

Officer Report

Application Number:	HGY/2026/0770
Application Type:	Lawful development: Existing use
Address:	9 Wellington Avenue, Tottenham, London, N15 6AS
Proposal:	Certificate of Lawfulness for an existing single storey rear extension
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	18/03/2026
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Applicant:	Mr Rosenberg
Agent:	Mr Joel Stern

RECOMMENDATION

Approve

RELEVANT PLANNING AND ENFORCEMENT HISTORY

- HGY/2026/0455 - Erection of a single storey first floor rear extension across the three properties, 7, 9 & 11 Wellington Avenue – Granted 16/04/2026.

DETAILS OF PROPOSAL

This is an application for Lawful use Certificate for existing single storey rear extension.

RELEVANT PLANNING LEGISLATION

The Planning and Compensation Act 1991; Section 171 (b)

The Town & Country Planning Act 1990; Section 191 (1) (a)

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.

ANALYSIS/ASSESSMENT OF THE APPLICATION

The Planning and Compensation Act 1991 introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control.

The time limits are:

- four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed.

- four years for the change of use of a building, or part of a building, to use as a single dwelling house. Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken.
- 10 years for all other development. The 10-year period runs from the date the breach of planning control was committed.

Once these time limits have passed, the development becomes lawful, in terms of planning.

Subsection (1) of section 191 provides for an application to determine whether a specified existing use, operation, or failure to comply with a planning condition or limitation, which has already been carried out on land, is lawful for planning purposes.

Applications for Lawful Development Certificates should include the following information:

- whether the application relates to:
 - a use
 - a building operation
 - a condition not complied with
- the date that the use started
- any use class the applicant considers to be applicable
- the reasons the applicant thinks he is entitled to a Lawful Development Certificate
- any other relevant information
- a plan identifying the land
- a certificate as to the applicant's interest (ownership, tenancy etc) in the land and any interest of any other person

Submission: -

It is up to the person applying for a Lawful Development Certificate for an existing use to show the proper evidence. This could include:

- **STATUTORY DECLARATION** – Signed by Eluzer Moshe Rosenberg of 9 Wellington Avenue that:
 - Occupier of the property and have personal knowledge of the matter (extension) set out in this declaration.
 - The extension was substantially completed in or around the end of 2017
 - Since its completion in 2017, the extension has remained in continuous existence and has been used as part of the residential accommodation of the dwelling.
 - To best of her knowledge and belief, no enforcement action has been taken by the LPA in relation to the extension.
- **HISTORIC AERIAL EVIDENCE**
 - Historic aerial imagery confirms the presence of the rear extension over a number of years - mainly historical aerial images from the following years 2018, 2020, 2022, 2024 and current 2026.

Section 191 of the Town and Country Planning Act 1990 is the relevant section when dealing with issues of Certificates of Lawful Use or Development. Section 191 (1) (a) states that the use will be lawful if no enforcement action or Breach of Condition Notice could be served and, that the use or development does not constitute a contravention of any of the requirements of any Enforcement Notice then extant. In this case there is no record of an Enforcement Notice in respect of this property.

Circular 10/97 'Enforcing Planning Control - legislative provisions and procedural requirements' states that if a certificate is for a use of land - unless the use falls within one of the "use classes" specified in the Use Classes Order (UCO) current at the time, or the certificate is granted on the basis that a specific grant of planning permission confers, lawfulness on the use it is important for it to state the limits of the use at a particular date. These details will not be legally equivalent to a planning condition or limitation. They will be a point of reference, specifying what was lawful at a particular date, against which any subsequent change may be assessed. If the use subsequently intensifies, or changes in some way to the point where a "material" change of use takes place, the LPA may then take enforcement action against that subsequent breach of planning control (which a less precise certificate might well preclude). A LDC must therefore be precisely drafted in all respects.

This Certificate relates to 9 Wellington Avenue, Tottenham, London, N15 6AS. The accompanying plans clearly indicate the extent of the land to which the certificate relates.

By virtue of section 191(5)(b), a LDC must include a description of the use, operations or other matter(s) for which it is granted regardless of whether the matters fall within a "use class" of the UCO. But where within a "use class", a LDC must also specify the relevant "class". In all cases the description must be more than simply a title or label, if future interpretational problems are to be avoided. The LDC should therefore state the characteristics of the matter so as to define it unambiguously. This Certificate relates to single storey rear extension ancillary to existing dwelling use at to 9 Wellington Avenue, Tottenham, London, N15 6AS.

Sufficient evidence has been submitted with the application, which is sufficiently clear and unambiguous to demonstrate that, on the balance of probabilities, the existing single storey rear extension has been existence for a period of at least 4 years and enforcement action can no longer be taken.

Recommendation

Lawful Use Certificate Granted

Reasons

Sufficient evidence has been submitted with the application, which is sufficiently clear and unambiguous to demonstrate that, on the balance of probabilities, the existing single storey rear extension has been existence for a period of at least 4 years, and enforcement action can no longer be taken.

