



Officer Report

Application Number:	HGY/2026/0839
Application Type:	Lawful development: Existing use
Address:	103 Willingdon Road, Wood Green, London, N22 6SE
Proposal:	Certificate of lawfulness for existing use of property as 3 self-contained flats.
Case Officer:	Roland Sheldon
Valid Date:	25/03/2026
	6
Applicant:	Mr Andrew Paps
Agent:	Mr Andrew Paps

RECOMMENDATION

Approve

1. SITE CONTEXT AND PLANNING & ENFORCEMENT HISTORY

The subject site contains a two-storey mid-terrace L-shaped property located on the northern side of Willingdon Road, N22. The surrounding uses are residential. The site does not contain a listed building and is not located within a conservation area.

There is no planning history in relation to this site.

There is no planning enforcement history in relation to this site.

2. REPRESENTATIONS

Planning Practice Guidance (PPG) on Lawful Development Certificates, sets out that:

"There is no statutory requirement to consult third parties. It may, however, be reasonable for a Local Planning Authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application." (Paragraph: 008 Reference ID: 17c-008-2014030).

Letters were sent to neighbouring properties notifying them of the submission of the application. 7 representations were received, 5 of which were objections and 2 were in support of the proposal.

In summary, comments on the following issues were made in the representations:

- Suitability of accommodation
- Impact on local character

- Loss of housing stock
- Likely to be anti-social behaviour
- There have not been issues with behaviour or parking issues in previous occupations of property

As is highlighted in the relevant planning legislation section of the report below, as this is a certificate of lawfulness application, the planning merits of the proposal do not form part of the assessment, which is solely to determine if the use has become lawful through it being demonstrated that the time limits pertaining to Section 191 of the TCPA to take enforcement action have elapsed.

RELEVANT PLANNING LEGISLATION

The application has been made under section 191 of the Town and Country Planning Act 1990 and relevant amendments. This is not a planning application but instead the applicant seeks confirmation that the proposed development is lawful.

Town and Country Planning Act 1990

Section 191 of the Town and Country Planning Act 1990 (as amended by section 10 of the Planning and Compensation Act 1991) states that:

"If any person wishes to ascertain whether any existing use of buildings or other land is lawful ...he may make an application for the purpose to the Local Planning Authority specifying the land and describing the use ... For the purposes of this Act uses ... are lawful at any time if –

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

If, on an application under this section, the Local Planning Authority are provided with information satisfying them of the lawfulness at the time of the application of the use, described in the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application."

National Planning Practice Guidance (PPG)

National Planning Policy Guidance issued by the Government in relation to Lawful Development Certificates explains the process for obtaining a lawful development certificate for existing or proposed use.

In this case, the Local Planning Authority is requested to grant a certificate confirming that: "(a) an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under section 191 of the Town and Country Planning Act 1990" Paragraph 001 Reference ID: 17c-001-20140306.

Paragraph: 009 Reference ID: 17c-009-20140306 of the PPG indicates:

"A Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process."

As such, the impact of the proposed development on the neighbouring amenity or the character of the area cannot be taken into consideration for the purpose of this submission.

Paragraph: 006 Reference ID: 17c-006-20140306 of the PPG indicates:

“The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.

In the case of applications for existing use, if a Local Planning Authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.”

3. EVALUATION

Section 191 of the Act indicates that the burden of proof lies with the applicant, but the relevant test is ‘the balance of probability’. Local Planning Authorities (LPAs) are advised that (unless the applicant's evidence is imprecise or ambiguous, or the LPA has evidence of its own which contradicts or undermines the applicant's version of events), a certificate should be issued.

In this case, a Certificate is sought on the grounds that the building outlined in red on the submitted plan has been in use as three flats for a continuous period of 4 or more years.

Applicant's evidence:

The application form accompanying this application asserts that

- the use of 103 Willingdon Road, N22 as 3 self-contained flats commenced on 31/08/2019.

The application is accompanied by the following evidence:

A covering letter from the agent dated 24/03/2026 stating that the property was converted in 2020 and consistently occupied as three self-contained flats, each independently tenanted, with Flats A and C on the ground floor, and Flat B on the first floor. This is in slight contradiction with the application form which states that the activity began on 31/08/2019. A further covering letter was received on 08/05/2026 which provided a further clarification on the historical pattern of use of the building.

