



Officer Report

Application Number:	HGY/2026/0888
Application Type:	Lawful development: Existing use
Address:	114-116 Philip Lane, Tottenham, London, N15 4JL
Proposal:	Certificate of lawfulness for existing use of upper floors as 6 self-contained flats.
Case Officer:	Roland Sheldon
Valid Date:	17/04/2026
	6
Applicant:	Mr OKKES SAKO
Agent:	Other - ARCHPL

RECOMMENDATION

Approve

1. PLANNING & ENFORCEMENT HISTORY

The relevant planning history is as follows

114 Philip Lane, N15

HGY/2016/2013: Erection of part single and part double storey rear extension with loft conversion with 3 x skylights at front elevation and rear dormer – Approved 26/08/2016

116 Philip Lane, N15

HGY/2016/1413: Erection of part single storey rear extension with loft conversion with 3 x skylights at front elevation and rear dormer with a Juliet balcony – Approved 23/06/2021

Shop, 114, Philip Lane, London, N15 4JL

HGY/2021/0563: Prior Approval for the change of use from retail to dwellinghouses - Approved 19/03/2021

116 Philip Lane, N15

HGY/2017/1797: Prior notification for change of use from A1 (retail) to C3 (dwellinghouse) - Approved 13/07/2017

Enforcement:

114 Philip Lane, N15

FCV/2021/00425: Flat conversion – in progress

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).

No representations have been received.

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 plans has been in use as 6 self-contained flats for a continuous period of 4 or more years. An additional 2 self-contained flat are shown on the ground floor of nos. 114 and 116 Philip Lane (114C Philip Lane and 116A Philip Lane), but these flats are not included in the certificate of lawfulness application. Prior approval has historically been granted for these 2 units.

Applicant's evidence

The application form accompanying this application asserts that the use as six self-contained C3 residential units, at first and loft floor Levels of Nos. 114-116 Philip Lane, began more than four years before the date of this application on 01/03/2021.

The application is accompanied by the following evidence:

114A:

114A Philip Lane site pictures

A101, A102, A103: Ground, first and loft floor plan

Invoice note by Tristar underwriting for insurance of 114 and Flats A, B, C and D 114 Philip Lane 20/03/2022

Domestic Landlord Gas Safety Record: 19/10/2022 114a Philip Lane

AST: 12 months 07/02/2022 – 06/02/2023

AST: 12 months 07/03/2023 – 06/03/2024

AST: 12 months 07/09/2025 – 06/09/2026

TriStar Commercial Certificate Schedule 18/02/2023 for 114 and Flats A, B, C and D 114 Philip Lane

TriStar Commercial Certificate Schedule 18/02/2024 for 114 and Flats A, B, C and D 114 Philip Lane

TriStar Commercial Commercial Quotation Schedule 21/01/2024 for 114 and Flats A, B, C and D 114 Philip Lane

TriStar Commercial Certificate Schedule 18/02/2024 for 114 and Flats A, B, C and D 114 Philip Lane

Landlord Gas Safety Record by ELC Heating 114a Philip Lane 19/10/2023
Landlord Gas Safety Record by ELC Heating 114a Philip Lane 11/01/2025
Domestic Landlord Gas Safety Record: 18/02/2026 114a Philip Lane

114B:

