

Date: 6 September 2023

Ref: M23047

LB HARINGEY: 5 COOLHURST ROAD, LONDON N8 8EP

PLANNING STATEMENT: CERTIFICATE OF LAWFULNESS - PROPOSED USE

Background

- 1.1 The application property, 5 Coolhurst Road, was built as a single-family dwelling. The Council Tax records suggest the property was converted into 4 independent self-contained dwellings prior to 1993. The applicant intends to return the property back to a single dwelling, a “de-conversion” from 4 dwellings (Use Class C3) to one dwelling (Use Class C3).
- 1.2 Under Section 55 of the Town and Country Planning Act 1990 planning permission is required for:

... the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Operational development

- 1.3 Section 55(2) states:

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

- 1.4 The works needed to “de-convert” the application property from 4 flats to a single dwelling would all be internal and would not therefore materially affect the external appearance of the building. The de-conversion does not constitute development requiring planning permission in this respect.

Material change of use

- 1.5 Section 55(3)(a) declares that *“the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change of use of the building and of each part of it which is so used”*. However, there is no provision in the 1990 Act dealing with the converse, where two or more separate dwellings are combined to form a single dwelling.
- 1.6 Whether something constitutes a material change of use is a matter of fact and degree. Whether the de-conversion of the application property from 4 flats to a single dwelling - its original use - constitutes a material change of use should logically be considered in terms of the change in the character and impact of the use resulting from the lesser number of dwellings within the building. Clearly the use remains residential (Use Class C3). The impact of the single dwelling house use would not be materially different from the present effect of 4 flats in the same building. In fact, the use of the property as a single dwelling potentially results in a lower level of impacts in terms of traffic and serving as the property would most likely be occupied by fewer adults.
- 1.7 For these reasons the change of use is not a material one and a Lawful Development Certificate should be issued to confirm that planning permission is not required for the de-conversion of the application property.