The additional letter from the planning agent sets out that prior to the conversion of the property to 3 flats, the property was laid out as 2 self-contained flats (which is corroborated by Council tax records dating back to 2007), with a ground floor flat (Flat A) and a first floor flat (Flat B).

An additional set of floor plans for the site (80_200 PL1) to indicate the layout prior to the conversion works to 3 flats shows the ground floor flat as a 2-bedroom unit and the first floor flat as a 3-bedroom unit.

The letter from the agent dated 08/05/2026 states that the conversion works to convert the building into 3 flats were completed ‘in early 2020’.

Floor plan 98_200 PL1 shows the current layout of the property, with a ground floor one-bedroom flat at the front (Flat A), a rear ground floor one-bedroom flat (Flat C), and a 3-bedroom first floor flat (Flat B).

The updated covering letter indicates that the property has been in continuous use as three self-contained flats ‘since early 2020’.

Statutory declaration by person purporting to be the joint freeholder of 103 Willingdon Road, indicating works to convert the property into 3 self-contained flats were completed in 'early 2020', summarising the occupation of the flats.

A Statutory Declaration from the Director of David Astbury Estate Agents which confirms that they assisted in the letting of Flat C for the period 2020/2021 for same names listed on the submitted 2020/21 tenancy agreement.

In summary, the following evidence has been provided in support of the use of each respective flat:

Flat A:

Council tax records 2019/2020, 20/21, 21/22, 22/23, 23/24, 24/25

Tenancy agreement: 31/08/2019 – 30/08/2020 (1 year)

Tenancy agreement: 10/10/2024 – 09/04/2026 (18 months)

Electrical Installation Condition Report for 103a Willingdon Road 23/01/2021

Site photos from letting agency of flat (date unspecified)

Bank statements between 2020 – 2026 to unspecified account including payments from people with same surnames as tenants on tenancy agreements during tenancy timescales/details in statutory declarations.

Flat B:

Assured Shorthold Tenancy for 103b 19/06/2023 – 18/06/2024 (12 months)

Council Tax records 19/20, 22/23, 23/24, 24/25, 25/26 with same names as on AST

Electrical Installation Condition Report 23/01/2021 103b Willingdon Road

Site photos from letting agency of flat (date unspecified)

Bank statements between 2020 – 2026 to unspecified account including payments from people with same surnames as tenants on tenancy agreements during tenancy timescales/details in statutory declarations.

Statutory Declaration from individual named on AST for 2023/2024, stating that they had been a tenant in Flat B since 2017 until present day (presumably without a tenancy agreement until 2023), and that they were aware that the ground floor was converted into 2 self-contained flats in 2020, and that these flats have been occupied since as separate self-contained flats.

Flat C:

Council Tax band Flat C 103 Willingdon Road 15/05/2025

Site photos from letting agency of flat (date unspecified)

Energy performance certificate: for 103c Willingdon Road 28/01/2020

Virgin Media Contract Broadband Flat C 103 Willingdon Road, to individual named on 2020 tenancy agreement, 18/02/2020

Energy Performance Certificate: 103c Willingdon Road 28/01/2020

Gas safety record: 103c Willingdon Road 01/02/20

Electrical Installation condition report 103C Willingdon Road 24/01/2021

Photo of Council tax bill for 26/27 for Flat C with same names as those on tenancy agreement 25/26

Assured Shorthold Tenancy Agreement 31/01/2020 – 30/01/2021

Assured Shorthold Tenancy Agreement 14/05/22 – 13/05/23

Assured Shorthold Tenancy Agreement 15/05/25 – 14/05/26

Whilst there are significant gaps in tenancy agreements provided for Flats A and B, the other supporting evidence, including the Council tax bills, statutory declarations and bank payments

provide strong material evidence of occupation of the building as three self-contained flats for a near continuous period for the relevant period.

The agent has set out in email correspondence that the occupants of Flat A on the 19/20 AST had a rolling tenancy until 2024.

The evidence presented to substantiate the statement of case is considered adequately comprehensive in nature. On the balance of probability therefore, it is considered that the evidence submitted by the applicant adequately demonstrates that the use of 103 Willingdon Road, Wood Green, London, N22 6SE has been used as three self-contained flats for a continuous period of four years before the date of this application.

4. RECOMMENDATION

Grant the requested Certificate of Lawfulness under section 191 of Town and Country Planning Act 1990.