



Officer Report

Application Number:	HGY/2026/1817
Application Type:	Lawful development: Existing use
Address:	70 Norman Avenue, Wood Green, London, N22 5EP
Proposal:	Certificate of Lawfulness (existing) for continued use of 5 no. self contained flats.
Case Officer:	Anna Anderson
Valid Date:	29/06/2026
Applicant:	ALKO INVESTMENT LTD
Agent:	ALKO DESIGN & BUILD LTD

RECOMMENDATION

Refuse

1. PLANNING & ENFORCEMENT HISTORY

There is no planning history in relation to this site, however the relevant planning enforcement history is as follows:

70 Norman Avenue, Wood Green, London, N22 5EP

- FCV/2022/00292: Change of Use - Flat Conversion – Closed on 18th November 2022 as Within permitted development rights
- ENF/2025/1162: Change of Use - House in Multiple Occupation – In Progress 24th August 2026

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 plan has been in use as 5 no. self-contained flats (C3) for a continuous period of 4 or more years.

Applicant's evidence

The application form accompanying this application asserts that:

- The use of property as 5 no. self-contained flats commenced on 1st May 2022.

The application is accompanied by the following evidence:

- Tenancy Agreements:
 - o 70 Norman Avenue, 4 x Assured Shorthold Tenancy agreements dated:
 - o 4th May 2022 to 3rd May 2023
 - o 4th May 2023 to 3rd May 2024
 - o 4th May 2024 to 3rd May 2025 and
 - o 4th May 2025 to 3rd May 2026
 - o Flat 1, 4 x Assured Shorthold Tenancy agreements dated:
 - o 13th May 2022 to 12th May 2023
 - o 13th May 2023 to 12th May 2024
 - o 13th May 2024 to 12th May 2025 and
 - o 13th May 2025 to 12th May 2026
 - o Flat 2, 5 x Assured Shorthold Tenancy agreements dated:
 - o 4th May 2022 to 3rd May 2023
 - o 4th May 2023 to 3rd May 2024
 - o 2nd March 2024 to 1st September 2024
 - o 2nd September 2024 to 1st September 2025 and
 - o 2nd June 2025 to 1st June 2026
 - o Flat 3, 5 x Assured Shorthold Tenancy agreements dated
 - o 11th May 2022 to 10th September 2023
 - o 10th July 2023 to 9th July 2024
 - o 15th April 2024 to 14th April 2025
 - o 15th April 2025 to 14th April 2026 and
 - o 15th April 2026 to 14th April 2027
 - o Flat 4, 4 x Assured Shorthold Tenancy agreements dated
 - o 11th May 2022 to 10th May 2023
 - o 11th May 2023 to 10th May 2024
 - o 11th May 2024 to 10th May 2025 and
 - o 11th May 2025 to 10th May 2026
- The Renters' Rights Act Information Sheet 2026
- Statutory Declarations from Oktay Ozturk dated 24th June 2026 and Erdal Eren Yagmur & Selcan Yagmur dated 24th June 2026
- Mr. Ali Kosele statement dated 26th June 2026
- Statement of Fact by Mustafa Dervish dated 22nd June 2026
- Gas meter query to British Gas with response confirming MPAN numbers for the 5 x flats
- Payment schedules for 70 Norman Avenue, Flat 1, Flat 2, Flat 3 and Flat 4

- Bank statements from Turkish Bank UK for ALKO INVESTMENT LTD from 4th May 2022 to 15th June 2026
- Photo of 5 x electric metres
- Photos of 5 x flat entrance doors
- Photos of 5 x kitchens
- 5 x kitchen invoices from Howdens dated 1st March 2022

Other Supporting Documents

- Location Plan
- NA26-01 Rev 001 – Existing Floor Plans

Officer comments

The 5 no. flats located at the property 70 Norman Avenue, Wood Green, London, N22 5EP are both physically and functionally self-contained. The 5 no. flats contain adequate facilities for living, sleeping, eating, and washing, consistent with the expectations of what is required for day-to-day private domestic experience. There are purposely designed facilities for the storage, preparation and consumption of food present in the unit.

The primary evidence submitted in support of the self-containment comprises drawings, tenancy agreements, information sheets, Statutory Declarations, Mr. Ali Kosele statement, statement of fact, query to British Gas, payment schedules, bank statements, photo of electric meters, photos of flat entrance doors and kitchens and kitchen order invoices. This evidence appears to support the claim made in the planning statement that the self-contained flats on the ground, first and second floors have been built and in continuous use for more than 4 years. The tenancy agreements for the 5 no. self-contained flats span from May 2022 up to June 2026 (and ongoing until April 2027) which implies a continuous time period of more than 4 years. The kitchen order invoices dated March 2022 imply the individual kitchen parts were ordered prior to the tenancy agreements. The submitted statements, Statutory Declarations and photos (electric meters, doors and kitchens) imply the occupation of 5 no. self-contained flats within the property at 70 Norman Avenue, Wood Green, London, N22 5EP.

During the officer's site visit, the property was observed to be internally built-out as 5 no. self-contained flats; it was evident that the units had their own private entrances with locks, bedroom spaces, kitchen areas and bathrooms.

Neighbour consultation was undertaken, with adjoining occupiers / owners invited to submit comments or evidence in response to the applicant's claims, however, no representations were received.

Notwithstanding the above, planning enforcement history for 70 Norman Avenue, Wood Green, London, N22 5EP is also considered important evidence, namely reference FCV/2022/00292 which was a planning complaint received on 30th May 2022 for an unauthorised change of use to flat conversion. The evidence as part of this planning enforcement case contradicts the evidence provided by the applicant for this Certificate of Lawfulness application, HGY/2026/1817. A video within the enforcement case files (VID-20221007-WA0055) dated 7th October 2022, shows that the property was not in use as 5 no. self-contained flats in the autumn of 2022. An email from Mustafa Dervish dated 13th October 2022 states the property was in use as a single-family dwelling at this time, and provides the names and family relationships of those tenants, along with a tenancy agreement dated 15th September 2022 (not provided within the above listed evidence submitted for HGY/2026/1817). Furthermore, a site inspection for the enforcement case was conducted by Officer Russell Quick on 18th November 2022, during which a conversation occurred with a tenant who stated that the property was not in use as flats at this time, and in-fact they lived in the

property with their family; which matches the information provided (video, email and tenancy agreement) from October 2022.

The above planning enforcement evidence indicates that the use of the property as 5 no. self-contained flats had not yet started in October 2022, and therefore the evidence to demonstrate a continuous time period of the use for more than 4 years contains discrepancies.

(Planning enforcement case ENF/2025/1162 is also currently in progress, investigating a suspected unauthorised change in use to House in Multiple Occupation (HMO) and although this case is not yet decided, it presents further ambiguity to the claims made in the planning statement for HGY/2026/1817).

Conclusion

The evidence submitted by the applicant is ambiguous in nature and has discrepancies to demonstrate that, on the balance of probability, 70 Norman Avenue, Wood Green, London, N22 5EP, has been in use as 5 no. self-contained flats for a continuous period of four years before the date of this application.

4. RECOMMENDATION

Refuse 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 not satisfied that, on the balance of probabilities, the use at 70 Norman Avenue, Wood Green, London, N22 5EP, has been in use as 5 no. self-contained flats for a continuous period of four years before the date of this application. Therefore, the sought use is considered to be unlawful.