



Officer Report

Application Number:	HGY/2023/1678
Application Type:	Lawful development: Proposed use
Address:	120 Fortis Green Road, Hornsey, London, N10 3HN
Proposal:	Lawful development certificate for a proposed use as a commercial premises for medical and health services (AMENDED DESCRIPTION).
Case Officer:	Cameron Sturges
Valid Date:	23/08/2023
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Applicant:	Mr Alam
Agent:	Mr M Akbar

RECOMMENDATION

Approve

RECOMMENDATION

Permitted development

RECOMMENDATION

GRANT CERTIFICATE

PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for a Certificate of Lawfulness for the proposed use of the property as a Class E(e) for the purposes of medical and health services.

The application site comprises a three-storey terraced property situated on the Northern side of Fortis Green Road, in proximity to the junction with Princes Avenue. The ground floor is classified as a Class E use for a restaurant and the upper floors are residential. All properties on this street are characterised by commercial ground floor units and upper-floor residential uses.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

HGY/2023/1875 - Replacement shopfront – 13/08/2023 GRANTED

HGY/2023/1268 – Consent to display an advertisement – 13/08/2023 GRANTED

RELEVANT PLANNING LEGISLATION

The application has been made under sections 55 and 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.

ANALYSIS/ASSESSMENT OF THE APPLICATION

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and Country Planning (Use Classes) Order 1987, introducing the new Use Class E. This brought a number of uses that were previously in separate use classes into a single use class covering 'all services which it is appropriate to provide in a commercial, business or service locality', including shops (except some local under Use Class F2) and cafés/restaurants.

A proposed use will be lawful if, among other things, it does not amount to 'development' within the meaning of section 55 of the 1990 Act, since in those circumstances permission will not be required by virtue of section 57 of the Act.

Section 55(2) of the Act provides: 'The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land ...

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class;'

The relevant order is the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020).

Article 3(1) of the Use Class Order provides that:

Subject to the provisions of this Order, where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land.

As the existing use of the application site is for a restaurant and the proposed use is for medical and health services, both fall within the same Use Class (E), the change of use is therefore not considered 'development' within the meaning of section 55 of the 1990 Act. It should also be noted that recent planning permission was granted for alterations to the shopfront (HGY/2023/1875) and a consent to display advertisement (HGY/2023/1268) for the subject site. As such a certificate of lawfulness can be issued for the proposal.

RECOMMENDATION

GRANT CERTIFICATE

In pursuance of their powers under the above Acts and Order the London Borough of Haringey as local planning Authority hereby CERTIFY that the above proposal described by the applicant constitutes PERMITTED DEVELOPMENT and is therefore LAWFUL.