



Officer Report

Application Number:	HGY/2026/0300
Application Type:	Lawful development: Proposed use
Address:	2 Crossway Parade, The Crossway, Wood Green, London, N22 5QX
Proposal:	Certificate of Lawfulness for proposed change of use from a restaurant (Use Class E(b) to residential dwelling (Use Class C3)
Case Officer:	Laina Levassor
Valid Date:	04/02/2026
Applicant:	Mr Markos Kashiouris
Agent:	Mr Gary Arnaoutis

RECOMMENDATION

Refuse

1. SITE AND SURROUNDINGS

The application site comprises a ground floor commercial unit forming part of Crossway Parade. The unit is understood to operate as a restaurant falling within Use Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

2. PROPOSED DEVELOPMENT

The application seeks a Lawful Development Certificate (Proposed) under Section 192 of the Town and Country Planning Act 1990 for the Change of use from Class E(b) (restaurant) to Class C3 (dwellinghouse) and the associated internal layout alterations and external elevation amendments.

No prior approval application has been submitted in relation to the proposed change of use.

3. RELEVANT LEGISLATION

- Section 192, Town and Country Planning Act 1990
- Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO") Schedule 2, Part 3, Class MA

4. ASSESSMENT

Under Section 192(1)(a) of the Town and Country Planning Act 1990, if any person wishes to ascertain whether any proposed use of buildings or other land would be lawful, they may make an application for the purpose to the local planning authority.

Section 192(2) states that the local planning authority shall issue a certificate if, on the information provided, the authority is satisfied that the proposed use would be lawful if instituted at the time of the application.

The test is therefore whether the development would be lawful if begun at the date of the application.---

Permitted Development Rights

The proposed change of use from Class E(b) to Class C3 appears to rely upon Schedule 2, Part 3, Class MA of the GPDO 2015 (as amended). Class MA.1 provides that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E to a use falling within Class C3 is permitted, subject to limitations and conditions.

Class MA.2(1) of the GPDO states - Development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the matters specified in paragraph (2) and obtain the authority's prior approval (where required).

The prior approval process is therefore a mandatory condition precedent to the grant of permitted development rights. Until prior approval has been granted (or deemed granted), the development does not benefit from permitted development rights.

In the case of this submission, no prior approval application was previously submitted or granted and accordingly, the development would not benefit from Class MA permitted development rights at the date of this application.

As the development requires prior approval before it can lawfully commence, it would not be lawful if begun at the date of this application. A lawful development certificate cannot be granted for development that requires prior approval unless such approval has already been obtained.

5. CONCLUSION

Development under Class MA is expressly subject to a condition requiring the developer to obtain prior approval from the local planning authority before beginning development. As no prior approval has been granted, the proposed development would not be lawful at the date of this application. Furthermore, the submitted drawings include operational development for which no permitted development rights have been demonstrated.

6. RECOMMENDATION

REFUSE

Reasons for Refusal:

The proposed change of use from restaurant (Use Class E(b)) to residential (Use Class C3) relies upon Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Development under Class MA is subject to a condition (Class MA.2) requiring the developer to apply for and obtain prior approval from the local planning authority before commencing development.

As no prior approval has been granted, the proposed development would not be lawful at the date of this application and therefore fails to comply with Section 192 of the Town and Country Planning Act 1990.

In addition, the submitted drawings indicate external alterations for which no permitted development rights have been demonstrated.

Refusal Reasons:

The proposed change of use from restaurant (Use Class E(b)) to residential (Use Class C3) relies upon Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Development under Class MA is subject to a condition (Class MA.2) requiring the developer to apply for and obtain prior approval from the local planning authority before commencing development.

As no prior approval has been granted, the proposed development would not be lawful at the date of this application and therefore fails to comply with Section 192 of the Town and Country Planning Act 1990.

In addition, the submitted drawings indicate external alterations for which no permitted development rights have been demonstrated.