



# Officer Report

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|----------------------------|-------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | <b>HGY/2026/1307</b>                                                                                  |
| <b>Application Type:</b>   | <b>Lawful development: Existing use</b>                                                               |
| <b>Address:</b>            | 49 Lordsmead Road, Tottenham, London, N17 6EX                                                         |
| <b>Proposal:</b>           | Certificate of lawfulness for the existing use of the property as five separate self-contained flats. |
| <b>Case Officer:</b>       | Daniel Boama                                                                                          |
| <b>Valid Date:</b>         | 08/05/2026                                                                                            |
| <b>Applicant:</b>          | C/O Agent                                                                                             |
| <b>Agent:</b>              | Mr Matt Humphreys                                                                                     |

## **RECOMMENDATION**

**Approve**

## **PLANNING & ENFORCEMENT HISTORY**

The relevant planning and enforcement history is as follows:

### **PLANNING CASES**

HGY/2005/2191,  
Address: 49, Lordsmead Road, London, N17, London  
Proposal: Conversion of property to form 2 x 1 bed self contained flats.,  
Decision Date: 18 January 2006  
Decision: Refuse

### **ENFORCEMENT CASE**

HMO/2018/00038  
Address: 49, Lordsmead Road, London, N17 6EX  
Change of Use - House in Multiple Occupation  
Type: House in Multiple Occupation  
Status: Closed  
Decision: Property used as 5 flats for 4 years  
Closure Date: 3 January 2020

## **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).

The application was advertised through letters sent to neighbouring properties. No representations were received from neighbouring properties.

## **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."

## **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 parts of the building outlined in red on the submitted plans have been in use as five self-contained flats for a near continuous period of 10 years or more.

### Applicant's evidence

The application form accompanying this application asserts that 49 Lordsmead Road, Tottenham, London, N17 6EX has been in use as five separate self-contained flats. since 26-05-2015.

The application is accompanied by the following evidence:

### Appendices for overall property details

Appendix 8 – Invoice dated 14/01/2015 from JSG Metering Solutions Ltd  
Appendix 14 – Invoice from dsons Ltd for erecting a rear dormer. Dated 22.07.2014  
Appendix 15 – Invoice from dsons Ltd for interior works. Dated 15.11.2014  
Appendix 16 – Invoice from dsons Ltd for supplying and fitting windows. Dated 18.11.2014  
Appendix 17 – 6 Photographs from Google Earth: Aerial Views of 49 Lordsmead Road N17 (2013 – 2024) – Showing PVC windows  
Appendix 58 – Landlord's Notice proposing a new rent under an Assured Periodic Tenancy of the premises situated in England  
Appendix 74 – HMO Licence Application Form signed on 14th August 2017  
Appendix 75 – HMO Licence granted for 2 years dated 5th February 2018  
Appendix 76 – HMO Licence Application Form signed on 28/04/2020  
Appendix 77 – HMO Licence granted for 5 years dated 06/02/2020 and sent by post on 14/08/2020 | Notice of Decision to Grant and HMO Licence dated 14/08/2020 inc supporting documents such as Cover letter, notes and schedule conditions  
Appendix 78 – Email correspondence from Council's Environmental Health Housing Officer requesting for an Electrical safety certificate from the landlord, dated 03 January 2018.  
Appendix 84 – Tenancy Deposit Certificate in email dated 22 May 2025  
Appendix 99 – Sworn Statutory Declaration by an employee of Andrew Lloyd Estates Ltd dated 31/03/2026 (Solicitors Kishan Soburrun).  
Appendix 100 – Sworn Statutory Declaration by another employee of Andrew Lloyd Estates Ltd dated 31/03/2026 (Solicitors Kishan Soburrun).

