



Officer Report

Application Number:	HGY/2026/1396
Application Type:	Lawful development: Existing use
Address:	15 Pellatt Grove, Wood Green, London, N22 5NP
Proposal:	Certificate of lawfulness for the existing use of the property as a 6-bedroom House in Multiple Occupation (HMO) for up to six occupants (Class C4 use).
Case Officer:	Neil McClellan
Valid Date:	18/05/2026
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Applicant:	Mr Ajmal Masroor
Agent:	Mr Saidur Ali

RECOMMENDATION

Approve

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposal

Certificate of lawfulness for the existing use of the property as a 6-bedroom House in Multiple Occupation (HMO) for up to six occupants (Class C4 use).

Site Description

Two-storey mid terraced house with an additional floor of accommodation in the converted roof.

The rear of the property has a large single-storey rear extension spanning the full width of the property. A large full width dormer extension has also been erected to the rear of the property. Neither extension has planning permission, but an enforcement investigation in 2007 determined that the ground floor extension was permitted development under the old Town and Country Planning (General Permitted Development) Order 1995. A planning application for the erection of a rear dormer was refused permission in 2008. No enforcement investigation has ever been carried out and it is unclear how long the unauthorised dormer extension has been in place.

The site lies within the Trinity Gardens conservation area. It is not listed.

The site is located within the area of the borough covered by an Article 4 direction removing permitted development rights for changes of use from Class C3 to Class C4. It is also within Haringey's designated Family Housing Protection Zone.

Planning and Enforcement History

The following are relevant to the current application:

ENF/2024/0661 – Enforcement Notice served 23/01/2025 requiring that the use cease and it be returned to use as a C3 Dwelling House. Date for compliance was 03/12/2025.

HGY/2019/1533 – Planning permission refused for the erection of a first-floor rear extension and conversion of the property to an 8-HMO.

UNW/2007/00873 – Enforcement investigation into the erection of a large single storey extension to the rear of the property. The investigating officer concluded that the extension fell within the 50m³ limit that applied to ground floor extension of terraced houses at that time under the old Town and Country Planning (General Permitted Development) Order 1995 and the case closed on the 20.12.2007.

HGY/2008/0005 – Planning permission refused for the erection of a rear dormer window. Decided 11.02.2008.

Other History

The property is currently licensed to operate as a 7-bedroom HMO for a maximum of 7-occupants (Licence number HAR-264058070225). Licence start date 20/04/2026.

RELEVANT LEGISLATION AND GUIDANCE

The application has been made under section 191 of the Town and Country Planning Act 1990 (as amended).

Section 191 of the 1990 Act provides for anyone to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition.

By virtue of section 191(2), uses and operations are "lawful" if no enforcement action may be taken against them and they are not in contravention of any enforcement notice which is in force. And, by virtue of section 191(3), a failure to comply with any condition or limitation subject to which planning permission has been granted is "lawful" if the time for taking enforcement action in respect of the failure has expired and it does not constitute a contravention of any enforcement notice or breach of condition notice which is in force.

Development or other activity on land is lawful for planning purposes if it is within one of the following categories and does not involve a failure to comply with a condition or limitation subject to which planning permission has been granted:

- (1) it is not within the definition of "development" in section 55(1) and (1A) of the 1990 Act. (This might be because it is so insignificant that it can be disregarded (a "de minimis" operation, use or activity); or because it involves a change of use which is not, as a matter of fact and degree, materially different, for planning purposes, from a previous lawful use of land.); or
- (2) it is specifically excluded from the definition of development by section 55(2) (for example, a use of land for the purpose of "agriculture"); or
- (3) it is within the definition of "development" in section 55, but is exempted from the need for planning permission by the provisions of section 57; or
- (4) it benefits from an extant grant of planning permission under Part III of the 1990 Act (or the equivalent Parts of preceding Acts); or
- (5) it benefits from a general planning permission granted by the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418), or by a simplified planning zone or enterprise zone scheme; or

- (6) it benefits from deemed planning permission, whether under section 90 or by virtue of compliance with the requirements of an effective enforcement notice; or
- (7) it took place before 1 July 1948 (the "appointed day" Country Planning Act 1947); or
- (8) it is development by or on behalf of the Crown; or
- (9) the time for taking enforcement action has expired.

"Taking enforcement action" is defined in section 171A of the 1990 Act. It is the issue of an enforcement notice or the service of a breach of condition notice. The section also defines a "breach of planning control" (against which it is possible to take enforcement action) as the carrying out of development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted.

