



**105 Brantwood Road,
Tottenham, London,
N17 0DX**

Proposal: Removal of Conditions 7 and 8
attached to Planning Permission
HGY/2023/0633
March 2026

**Planning
Statement
Application
under Section 73
of the Town and
Country
Planning Act
1990**

1. Introduction

This Planning Statement supports an application made under Section 73 of the Town and Country Planning Act 1990. It seeks the removal of Conditions 7 and 8 attached to planning permission HGY/2023/0633, which was granted on 5 April 2024 for the *"Increase in height of roof, creation of a new mezzanine/third storey level and installation of a new row of upper-level windows in the front elevation of the office building fronting Brantwood Road"*.

The applicant seeks to remove the following two conditions to ensure the commercial floorspace remains economically viable and capable of occupation:

- **Condition 7** restricts the use of the building exclusively to offices, artist studios, music studios, photographic studios, light industrial uses, and research and development activities, expressly forbidding any other uses within Use Class E.
- **Condition 8** removes all rights granted by the Town & Country Planning (General Permitted Development) Order 2015 for any future changes of use.

As evidenced by a comprehensive 14-month marketing campaign, these restrictions have rendered the commercial unit unlettable in the current market. Furthermore, the imposition of these conditions on an application for operational development was disproportionate and unreasonable. Retaining these conditions forces the building to remain vacant, directly conflicting with both national and local planning objectives designed to foster economic growth.

2. Commercial Viability and Marketing Evidence

To ensure the building was brought into active employment use following the approved alterations, the applicant instructed Route Estates to undertake a rigorous marketing campaign over a continuous 14-month period.

The premises were actively marketed at a competitive asking rent of £60,000 per annum, reflecting established market parameters for the Tottenham area. Marketing initiatives included widespread digital advertising on major commercial portals (EG PropertyLink, Rightmove, Zoopla), local press advertisements, and prominent physical signage at the site.

Despite these extensive and sustained efforts, the property failed to attract a single viable offer. The accompanying Marketing Report definitively concludes that the primary barrier to occupation is the highly restrictive planning designation imposed by Condition 7.

The marketing data highlights a critical market mismatch:

- **Unsuitability for Permitted Uses:** Prospective tenants seeking standard office accommodation (the primary permitted use) consistently found the Brantwood Strategic Industrial Location (SIL) environment unappealing. The heavy industrial nature of the surrounding units, including frequent HGV and forklift traffic, proved unsuitable for standard clerical or administrative operations.
- **Stifling of Viable Class E Demand:** Conversely, the marketing campaign generated strong interest from businesses operating within the wider Use Class E framework (e.g., private healthcare, fitness, and day nurseries). However, these prospective tenants had to be turned away because Condition 7 explicitly prohibits their operations.

By artificially fragmenting Class E, Condition 7 prevents the property from adapting to genuine market demand, leaving a high-quality commercial asset completely redundant.

3. Planning Policy Justification

3.1 The Unreasonable Imposition of the Conditions (NPPF Paragraph 56) The applicant respectfully questions the legal reasonableness and necessity of imposing Conditions 7 and 8 in the first instance, assessed against Paragraph 56 of the National Planning Policy Framework (NPPF). Paragraph 56 dictates that planning conditions must be kept to a minimum and only imposed where they are necessary, relevant to planning and *to the development to be permitted*, enforceable, precise, and *reasonable in all other respects*.

The original application (HGY/2023/0633) was fundamentally an application for operational development—specifically, the physical raising of the roof, creation of a mezzanine, and installation of windows on an established, pre-existing office building.

The imposition of Conditions 7 and 8 effectively stripped the entirety of the established premises of its pre-existing statutory flexibilities under Use Class E and the GPDO. Using an application for a modest physical extension as a mechanism to retrospectively restrict the historic use rights of the wider building goes far beyond the scope of the operational development permitted. As such, the conditions are disproportionate to the physical works applied for, failing the NPPF tests of being strictly necessary, relevant to the development permitted, and reasonable in all other respects.

3.2 Fostering Economic Growth and Adapting to Market Demand London Plan Policy GG5 mandates that planning authorities must plan for sufficient employment space in the right locations to support economic development. Similarly, Haringey Local Plan Policy SP8 seeks to secure a strong economy and protect employment land.

While the Local Planning Authority's intention to safeguard the Brantwood SIL is acknowledged, the practical application of Condition 7 on this specific site achieves the exact opposite result. The original officer report for HGY/2023/0633 acknowledged that this office building was already separated from the main warehouse and had been vacant for some time. The current restrictions guarantee it will remain vacant.

The introduction of Use Class E by central government was specifically designed to provide commercial properties with the flexibility to adapt to shifting market demands and prevent prolonged vacancies. Allowing the full flexibility of Use Class E will enable the property to be occupied, bringing economic activity, footfall, and employment back to the site.

3.3 The Unreasonable Nature of Condition 8 Condition 8 imposes a blanket removal of all permitted development rights for changes of use. National Planning Practice Guidance (NPPG) is unequivocal that conditions restricting the future use of permitted development rights should be used only in exceptional circumstances.

The blanket removal of these statutory rights is disproportionate. The General Permitted Development Order (GPDO) already contains built-in safeguards—most notably the prior approval process—which grant the Local Planning Authority the mechanism to assess specific impacts (such as transport, noise, and environmental health) before any development takes place. Stripping the property of these rights in perpetuity is an unnecessary measure that hinders the property's ability to adapt to future economic realities.



8-10 Silver Street,
Enfield EN1 3ED

info@adplondon.co.uk

02083677479

www.adplondon.co.uk

4. Conclusion

The empirical marketing evidence submitted with this application demonstrates that 105 Brantwood Road is unlettable under its current restricted planning designation. Furthermore, the initial imposition of these restrictive conditions on an application for physical alterations was a disproportionate overreach that fails the tests set out in the NPPF.

The removal of Conditions 7 and 8 is necessary to restore the statutory flexibility intended by the creation of Use Class E. This will allow the building to attract a broader range of commercial tenants, prevent the prolonged vacancy of the site, align with policies promoting economic growth, and rectify the disproportionate removal of national permitted development rights.

The applicant respectfully requests that the Local Planning Authority grants permission for the removal of these conditions, allowing the commercial space to make a positive contribution to the local economy.