### Flats grouped in one Appendix

#### Appendix 1 – Photos

- Photo 1 Main frontage of 49 Lordsmead Road, N17 (property with red door)
- Photo 2: Multiple electricity meters for Flats 1 – 5, located under stairs at ground level

- Photo 3: Kitchen, living and dining area in Flat 1 (Ground Floor front)
- Photo 4: Bedroom in Flat 1 (Ground Floor front)
- Photo 5: Bedroom / living area in Flat 2 (Ground Floor rear)
- Photo 6: Kitchen in Flat 2 (Ground Floor rear)
- Photo 7: Bathroom in Flat 2 (Ground Floor rear)
- Photo 8: Large communal rear garden
- Photo 9: Kitchen area in Flat 3 (First Floor rear)
- Photo 10: Shower in bathroom in Flat 3 (First Floor rear)
- Photo 11: Bedroom and living area in Flat 3 (First Floor rear)
- Photo 12: Living area in Flat 4 (First Floor front)
- Photo 13: Kitchen in Flat 4 (First Floor front)
- Photo 14: Bedroom in Flat 4 (First Floor front)
- Photo 15: Kitchen area in Flat 5 (Top or loft Floor flat)
- Photo 16: Living area in Flat 5 (Top or loft Floor flat)
- Photo 17: Bedroom in Flat 5 (Top or loft Floor flat)
- Photo 18: Bathroom in Flat 5 (Top or loft Floor flat)

Appendix 2 – HM/ASB/1 – Ground Floor, First Floor, and Second Floor Plans

Appendix 25 – Invoice for works carried out at Flats 1, 2, 3 & 5 by Andrew Lloyd Estates Limited, dated 01/05/2015.

Appendix 73 – Invoice for works done to Flats 2 & 5, 49 Lordsmead Road, Tottenham, London, N17 6EX by Andrew Lloyd Estates Limited

Appendix 89 – Deposits for Flat 1, 2, 3, 4, and 5, 49 Lordsmead Road N17 (from Letting Agent).

### Appendices according to the Flat

#### Flat 1, 49 Lordsmead Road, Tottenham, London, N17 6EX

Appendix 3 – Energy performance certificate (EPC) for Flat 1 on Ground floor

Appendix 9 – Electrical Installation Condition Report for Flat 1

Appendix 18 – Flat 1 Dated photos (14 photos of all rooms) from 07/04/2015 to 01/08/2022

Appendix 19 – Property Inspection Report (7 photos of all rooms) Flat 1, 49 Lordsmead Road, Tottenham, London, N17 6EX – dated 5th April 2016

Appendix 20 – Inventory for Flat 1, 49 Lordsmead Road N17 6EX – dated 12/05/2015

Appendix 21 – Check In Confirmation for Flat 1, 49 Lordsmead Road, Tottenham, London, N17 6EX - Check/Move in Date 18/12/2017

Appendix 22 – Check In Confirmation for Flat 1, 49 Lordsmead Road, Tottenham, London, N17 6EX - Check/Move in Date 01/10/2018

Appendix 23 – Inventory for Flat 1, 49 Lordsmead Road, Tottenham, London, N17 6EX  
Dated 28/09/2018

Appendix 24 – Check Out Confirmation for Flat 1 49 Lordsmead Road, Tottenham, London, N17 6EX - Check out Date 01/08/2022

Appendix 26 – Invoice for works to Flat 1, 49 Lordsmead Road, London, N17 6EX by Andrew Lloyd Estates Limited, dated 29/11/2018.

Appendix 27 – Invoice for works to Flat 1, 49 Lordsmead Road, London, N17 6EX by Andrew Lloyd Estates Limited, dated 07/01/2020.

Appendix 79 – Assured Shorthold Tenancy Agreement 12 months for Flat 1, 49 Lordsmead Road, Tottenham, London, N17 6EX dated 15 February 2017.

#### Flat 2, 49 Lordsmead Road, Tottenham, London, N17 6EX

Appendix 4 – Energy performance certificate (EPC) for Flat 2 on Ground floor

Appendix 10 – Electrical Installation Condition Report for Flat 2

Appendix 28 – Flat 2 Dated Photographs (11 photos of rooms) from 07/04/2015 to 16/06/2025

Appendix 29 – Holding Deposit for Flat 2, 49 Lordsmead Road, London, N17 6EX – Dated 22/05/2015

Appendix 30 – Inventory for Flat 2, 49 Lordsmead Road, London, N17 6EX – Dated 26/05/2015

Appendix 31 – Property Inspection Report for Flat 2, 49 Lordsmead Road, Tottenham, London, N17 6EX – Inspection date 5th April 2016  
Inc 4 photos showing mould and leaking.

Appendix 32 – Check Out Confirmation for Flat 2, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 26/07/2016

Appendix 33 – Check Out Confirmation for Room 2, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 01/11/2019

Appendix 34 – Inventory for Flat 2, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 01/11/2019

Appendix 35 – Check Out Confirmation for Room 2, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 17/06/2020

Appendix 36 – Inventory for Flat 2, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 17/06/2020

Appendix 37 – Check Out Confirmation Flat 2, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 16th June 2025.