A101, A102, A103: Ground, first and loft floor plan
Building Regulations Compliance Gas Safe Register 114 Flat B 16/12/2020
Letter from Cadent Gas Network to occupant of Flat B 114 Philip Lane 13/01/2021
Energy Performance Certificate Flat B 114 Philip Lane: 08 March 2021
Certificate of Tenancy Deposit Protection 114b Philip Lane 08/07/2021
AST 114B Philip Lane 12 months 08/07/2021 – 07/07/2022
AST 114B Philip Lane 12 months 08/07/2023 – 07/07/2024
AST 114B Philip Lane 12 months 08/03/2024 – 07/03/2025
Invoice note by Tristar underwriting for insurance of 114 and Flats A, B, C and D 114 Philip Lane 20/03/2022
TriStar Commercial Certificate Schedule 18/02/2023 for 114 and Flats A, B, C and D 114 Philip Lane
TriStar Commercial Certificate Schedule 18/02/2024 for 114 and Flats A, B, C and D 114 Philip Lane
TriStar Commercial Commercial Quotation Schedule 21/01/2024 for 114 and Flats A, B, C and D 114 Philip Lane
TriStar Commercial Certificate Schedule 18/02/2024 for 114 and Flats A, B, C and D 114 Philip Lane
Landlord Gas Safety Record: 18/11/2024
114B PHILIP LANE N15 4JL – SITE PICTURES – DATE TAKEN 17.04.2026
Council tax bills 114B Philip Lane 23/24, 24/25, 25/26, 26/27

114D:

114D Philip Lane Site pictures date taken 17.04.2026
A101, A102, A103: Ground, first and loft floor plan
Energy Performance Certificate: Flat D 114 Philip Lane
Invoice from Cadent Gas Limited to applicant regarding 114 Flat D, Philip Lane 28/01/2020
SAP Calculation Flat D 114 Philip Lane Heat Demand 09/01/2014: 29/11/2021
Building Regulations Certificate of Compliance 114D Philip Lane (Electrical Installation) 10/11/2021
Medical record for tenant listed on tenancy agreements 2022 – 2025
Building Regulations Compliance Certificate Gas Safe for 114 Flat D Philip Lane 05/11/2021
Water Efficiency Calculator for new dwellings 114d Philip Lane 16/11/2021
Invoice note by Tristar underwriting for insurance of 114 and Flats A, B, C and D 114 Philip Lane 20/03/2022
Letter from BCS surveyors to applicant regarding processing of final building regulations certificate for 114 Philip Lane 10/03/2022
TriStar Commercial Certificate Schedule 18/02/2023 for 114 and Flats A, B, C and D 114 Philip Lane
TriStar Commercial Quotation Schedule 21/01/2024 for 114 and Flats A, B, C and D 114 Philip Lane
TriStar Commercial Certificate Schedule 18/02/2024 for 114 and Flats A, B, C and D 114 Philip Lane
British Gas Direct Debit for tenant at Flat D, 114 Philip Lane 12/10/2024
AST 114D 12 months 17/01/2022 – 16/01/2023
AST 114D 12 months 17/03/2023 – 16/03/2023
AST 114D 12 months starting 17/04/2024
AST 114D 12 months starting 20/02/2026

British Gas Energy Bill: Flat D114 Philip Lane 17/01/2024 – 17/04/2024
Letter to name (not of one of tenant listed on AST for 2024) of Flat D 114 Philip Lane from NHS 31/07/2024
Bank Statement for tutoring company at 114D Philip Lane dated 05/04/2025
British Gas statement for tenant at Flat D, 114 Philip Lane for period 14/01/2025 – 13/04/2025
Domestic Gas Safety Record: MET Heat&Plumbing 114 D Philip Lane 18/02/2026
British Gas Energy Bill to applicant (no details specifying which address the bill is concerned with)

116B:

A101, A102, A103: Ground, first and loft floor plan
Energy Performance Certificate Flat B 116 Philip Lane 09/03/2021
Tenancy deposit protection 116B Philip Lane 20/03/2022
TriStar Commercial Certificate Schedule 116 (Flats A, B, C & D) and 118 (Flats A, B, C & D) Philip Lane London 17/04/2022 – 16/04/2023
Electrical Installation Certificate Flat B 116 Philip Lane 01/07/2022
Letter from HMRC to company with address 116B Philip Lane dated 22/05/2023
Poll Card (with name not of tenant listed on AST for relevant period), dated 04/07/2024
Tenancy deposit protection 116B Philip Lane 17/03/2025
AST 116B Philip Lane 12 months 20/03/2022 – 19/03/2023
AST 116B Philip Lane 12 months 20/03/2023 – 19/03/2024
AST 116B Philip Lane 12 months starting 20/03/2024
AST 116B Philip Lane 12 months starting 17/03/2025

