



Officer Report

Application Number:	HGY/2026/1410
Application Type:	Lawful development: Existing use
Address:	67 Downhills Park Road, Tottenham, London, N17 6AS
Proposal:	Lawful development: Existing use of first and second floor as 3 no. self-contained flats (Use Class C3).
Case Officer:	Nathan Keyte
Valid Date:	19/05/2026
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Applicant:	Mr Tomasz Zbonkowski
Agent:	

RECOMMENDATION

Approve

PLANNING & ENFORCEMENT HISTORY

HGY/2012/1051

Address: 67, Downhills Park Road, London, N17 6AS, London

Proposal: Erection of two storey side / single storey rear extension, erection of rear dormer and hip to gable roof extension and installation of new shopfront

Decision Date: 13 July 2012

Decision: Approve with Conditions

HGY/2001/0263

Address: Corner Shop, 67, Downhills Park Road, London, N17 6AS

Proposal: Two storey side extension and single storey rear extension to extend shop and to provide independent access to residential accommodation.

Decision Date: 25 June 2001

Decision: Approve with Conditions

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

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 ...they 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.”

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 states:

- the use of property as three self-contained flats for more than 10 years.

The application is accompanied by the following evidence:

- Statutory Declaration from J Patel, dated 21 April 2026, declaring they own the property, and that the Property has been continuously used as three self-contained flats since 2014.
- Floor plan, indicating three self-contained single bedroom areas with kitchens.
- Valuation Report by Pinders dated 12/02/2018, stating property contained a retail unit and three x self-contained studio flats with separate kitchens and shared entrance. Assured Shorthold Tenancies were listed for:
 - o 67c Downhills Park Road, commenced 29/04/2016
 - o 67b Downhills Park Road, commenced 01/07/2016
 - o 67a Downhills Park Road, commenced 01/05/2015

Flat A:

- EPC Certificate dated 21 November 2018, address 67a Downhills Park Road.
- Gas Bills to Flat 1 67 Downhills Park Road, addressed to N K Patel, dated 03/08/2021, and invoices for periods 01 to 30 November 2021, 02 September to 31 October 2021, 17 November to 30 November 2021, 04 January 2023 to 31 January 2023, 01 February 2024 to 29 February 2024, 01 January to 31 January 2026.
- Tenancy Deposit Certificate dated 01/04/2026 for a tenant S Manoli, addressed at 67 Downhills Park Road.
- Tenancy Agreement between N & K Patel and Paradise Community Stores Ltd, dated 01/03/2021, address being Flat A, 67 Downhills Park Road
- Tenancy Agreement between S Manoli and J Patel, dated 01/04/2026, address being Flat A, 67 Downhills Park Road.

Flat B

- EPC Certificate dated 21 November 2018, address 67b Downhills Park Road.
- Tenancy Deposit Certificate dated 04/08/2021 for a tenant R A Schnotalle, addressed at Flat B 67 Downhills Park Road.
- Letter from Estate Agent dated 14/07/2023 stating tenancy for Flat B was for R A Schnotalle from 25.07.2021 to present (i.e. 2023).
- EICR Report, addressed at Flat B 67 Downhills Park Road, dated 08/11/2020
- Estate Agent Management Statement invoice, dated 20/05/2024, relating to address at Flat B 67 Downhills Park Road
- Estate Agent Management Statement invoice, date range 26/07/2021 to 20/05/2024, relating to address at Flat B 67 Downhills Park Road
- Estate Agent Management Statement invoice, date range 24/04/2023 to 25/03/2024, relating to address at Flat B 67 Downhills Park Road
- Tenancy Agreement dated 25 July 2023 between R A Schnotalle and J Patel for address Flat B 67 Downhills Park Road.
- Bank Statements from 2024 to the present, from R A Schnotalle.

Flat C

- EPC Certificate dated 21 November 2018, address 67c Downhills Park Road.
- Tenancy Deposit Certificate dated 01/04/2025 for a tenant B Matich
- Letter to J Patel dated 03/02/2022 stating a tenant (V Laylor) has been found for Flat C 67 Downhills Park Road.
- Estate Agent Management Statement invoice, date range 22/04/2024 to 20/05/2024, relating to address at Flat C 67 Downhills Park Road
- Estate Agent Management Statement invoice, date range 12/10/2020 to 20/05/2024, relating to address at Flat C 67 Downhills Park Road
- Tenancy Agreement date 08/10/2020 between J Patel and M Lorenc for address Flat C 67 Downhills Park Road.
- Reference report for M Lorenc dated 07/10/2020

The evidence presented to substantiate the application 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 first and second floor at the property 67 Downhills Park Road, Tottenham, London, N17 6AS has been used as 3 no. self-contained flats for a continuous period of four years before the date of this application.

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 first and second floor at the property 67 Downhills Park Road, Tottenham, London, N17 6AS has been used as 3 no. self-contained flats for a continuous period of four years before the date of this application.