reasons for closure of case

On the balance of probabilities, the use of 289 and a bed and breakfast is immune from enforcement action. If it is not, harm caused by the use is insufficient to justify taking formal enforcement action and it so it would not be expedient to do so.

On the balance of probabilities, the conversion of 291 to four flats is immune from enforcement action. If it is not, harm caused by the conversion is insufficient to justify taking formal enforcement action and it so it would not be expedient to do so.

The erection of four outbuildings in the rear garden, does not (subject to their continued use ancillary storage and subject to them not being used as residential units or sleeping accommodation), to not cause harm that would justify taking formal enforcement action and so it would not be expedient to do so.

These views were presented to the Heston and Cranford Area Committee (Planning) in May 2011 and endorsement was given by Members to close this enforcement investigation.

### Recommendation

Close case

Recommendation put forward by

Recommendation agreed by

16/05/2011  
on 25/5/11

**Appendix 4 – Land Registry Records for 289 Bath Road, 291 Bath Road, and 291A Bath Road**

*Please see documents attached to email*