

Officer Report

Application Number:	HGY/2026/0951
Application Type:	Lawful development: Existing use
Address:	The Grove Lawn Tennis Club, Cascade Avenue, Hornsey, London, N10 3PS
Proposal:	Lawful development: Existing use for meeting place for the principal use of the local community and for outdoor sport or recreation (Use Class F.2).
Case Officer:	Josh Parker
Valid Date:	01/04/202 6
Applicant:	Mr W Merricks
Agent:	Mr Thomas Darwall-Smith

RECOMMENDATION

Approve

1. PLANNING & ENFORCEMENT HISTORY

The site comprises three outdoor tennis courts arranged on two levels and a brick pavilion dating from 1911/12. Historic records confirm that the land has been used as a tennis club and community meeting place for over a century, with periods of inactivity but no intervening alternative use. There is no planning enforcement history relating to the site.

The most recent planning application (HGY/2023/0733) for redevelopment was refused and subsequently dismissed at appeal (APP/Y5420/W/24/3356480). The Inspector's decision is directly relevant to this CLEUD because it confirms the existing planning use of the land.

2. REPRESENTATIONS

No representations have been received and none are required to determine the application.

3. RELEVANT PLANNING LEGISLATION

The application is made under Section 191 of the Town and Country Planning Act 1990. A use is lawful if no enforcement action may be taken against it and if it does not contravene any extant enforcement notice. The test is the balance of probability. PPG Paragraph 009 (Ref ID: 17c-009-20140306) confirms that planning merits are irrelevant; the only question is whether the evidence demonstrates the use claimed. PPG Paragraph 006 (Ref ID: 17c-006-20140306) further states that if the LPA has no evidence to contradict the applicant's version of events, and the applicant's evidence is precise and unambiguous, a certificate should be issued.

4. EVALUATION

Description of the Use Sought

The applicant seeks confirmation that the lawful use of the site is as a meeting place for the principal use of the local community and for outdoor sport or recreation, falling within Use Class F2(b) and F2(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Evidence Submitted

The application is supported by a substantial body of evidence demonstrating the long-standing use of the site as a tennis club and community meeting place. A signed statutory declaration from Mr P. Bell of the Chine and Cascade Residents Association provides a detailed account of the historic use of the courts and pavilion, including the nature of community activities undertaken on the site and the continuity of its recreational function. This is supplemented by extensive historic documentation submitted with the application, including the Residents Association's 2023 and 2025 representations, which contain archival material, historic photographs, community marketing brochures, and written accounts of the club's operation over several decades.

The submission also includes heritage assessments prepared in connection with the 2023 planning application, which describe the origins of the tennis courts and pavilion, their construction in 1911/12, and their role within the early development of the Rookfield Estate. These documents confirm that the site has historically functioned as a sports and community facility and that the physical structures associated with that use remain in situ.

In addition, the applicant has provided the full evidence base submitted to the 2023 planning application and the subsequent appeal, including the Council's Statement of Case and the Inspector's decision dated 17 July 2025. The Inspector's findings are particularly significant, as they provide an independent and authoritative assessment of the site's existing planning use. At paragraph 9 of the appeal decision, the Inspector expressly stated that the appeal had been considered on the basis that the site's existing use in planning terms is for community facilities, including sports and recreation. The Inspector also recorded that the pavilion had historically been used for social events and meetings, and that the courts formed part of the recreational and community fabric of the estate.

Inspector's findings on Existing Use

The Inspector expressly accepted that the site's existing planning use is for community facilities, including sports and recreation. At paragraph 9 of the appeal decision, the Inspector stated: *"I have considered the appeal on the basis that its existing use in planning terms is for community facilities."* The Inspector also recorded that the site historically operated as a sports facility for the local community, with the pavilion used for social events and meetings. The Inspector further noted that the open, recreational character of the site contributes positively to the significance of the Conservation Area. These findings confirm that the planning identity of the site remains that of a community sports facility.

Whether the Use Has Been Abandoned

Although the tennis courts and pavilion have not been used for approximately 15 years, the legal test for abandonment derives from *Hughes v SSE*, which requires consideration of four factors: the physical condition of the land, the period of non-use, the intentions of the owner, and any intervening uses. The physical condition of the site strongly indicates continuity of use. The tennis courts remain in situ, albeit overgrown, and the pavilion is structurally robust. The windows have

been blocked for security reasons, but the building remains intact and capable of use without reconstruction. This weighs heavily against abandonment.

The period of non-use is lengthy but is not determinative. Case law is clear that non-use alone does not amount to abandonment. There is no evidence that any owner intended to permanently cease the use. No alternative use has taken place, and the land has remained unused but not repurposed. The absence of any intervening use is a strong indicator that the lawful use persists. When the four factors are considered together, the evidence does not demonstrate abandonment on the balance of probability.

The Inspector's findings reinforce this conclusion. At paragraph 17, the Inspector noted that the site's vacancy "does not reflect a lack of demand for community use," and at paragraph 23 concluded that the site "has not been clearly shown to be surplus to requirements." These statements confirm that the planning identity of the site as a community sports facility remains intact and has not been extinguished.

Continuity of the Lawful Use

The evidence demonstrates that the site was lawfully used for tennis and community purposes, that no intervening use has occurred, that the physical fabric of the courts and pavilion remains, and that the use has not been abandoned. The Inspector's decision provides authoritative confirmation that the existing use is a community facility. Planning merits are irrelevant to this assessment; the only question is whether the use exists in law. On the balance of probability, it does.

5. RECOMMENDATION

It is recommended that a Certificate of Lawfulness be granted. The Local Planning Authority is satisfied, on the balance of probability, that the lawful planning use of the site is as a meeting place for the principal use of the local community and for outdoor sport or recreation within Use Class F2. The use has not been abandoned despite a prolonged period of non-use, and the Inspector's 2025 appeal decision confirms the site's existing use as a community facility. No evidence has been provided to contradict the applicant's account, and the evidence submitted is precise and unambiguous.

Accordingly, a Certificate of Lawfulness under Section 191 of the Town and Country Planning Act 1990 should be issued.