Appendix 38 – Check Out Confirmation Room 2, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 22/08/2025

Appendix 39 – Invoice for works done to Flat 2, 49 Lordsmead Road, London, N17 6EX by Andrew Lloyd Estates Limited – Dated 10/04/2017

Appendix 40 – Invoice for works done to Flat 2, 49 Lordsmead Road, London, N17 6EX by Andrew Lloyd Estates Limited – Dated 29/11/2018

Appendix 80 – Assured Shorthold Tenancy Agreement 12 months for Flat 2, 49 Lordsmead Road, Tottenham, London, N17 6EX dated 24 March 2017.

#### Flat 3, 49 Lordsmead Road, Tottenham, London, N17 6EX

Appendix 5 – Energy performance certificate (EPC) for Flat 3 on Mid-floor

Appendix 11 – Electrical Installation Condition Report for Flat 3

Appendix 41 – Flat 3 Dated Photographs (11 photos of rooms) from 01/04/2015 to 12/12/2023

Appendix 42 – Inventory for Flat 3, 49 Lordsmead Road N17 6EX – Dated 20/04/2015

Appendix 43 – Property Inspection Report Flat 3, 49 Lordsmead Road, Tottenham, London, N17 6EX dated 5th April 2026

Appendix 44 – Check Out Confirmation for Flat 3, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 20/11/2023

Appendix 45 – Check Out Confirmation for Flat 3, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 05/12/2023

Appendix 81 – Assured Shorthold Tenancy Agreement 12 months for Flat 3, 49 Lordsmead Road, Tottenham, London, N17 6EX dated 23 March 2016.

Appendix 85 – HSBC Bank Statement from 20/10/2023 to 17/11/2023 for Flat 3, 49 Lordsmead Road.

Appendix 86 – HSBC Bank Statement from 20/08/2023 to 19/09/2023 for Flat 3, 49 Lordsmead Road.

Appendix 87 – HSBC Bank Statement from 20/05/2019 to 19/06/2019 for Flat 3 Lordsmead Road.

Appendix 88 – HSBC Recent Transactions from 20/06/2015 to 19/07/2015 for Flat 3, Lordsmead Road.

Appendix 90 – Assured Shorthold Tenancy Agreement for 12 months for Flat 3, 49 Lordsmead Road, Tottenham, London, N17 6EX dated 20 April 2015

Appendix 91 – Inventory for Flat 3, 49 Lordsmead Road N17 6EX by Andrew Lloyd Estates Limited – dated 20/04/2015

Appendix 92 – Receipt for Bank Transfer for Flat 3, 49 Lordsmead Road, Tottenham, London, N17 6EX by Andrew Lloyd Estates Limited – rent covering 20/04/2015 to 19/05/2015

Appendix 93 – HSBC Recent Transactions from 20/05/2015 to 19/06/2015 for Flat 3, Lordsmead Road.

Appendix 94 – HSBC Recent Transactions from 20/02/2018 to 19/03/2018 for Flat 3, 49 Lordsmead Road.

Appendix 95 – HSBC Recent Transactions from 20/10/2015 to 19/11/2015 for Flat 3, Lordsmead Road.

Appendix 96 – HSBC Recent Transactions from 20/04/2015 to 19/05/2015 for Flat 3, Lordsmead Road.

Appendix 97 - Receipt for Bank Transfer for Flat 3, 49 Lordsmead Road, Tottenham, London, N17 6EX by Andrew Lloyd Estates Limited – for Electricity Top Up dated 20/04/2015

Appendix 98 – Check Out Confirmation for Flat 3, 49 Lordsmead Road, Tottenham, London, N17 6EX by Andrew Lloyd Estates Limited – Check out date 20/11/2023.

