



Officer Report

Application Number:	HGY/2026/0221
Application Type:	Lawful development: Proposed use
Address:	224 The Roundway, Tottenham, London, N17 7DE
Proposal:	Certificate of Lawfulness for proposed HMO
Case Officer:	Laina Levassor
Valid Date:	26/01/2026
Applicant:	Mr S Sotiriou
Agent:	

RECOMMENDATION

Refuse

PLANNING HISTORY

PLANNING CASES

1 - HGY/2014/1302

Address: 224, The Roundway, London, N17 7DE

Proposal: Erection of double storey side and rear extension, with part single storey rear extension (householder application)

Received Date: 8 May 2014

Valid Date: 8 May 2014

Decision Date: 1 July 2014

Decision: Refuse

2 - HGY/2015/0198

Address: 224, The Roundway, London, N17 7DE

Proposal: Erection of double storey side and rear extension, with part single storey rear extension

Received Date: 21 January 2015

Valid Date: 21 January 2015

Decision Date: 18 March 2015

Decision: Approve with Conditions

3 - HGY/2016/2763

Address: 224, The Roundway, London, N17 7DE, London

Proposal: Erection of a two storey side and rear extension, with part single storey rear extension

Received Date: 17 August 2016

Valid Date: 17 August 2016

Decision Date: 12 October 2016

Decision: Refuse

ENFORCEMENT

ENF/2024/0410

Address: 224, The Roundway, London, N17 7DE, London

Alleged Breach: Unauthorised HMO

Status: In progress

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.

The application seeks a Certificate of Lawfulness of Proposed Use under section 192 of the Town and Country Planning Act 1990 for use of the property as a House in Multiple Occupation (HMO). The application is supported by statements asserting that the use has been in place for a period of 4 or 10 years.

A certificate under section 192 requires the Local Planning Authority to consider whether the proposed use would be lawful if instituted on the date of the application. In this case, the site lies within an area subject to an Article 4 Direction which removes permitted development rights for changes of use from Class C3 (dwellinghouse) to Class C4 (small HMO). Accordingly, planning permission would be required for the proposed HMO use.

As the proposed use would require express planning permission, it would not be lawful if begun on the date of the application and therefore fails to meet the statutory test under section 192 of the Act.

The application site is also subject to an active planning enforcement investigation (reference ENF/2024/0410). A Planning Contravention Notice was issued in June 2024. Records do not indicate whether a response to the Notice was received, and no response is attached to the enforcement case file. Initial information received as part of the enforcement investigation was submitted by a Housing Licensing Officer, confirming that whilst a House in Multiple Occupation licence had been issued, no planning permission was in place for the use.

The property is currently licensed under a mandatory HMO licence, valid from 22/05/2024 to 21/05/2029, with the following details:

- Number of storeys: 2
- Sleeping accommodation: 5
- Number of non self-contained flats: 5
- Kitchens: 1
- Maximum permitted occupants: 5
- Maximum permitted households: 5

The existence of a housing licence does not, in itself, confer planning permission or establish the lawfulness of a use for the purposes of planning legislation.

The evidence submitted in support of the application refers to the alleged duration of an existing use. Matters relating to the lawfulness of an existing use through passage of time fall to be considered under section 191 of the Town and Country Planning Act 1990 and cannot be assessed through a proposed certificate application.

On this basis, the application is recommended for refusal.

SUMMARY AND CONCLUSION

The application seeks a Certificate of Lawfulness of Proposed Use under section 192 of the Town and Country Planning Act 1990 for use of the property as a House in Multiple Occupation.

The site lies within an area subject to an Article 4 Direction which removes permitted development rights for changes of use from Class C3 to Class C4. As such, the proposed use would require planning permission and would not be lawful if begun on the date of the application. The Local Planning Authority is therefore unable to issue a Certificate of Lawfulness under section 192 of the Act.

Refusal Reasons:

The site lies within an area subject to an Article 4 Direction which removes permitted development rights for changes of use from Class C3 to Class C4. As such, the proposed use would require planning permission and would not be lawful if begun on the date of the application. The Local Planning Authority is therefore unable to issue a Certificate of Lawfulness under section 192 of the Act.