



Officer Report

Application Number:	HGY/2026/1014
Application Type:	Lawful development: Existing use
Address:	119 High Road, Wood Green, London, N22 6BB
Proposal:	Certificate of lawfulness of proof to trigger condition 1 (works begin within 3 years) has been implemented via the addition of brickwork to rear of the building. Development ref: HGY/2022/2793.
Case Officer:	Josh Parker
Valid Date:	09/04/2026
Applicant:	C/O Agent
Agent:	SM Planning

RECOMMENDATION

Approve

1. APPLICATION AND SITE

This application pertains to the application ref: HGY/2022/2793, granted on the 5 July 2023| Rear extension and associated alterations for the change of use from ancillary retail storage (use class E) to provide two self contained residential flats (use class C3). 119, High Road, London, N22 6BB

2. PROPOSED LAWFUL WORKS INVESTIGATION

Certificate of lawfulness to prove the lawful commencement of condition 1 (works begin within 3 years) has been implemented via the addition several courses of brickwork in place of the extension.

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).

3. RELEVANT PLANNING LEGISLATION

The application is made pursuant to S192(2) of the TCPA 1990, which allows for a certificate to be issued by the Local Planning Authority to determine if a proposed operation, has been carried out, within the relevant timescale, which constituted a “material operation” to begin the development permitted by a planning permission. The judgment of whether a development has been begun has to be considered against the Act. Section 56(2) of the 1990 Act as amended indicates that, for the purposes of this part of the Act, development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Section 56(4)

indicates that “material operation” means, amongst other things, the laying of bricks of an extension.

4. PLANNING & ENFORCEMENT HISTORY

The relevant planning history is as follows.

Planning permission ref. HGY/2022/2793 was granted on 05 July 2023 for the erection of a rear extension and associated alterations to facilitate the change of use from ancillary retail storage (Use Class E) to two self-contained residential flats (Use Class C3).

HGY/2024/0988 - Approval of details of pursuant to Condition 4 (Construction Method Statement) and Condition 5 (Waste Management) attached to planning permission reference HGY/2022/2793.

5. ASSESSMENT

This is not a planning application and the planning merits are not relevant to this submission. Rather the applicant seeks to prove by the submission of evidence that the works relating to planning permission reference HGY/2022/2793 was granted on 05 July 2023 for the erection of a rear extension and associated alterations to facilitate the change of use from ancillary retail storage (Use Class E) to two self-contained residential flats (Use Class C3) have now commenced and is therefore immune from enforcement action.

Section 56 of the 1990 Act deals with when development of land shall be taken to be initiated and states that ‘development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out’.

The applicant has provided photographic and video evidence in support. It is also noted that all pre-commencement conditions (condition 4) have been appropriately discharged to enable lawful works to take place. Therefore, the commencement of the works would not be in breach of any of the conditions attached to the original permission.

The proposed implementation of planning permission reference HGY/2022/2793. The implementation of the above planning permission has commenced no later than 3 years from the date of the original permission.

6 SUMMARY AND CONCLUSION

There is evidence submitted that suggest that the works for the host application HGY/2022/2793, granted on 05 July 2023. Condition 1: The development hereby permitted shall begin no later than 3 years from the date of this decision (05 July 2023) has been given effect and is therefore, the permission has been implemented.

7. RECOMMENDATION

GRANT CERTIFICATE