#### Flat 4, 49 Lordsmead Road, Tottenham, London, N17 6EX

Appendix 6 – Energy performance certificate (EPC) for Flat 4 on Mid-floor

Appendix 12 – Electrical Installation Condition Report for Flat 4

Appendix 46 – Flat 4 Dated Photographs (15 photos of all rooms) from 07/04/2015 to 29/10/2024

Appendix 47 – Holding Deposit for Flat 4, 49 Lordsmead Road, London, N17 6EX – Dated received 11/05/2015

Appendix 48 – Property Inspection Report for Flat 4, 49 Lordsmead Road, Tottenham, London, N17 6EX – Inspection date 5th April 2016

Photos of Bedroom, Kitchen, and Bathroom

Appendix 49 – Check Out Confirmation for Flat 4, 49 Lordsmead Road, Tottenham, N17 6EX – Check Out Date 25/07/2018

Appendix 50 – Check In Confirmation for Room 4, 49 Lordsmead Road, Tottenham, London, N17 6EX – Check Out Date 31/10/2019

Appendix 51 – Inventory for Room 4, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 31/10/2019

Appendix 52 – Check Out Confirmation for Flat 4, 49 Lordsmead Road, Tottenham, London, N17 6EX – Check out Date 28/02/2022.

Appendix 53 – Check In Confirmation for Room 4, 49 Lordsmead Road, Tottenham, London, N17 6EX – Check in Date 07/03/2022

Appendix 54 – Inventory for Room 4, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 07/03/2022

Appendix 55 – Check Out Confirmation for Flat 4, 49 Lordsmead Road, Tottenham, London, N17 6EX – Check out Date 17/04/2023

Appendix 56 – Check In Confirmation for 49 Lordsmead Road, Flat 4, Tottenham, London, N17 6EX – Date 28/04/2023

Appendix 57 – Check In Confirmation for 49 Lordsmead Road, Flat 4, Tottenham, London, N17 6EX – Date 21/11/2024

Appendix 59 – Invoice for works done to Flat 4, 49 Lordsmead Road, Tottenham, London, N17 6EX by Andrew Lloyd Estates Limited – Date 15/08/2015

Appendix 60 – Invoice for works done to Flat 4, 49 Lordsmead Road, Tottenham, London, N17 6EX by Patrick Shannon – Date 29/08/2017

Appendix 82 – Assured Shorthold Tenancy Agreement 12 months for Flat 4, 49 Lordsmead Road, Tottenham, London, N17 6EX dated 25 May 2016.

#### Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX

Appendix 7 – Energy performance certificate (EPC) for Flat 5 on Top floor

Appendix 13 – Electrical Installation Condition Report for Flat 5

Appendix 61 – Flat 5 Dated Photographs (13 Photos) ranging from 01/04/2015 to 23/08/2021

Appendix 62 – Check In Confirmation for Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX – Check/Move in Date 01/05/2015  
Appendix 63 – Inventory for Flat 5, 49 Lordsmead Road, N17 6EX dated 30/04/2015  
Appendix 64 – Check Out Confirmation Flat 5, Lordsmead Road (No.49 missing from address line), Tottenham, London, N17 6EX – Check out Date 25/11/2016  
Appendix 65 – Property Inspection Report for Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX – Inspection date 5<sup>th</sup> April 2026  
Appendix 66 – Check Out Confirmation for Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX – Check out Date 07/11/2017  
Appendix 67 – Check In Confirmation for Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 09/12/2019  
Appendix 68 – Inventory for Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 09/12/2019  
Appendix 69 – Check In Confirmation for Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 20/09/2021  
Appendix 70 – Inventory for Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 20/09/2021  
Appendix 71 – 3 Invoices for works done to Flats 4, Ground floor (left of main door), and Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX – Dated 30/04/2015, 12/05/2015, and 19/05/2015  
Appendix 72 – Invoice for works done to Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX by Andrew Lloyd Estates Limited  
Appendix 83 – Assured Shorthold Tenancy Agreement 12 months for Flat 5, 49 Lordsmead Road, Tottenham, London, N17 6EX dated 21 April 2017.

#### Other documents

- Location Plan
- Cover letter dated 2<sup>nd</sup> April 2026

The evidence presented to substantiate the statement of case is considered comprehensive in nature. On the balance of probabilities therefore it is considered that the evidence submitted by the applicant precisely and unambiguously demonstrates that 49 Lordsmead Road, Tottenham, London, N17 6EX has been in use as five separate self-contained flats for a near continuous period of 10 years or more 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 relevant parts of 49 Lordsmead Road, Tottenham, London, N17 6EX have been used as five self-contained flats for a near continuous period of 10 years or more before the date of this application. Therefore, the sought use is considered to be lawful.