



Officer Report

Application Number:	HGY/2026/1593
Application Type:	Lawful development: Existing use
Address:	Flats A/B/C 103 Myddleton Road, Wood Green, London, N22 8NE
Proposal:	Certificate of lawfulness for the existing use of the property as 3x self-contained flats (comprising of (Flat A) 1x 2 bed flat, (Flat B) 1x 1 bed flat and (Flat C) 1x 3 bed flat in the outbuilding) for more than 4 years.
Case Officer:	Mercy Oruwari
Valid Date:	05/06/2026
Applicant:	AMATHUS INVESTMENTS LIMITED
Agent:	Other - ARCHPL

RECOMMENDATION

Refuse

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

The application is for a certificate of lawfulness for the existing use of the property as 3 self-contained flats (comprising of (Flat A) 1x 2 bed flat, (Flat B) 1x 1 bed flat and (Flat C) 1x 3 bed flat in the outbuilding) for over 4 years.

The subject site is a two storey mid-terraced property located on Myddleton Road N22 within a short distance to close to Bowes Park station. The front ground floor section of the property is commercial. The rear of the property including the extension contains the flat B. The whole of the first floor of the main house contains the flat A. At the rear of the site located in the back of the communal garden is flat C.

The site is not within Bowes Park Conservation Area but is not a/or adjacent to a listed building.

2. PLANNING & ENFORCEMENT HISTORY

The relevant planning/enforcement history is as follows:

- HGY/2025/1258 - Lawful development: Proposed use. The property was converted 10 years ago. Disposed
- HGY/2020/2161 - Advertisement Consent for installation of x1 fascia sign, x1 traditional barber pole hanging sign, and x1 awning above the fascia sign. Approved with conditions
- UNW/2019/00211 - Unauthorised Works. Closed works including conversion to flats immune from Enforcement as with previous 2015 case.
- UNW/2015/00819 - Unauthorised Works. Closed works including conversion to flats immune from Enforcement.
- UNW/2008/00927 - Unauthorised uPVC window replacement. Closed as immune from Enforcement
- HGY/2002/1367 - Alterations and change of use of vacant B1 (Office) building to C3 (Residential) to form 1 x 1 bedroom and 1 x studio flats. Refused

- HGY/2003/0536 - Erection of single storey building and alterations to create 2 light industrial units. Approved with conditions
- OLD/1987/1054 - 8/4/87 Change of use to retail shop and installation of new shopfront. Approved with conditions

3. 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.

4. 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.”

5. 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 property outlined in red on the submitted plan has been in use as 3 self-contained flats (comprising of (Flat A) 1x 2 bed flat, (Flat B) 1x 1 bed flat and (Flat C) 1x 3 bed flat in the outbuilding) for more than 4 years.

Applicant's evidence

The application form accompanying this application asserts that:

- the use of 103 Broad Lane, N15 comprising of (Flat A) 1x 2 bed flat, (Flat B) 1x 1 bed flat and (Flat C) 1x 3 bed flat in the outbuilding commenced over 4 years ago.

The application is accompanied by the following evidence:

- Existing Floorplans
- Council Tax confirmation on VOA website showing start date of 1993 for flat A
- Council Tax Bill 2024-2025 for flat B
- Tenancy Agreements 2022, 2024, 2025-2026 for all 3 flats
- Gas Certificates 2020-2026 for all 3 flats
- Electrical Certificate 2016, 2019, 2022, 2023 for all 3 flats

The Council Tax, VOA record, and other correspondences presented substantiate the statement of case that the three self-contained flats existed over 4 years before the date of this application. However, the layout of flat C located in the outbuilding appears to be inaccurate.

Evidence has been sought from the Haringey Planning Enforcement team. The floor plans submitted for the Certificate of Lawfulness (as with the plans submitted to Planning Enforcement for case ENF/2025/0083) do not correspond with the evidence held by the LPA in relation to the layout of flat C. This includes notes in relation to a site visit carried out in 2015 by Planning Enforcement stating that there were 2x bedrooms in flat C in the rear outbuilding. Not 3x bedrooms as presented in this application.

Also, the google image from the year 2022 submitted to Planning Enforcement by the owner, as supporting information in relation to the 2025 case ENF/2025/0083, does not support the submitted floor plans for the application. The structure as can be seen in the image, would not have included the full width front 3rd bedroom with a front window. The floorspace in the upper part of the building would not have been able to include this 3rd bedroom and would not have existed in 2022 (4 years ago).

Therefore, the evidence in the form of the submitted plans and the claim by the applicant of 3 bedrooms in flat C is inaccurate. The submitted plans are not sufficiently precise and/or conclusive to demonstrate that the layout of flat C located in the outbuilding at the rear of the site, consisted of 3x bedrooms on the upper floor level as opposed to 2x bedrooms.

As the layout is incorrect and has not existed for 4 years, a full application would be required to formally regularise and/or provide planning permission for any external alteration to the building. In this case, consisting of an upper floor extension to accommodate a third full width front bedroom.

On the balance of probability, the layout of Flat C 103 Myddleton Road N22 including the 3x bedrooms has not existed for four years before the date of this LDC application.

6. RECOMMENDATION

Refuse the requested Certificate of Lawfulness under section 191 of Town and Country Planning Act 1990.

From the LPA's documentation and evidence provided, the Local Planning Authority is not satisfied that, on the balance of probabilities, the layout of Flat C 103 Myddleton Road N22 consisted of the three bedrooms on the upper level as claimed for over 4 years before the date of this application. Therefore, the sought use is not considered to be lawful.

Refusal Reasons:

The Local Planning Authority is not satisfied, on the balance of probability, that the three-bedroom layout of Flat C within the outbuilding has existed for more than four years. Evidence held by Planning Enforcement, including a 2015 site visit, confirms the outbuilding contained only two bedrooms, and the 2022 Google image submitted by the owner does not support the existence of a third full-width front bedroom. The submitted plans are therefore not sufficiently precise or reliable to demonstrate the claimed layout. As such, the use described is not proven to be lawful under Section 191 of the Town and Country Planning Act 1990.