

Officer's Opinion



Case Number	HGY/2023/1485
Type	Lawful development: Proposed use
Location	59 White Hart Lane, Tottenham, London, N17 8HH
Proposal	Certificate of Lawfulness (Proposed) for the change of the first and second floors to residential under Part 3 Changes of use - Class G retail or betting office or pay day loan shop to mixed use.
Case Officer	Oskar Gregersen
Review Date	01 August 2023
Applicant	Mr Onur Yasar
Agent	MR Kenan Kara

Opinion

PLANNING HISTORY

The planning history of the site has been taken into account when coming to this decision.

RELEVANT PLANNING LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This not a planning application but instead the applicant seeks confirmation that the proposed development is lawful. As such, the impact of the proposed development of the neighbour's amenities or the character of the area cannot be taken into consideration for this submission.

ANALYSIS/ASSESSMENT OF THE APPLICATION

Class G: Retail or betting office or payday loan shop to mixed use

A certificate of lawfulness for development consisting of a change of use of a building from Class A1 to mixed use can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (England) Order 2015 – Schedule 2, Part 3, Class G 'retail or betting office or pay day loan shop to mixed use.

The current proposal will be assessed against these requirements as follows:

Permitted development

G. Development consisting of a change of use of a building—

(a) from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A1 (shops) of that Schedule and as up to 2 flats;

(b) from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as up to 2 flats;

(c) from a use—

(i) for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or

(ii) as a betting office or a pay day loan shop, to a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as up to 2 flats;

(d) where that building has a display window at ground floor level, from a use—

(i) for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or

(ii) as a betting office or a pay day loan shop, to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as up to 2 flats;

(e) from a use as a betting office or a pay day loan shop to a mixed use as a betting office or a pay day loan shop and as up to 2 flats.

Conditions

G.1 Development permitted by Class G is subject to the following conditions—

(a) some or all of the parts of the building used as a betting office or pay day loan shop or for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

Complies

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

Complies

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)— (i) by a single person or by people living together as a family, or (ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

Complies

Interpretation of Class G

G.2 For the purposes of Class G, “care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

SUMMARY AND CONCLUSION

The proposed development constitutes permitted development by virtue of Schedule 2, Part 3, Class G (a), of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be lawful.