116C:

116C PHILIP LANE N15 4JL - SITE PICTURES – DATE TAKEN 17.04.2026
A101, A102, A103: Ground, first and loft floor plan
SAP worksheet Flat C 116 Philip Lane (undated)
Letter from Haringey Building Control works completed without full approval letter 08/03/2021
Building Regulations Certificate of compliance 116C Philip Lane completed 20/05/2021
Building Regulations Compliance Certificate (Gas Safe Register) 116 Flat C Philip Lane 05/11/2021
AST 116C Philip Lane 12 months 01/09/2021 – 31/08/2022
AST 116C Philip Lane 12 months 01/09/2022 – 31/08/2023
AST 116C Philip Lane 12 months starting on 10/09/2024
AST 116C Philip Lane 12 months starting on 01/09/2025
TriStar Commercial Certificate Schedule 116 (Flats A, B, C & D) and 118 (Flats A, B, C & D) Philip Lane London 17/04/2022 – 16/04/2023
Tenancy Deposit protection 116C Philip Lane 03/10/2025
TriStar Commercial Certificate Schedule 116 (Flats A, B, C & D) and 118 (Flats A, B, C & D) Philip Lane London 17/04/2025 – 16/04/2026

116D:

116D PHILIP LANE N15 4JL SITE PICTURES
A101, A102, A103: Ground, first and loft floor plan
Cadent Gas bill r.e. 116 Flat D Philip Lane 28/01/2020
Letter from Haringey Building Control works completed without full approval letter 08/03/2021
British Gas letter r.e. Flat D 116 Philip Lane, 12/07/2021
British Gas r.e unspecified address 01/06/21 – 12/08/21
Building Regs Compliance 116 Flat D Philip Lane 15/12/2021
Domestic Electrical Installation Certificate 116 Flat D Philip Lane – 16/12/2021
Gas Safe compliance certificate Flat D 116 Philip Lane 23/12/2021

Water Efficiency Calculator for 116D Philip Lane 16/11/2021
Energy performance certificate for Flat D 116 Philip Lane 29/11/2021
Building Regulations Certificate of compliance 116D Philip Lane dated 29/12/2021
SAP calculation printout r.e. Flat D 116 Philip Lane dated 29/11/2021
Gas Safety Record 116D Philip Lane 24/12/2022
TriStar Commercial Certificate Schedule 116 (Flats A, B, C & D) and 118 (Flats A, B, C & D) Philip Lane London 17/04/2022 – 16/04/2023
British Gas letter to occupier of Flat D 116 Philip Lane 17/11/2023
AST 116D Philip Lane 12 months 24/12/2021 – 23/12/2022
AST 116D Philip Lane 12 months 23/03/2023 – 22/03/2024
AST 116D Philip Lane 12 months 19/09/2023 – 18/09/2024
AST 116D Philip Lane 12 months starting 19/07/2024
TriStar Commercial Certificate Schedule 116 (Flats A, B, C & D) and 118 (Flats A, B, C & D) Philip Lane London 17/04/2025 – 16/04/2026
Gas Safety Record 116D Philip Lane 30/10/25
LANDLORD GAS SAFETY RECORD 116D Philip Lane 27/09/2025

The evidence presented to substantiate the statement of case is considered comprehensive in nature. On the balance of probability therefore it is considered that the evidence submitted by the applicant precisely and unambiguously demonstrates that the use of the relevant parts of 114-116 Philip Lane has been used as six 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.

From the documentation and evidence provided, the Local Planning Authority is satisfied that, on the balance of probabilities the use of the relevant parts of 114-116 Philip Lane has been used as six self-contained flats for a continuous period of four years before the date of this application.