Section 171B of the 1990 Act specifies the time-limits for taking enforcement action which are as follows:

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent—

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

CONSULTATION

Although not a statutory requirement on applications for certificates of lawfulness, 40 properties within the vicinity of the application property were notified of the application. No responses have been received.

ANALYSIS/ASSESSMENT OF THE APPLICATION

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 192 Park Lane has been in use as an 8-bedroom 9-person HMO for a period in excess of 10 years. It is noted that HMOs are not defined as single dwellinghouses and therefore for the purposes of Section 171B of the 1990 Act, the four-year rule have never applied to them.

The relevant test of the evidence is "the balance of probability" 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.

The applicant must prove that the use referred to in the application was lawful for planning purposes on the date of the application. In this instance the relevant period commences on 18/05/2016.

Information Provided

Landlords Statement – States that the property has been used as HMO since 2013. It has been let on a room-by-room basis, managed through a registered letting agent based in Wood Green.

Tenancy Agreements

Tenancy Agreement - 6 month rolling agreement starting 01/03/2013 - Vikoria Rai
Tenancy Agreement - 14/08/2013 to 13/08/2014 - Miss Gorgana Dobrev
Tenancy Agreement – 6 month rolling agreement starting 01/12/2013 - Michela Decosmi
Tenancy Agreement – 12 month rolling agreement starting 03/10/2017 - Mr Mhamma Ali
Tenancy Agreement - 09/10/2017 to 08/10/2018 - Mr Victor Fiant
Tenancy Agreement - 09/10/2017 to 08/10/2018 - Mr Alexis Louhau -
Tenancy Agreement - 14/09/2019 to 13/03/2020 - Miss Simona Bojare
Tenancy Agreement - 05/05/2023 to 04/11/2023 - Ait Abderrahaman Nouredine
Tenancy Agreement - 16/08/2023 to 15/02/2024 - Sneha Ashtekar
Tenancy Agreement - 20/12/2023 to 19/06/2024 - Mr Francesco Cicenja
Tenancy Agreement - 05/05/2023 to 04/11/2023 - Al Berxi Rafael Guerrero Hernandez
Tenancy Agreement - 01/09/2024 to 85/02/2025 - Miss Carmela Borrelli
Tenancy Agreement - 06/09/2024 to 05/03/2025 - Emily Jane Roos
Tenancy Agreement – 12 month rolling agreement starting 21/05/2026 - Mr Stefan Dobrev

Bank Statements

Applicant's Bank Statements (From 31/12/2013 – 29/11/2025) - Shows regular monthly payments from payees with names corresponding with those on the above tenancy agreements.

Assessment

While there are some significant gaps in the tenancy agreements, the applicant has explained that this was due to them being treated as rolling contracts that rolled over their initial 12-month contract without requiring tenant to sign a new agreement. This together with poor record keeping is the reason for the gaps. Evidence has been submitted in the form of bank statements that show regular monthly payments from named individuals matching the tenants named in some of the above agreements. The amounts and monthly timing of the payments do indicate they are rental payments and the names of the payees link them to the property in question. It shows that two tenants with agreements from 2013 continued making payments for 11 and 12 years beyond the initial term of their agreement. Another tenant whose agreement started in 2017 continued making payments until February 2024. Another signed their tenancy agreement in 2019 and continued payments until April 2022.

The combination of tenancy agreements and bank statements show that, on the balance of probabilities, the property known as 15 Pellatt Grove, Wood Green, N22 5NP, has been continually occupied by between 3 and 6 unrelated tenants for a period in excess of ten years.

It is acknowledged that for a short period of 2-months the property was occupied by 7 residents without the knowledge of the owner and applicant. According to the applicant this was the result of an existing tenant bringing their partner in to stay with them without their knowledge and without paying any additional rent. Upon discovering this was the case both were required to vacate the property. This short period of use as a larger scale HMO is not considered sufficient to break the required ten-year immunity period.

Conclusion

Given the information provided and the planning history of the site, officers are satisfied that the property has been in use as a small-scale HMO within the C4 Use Class for a continuous period in excess of ten years. and is therefore immune from enforcement action and as a result now lawful.

SUMMARY AND CONCLUSION

The applicant has demonstrated that on the balance of probability that 15 Pellatt Grove, Wood Green, N22 5NP has, for a period in excess of 10 years, been in use as a small-scale HMO within the C4 Use Class and has thus become immune from enforcement action and is therefore lawful.

RECOMMENDATION

GRANT CERTIFICATE