



Officer Report

Application Number:	HGY/2026/1951
Application Type:	Lawful development: Existing use
Address:	105 Alexandra Road, Wood Green, London, N8 0LG
Proposal:	Certificate of Lawfulness (existing) for continued use of property as two flats (C3)
Case Officer:	Anna Anderson
Valid Date:	10/07/2026
Applicant:	C Ioannou
Agent:	Mr joe henry

RECOMMENDATION

Approve

1. PLANNING & ENFORCEMENT HISTORY

105 Alexandra Road, Wood Green, London, N8 0LG

The relevant planning history is as follows:

- HGY/2006/2079 – Erection of single storey rear extension and conversion of property into 2 x two bed self contained flats – Refuse 12/12/2006

The relevant planning enforcement history is as follows:

- UNW/2008/00589 – Unauthorised works – Closed
- ENF/2026/0087 – Change of Use - Flat Conversion Sec 257 HMO licence – Immune after 4 years 20/03/2026

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 use of the building outlined in red on the submitted plan has been in use as two self-contained flats (C3) for a continuous period of 4 or more years.

Applicant's evidence

The application form and planning statement accompanying this application asserts that:

- The use of the building as two self-contained flats (C3) commenced over 4 years ago, specifically in 2008

The application is accompanied by the following evidence:

- Existing floor plans for the ground floor flat, and first floor flat
- Statutory Declaration of Mr Christopher Lane dated 16th June 2026
- Statutory Declaration of Mr Constantinos Ioannou dated 12th June 2026
- Assured Shorthold Tenancy (AST) agreements for both the ground floor flat and first floor flats dating from March 2022 until August / June 2026 respectively
- Council Tax confirmation for both flats effective date as being 2008
- Energy Performance Certificate (EPC) for the first floor flat from 2019
- Deposit protection certificate for the ground floor flat dated 27th April 2010
- Deposit protection certificate for the first floor flat dated 3rd July 2023
- Utility bills for the ground floor flat:
 - o Council tax bill March 2025
 - o Electrical certificate March 2022
 - o Gas certificate April 2026
 - o Water bill December 2025
- Utility bills for the first floor flat:
 - o Council tax bill December 2025
 - o Electric bill January 2026
 - o Gas bill December 2025 for period July 2023
 - o Gas certificate April 2025
 - o Water bill December 2025

Comments by the planning officer

The two flats, of which the ground floor flat contains two bedrooms, and the first floor flat also contains two bedrooms, are both physically and functionally self-contained. They 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 units.

The primary evidence submitted in support of the self-containment comprises floor plans, statutory declarations, tenancy agreements, council tax confirmations, an EPC, deposit protection certificates, and utility bills for each flat. The evidence supports the claim made in the statement of case that the property at 105 Alexandra Road, Wood Green, London, N8 0LG has been in use as two self-contained flats for a period of over 4 years specifically since 2008, with comprehensive evidence of continuous use since early 2022 provided.

It is noted that planning enforcement case ENF/2026/0087 picked up use of the property as two flats but determined as immune from enforcement due to the use exceeding the 4 year period. The property currently has a Section 257 HMO licence however functions as two separate and individual self-contained flats with one household per flat. On this basis the planning use would remain as Use Class C3 (Dwellinghouses) rather than Use Class C4 (HMO).

During the officer's visit, both flats were observed to be internally built-out, self-contained living spaces. It was evident that both units benefit from their own private entrances with locks, bedroom spaces and separate kitchen and bathroom areas.

Conclusion

The evidence presented to substantiate the statement of case, in addition to the findings of the case officer, 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 property at 105 Alexandra Road, Wood Green, London, N8 0LG has been in use as two self-contained flats (C3) for a continuous period of four years before the date of this application.

4. RECOMMENDATION

Grant the requested Certificate of Lawfulness under section 191 of the 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 property at 105 Alexandra Road, Wood Green, London, N8 0LG has been used as two self-contained flats (C3) for a continuous period of four years before the date of this application. Therefore, the sought use is considered to be lawful.