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Planning Statement

First Floor Flat
493 Green Lanes
London N4 1AL

APPLICATION

Lawful development: Existing use. Use of the first and second floors of 493 Green Lanes, including the first floor rear utility room and roof terrace, as one self-contained flat (Use Class C3), with its own ground-floor entrance and stair from Green Lanes.

Site	First Floor Flat, 493 Green Lanes, London N4 1AL
Applicant	Mrs Yesim Alican
Agent	Bashkal
Local planning authority	London Borough of Haringey
Planning Portal reference	PP-15331121
Our reference	B-0192-PL
Date	October 2026
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Contents

1	Introduction	3
2	The Property	4
3	Planning History	5
4	The Legal Test	6
5	The Use of the Flat	7
6	Evidence of Continuous Use	8
7	Points the Council May Wish to Consider	9
8	Conclusion	10

1 Introduction

This statement supports an application under section 191 of the Town and Country Planning Act 1990 ("the 1990 Act") for a Certificate of Lawful Existing Use or Development for the flat on the first and second floors of 493 Green Lanes, London N4 1AL ("the Flat"). The application is made by Bashkal on behalf of the owner, Mrs Yesim Alican.

The certificate is sought for the use of the first and second floors, including the first floor rear utility room and roof terrace, as one self-contained flat (Use Class C3), with its own ground-floor entrance and stair from Green Lanes, as shown edged red on drawing B-0192-PL-01.

Mrs Alican and her husband, Mr Alican Cakmaktas, have lived in the Flat as their family home since about 1984. The use began long before 25 April 2024, so the four-year time limit in section 171B of the 1990 Act, as it stood before that date, applies, and the use had become immune from enforcement action long before this application was made.

The application is supported by statutory declarations from Mrs Alican and Mr Cakmaktas, the Valuation Office Agency's council tax record for the Flat, the Council's own council tax bills for the Flat from 1995 to 2026, TV licences from 1993 to 2026, and utility and other correspondence. Each item is listed in the Schedule of Evidence at Appendix A, and the references in square brackets in this statement refer to that schedule.

Bashkal is the planning agent acting for the applicant. All correspondence relating to this application should be directed to Bashkal in the first instance.

2 The Property

493 Green Lanes is a three-storey terraced building on Green Lanes in Harringay, in the London Borough of Haringey. The ground floor is a shop, which trades as Yasar Halim. The first and second floors are one flat.

The Flat has its own front door directly onto Green Lanes, separate from the shop entrance, and its own staircase up from that door. There is no internal access between the Flat and the shop [SD1, SD2, paragraph 4]. As shown on drawing B-0192-PL-01, the Flat comprises:

LEVEL	ACCOMMODATION
Ground floor	Front door from Green Lanes and staircase to the first floor
First floor	Living room, bedroom, kitchen and bathroom, with the stair to the second floor; utility room and roof terrace at the rear, reached through the kitchen door
Second floor	Two bedrooms and a storage room, with a door onto the flat roof over the kitchen

The Flat has its own kitchen, bathroom, living room and bedrooms, all used only by the occupying household [SD1, SD2, paragraph 4]. It is a single dwellinghouse for planning purposes. The layout was confirmed on a measured survey carried out by Bashkal in August and September 2026.

The red line on drawing B-0192-PL-01 is drawn to the outer face of the front wall and to the centre line of each party wall, and runs to the rear boundary of the site. At first floor level it takes in the utility room and the roof terrace at the rear, onto which the kitchen door opens and which has been used by the household as a roof terrace for more than ten years, and the flat roof beside the rear wing, which is not used as a terrace. The ground floor shop is not part of this application.

3 Planning History

The Council's planning register records the following applications for the building:

REFERENCE	PROPOSAL	DECISION
HGY/1991/0706	Ground floor rear extension for retail use (491 and 493 Green Lanes)	Granted with conditions, 20 August 1991
HGY/1991/0707	First floor rear extension for storage purposes (493 and 495 Green Lanes)	Granted with conditions, 20 August 1991

Neither application concerned the use of the first and second floors as a dwelling. The utility room at the rear of the first floor was built under HGY/1991/0707, which describes it as a first floor rear extension for storage purposes. Since it was built it has been used as part of the Flat, as the household's utility room, and not as storage for the shop. There is no record of any enforcement notice, planning contravention notice or appeal relating to the building.

4 The Legal Test

Under section 191(2) of the 1990 Act, uses and operations are lawful if no enforcement action may 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, and they do not contravene an enforcement notice then in force.

Section 115 of the Levelling-up and Regeneration Act 2023 extended the time limits in section 171B to ten years from 25 April 2024. Regulation 5 of the Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 (SI 2024/452) provides that the amendment does not apply where, for a breach within section 171B(2), the breach occurred before that date.

The use of the first and second floors as a single dwellinghouse began in or about 1984 [SD1, SD2, paragraph 3], and in any event before December 1992, the date of the earliest document addressed to the household at the building [UT01]. If that use did not require planning permission, it is lawful for that reason. If it did, it was a change of use of a building to use as a single dwellinghouse within section 171B(2), the unamended four-year period applies, and the use is lawful if it has continued for at least four years without material interruption.

The burden of proof is on the applicant and the standard is the balance of probabilities. The Planning Practice Guidance on lawful development certificates confirms that the applicant's own evidence does not need to be corroborated by independent evidence to be accepted, provided there is no evidence to contradict it or make it less than probable. Here the applicant's evidence is corroborated by the Council's own council tax records and those of the Valuation Office Agency.

5 The Use of the Flat

The building, including the shop, was bought in or about 1983 by Mrs Alican's father. Mrs Alican and Mr Cakmaktas moved into the Flat in or about 1984 and have lived there as their family home continuously since then. They have also worked in the shop below [SD1, SD2, paragraph 3]. Mrs Alican is now the owner of the building.

Throughout that time the Flat has been one self-contained dwelling occupying the first and second floors, with its own front door to Green Lanes and its own staircase. It has never been used as part of the shop or for any business or storage purpose, and it has never been divided into more than one dwelling [SD1, SD2, paragraphs 4 and 5].

The Valuation Office Agency lists the Flat as a separate dwelling, "Flat 1st Flr 493 Green Lanes", in council tax Band C, with effect from 1 April 1993, the day council tax began [VOA01]. It is the only council tax entry for 493 Green Lanes, which is consistent with the first and second floors forming a single dwelling. The Council's local authority reference for the Flat on the VOA record, 401043501, is the property reference shown on the Council's own 1995 bill [CT01].

6 Evidence of Continuous Use

The table below sets out the documentary evidence by period. Each document is addressed to the household at 493 Green Lanes, and all but the earliest name the Flat.

PERIOD	EVIDENCE	REFS
1992 to 1994	Sky subscription letter, 16 December 1992; VOA banding from 1 April 1993; TV licences for the "Top Floor Flat", 1993-94 and 1994-95	UT01, VOA01, TV01, TV02
1995 to 1999	Council tax bill 1995-96, account 281844X, "First Floor", Band C; TV licences to September 1998	CT01, TV03, TV04
2000 to 2005	TV licences and renewal letters, 2000 to 2005	TV05, TV06, TV07, TV09
2010 to 2015	TV licence 2010-11 and renewal letter 2012	TV11, TV12
2016 to 2019	Council tax bill 2016-17, reminder 2017 and final notice 2018, account 281844X; TV licence renewal 2018	CT02, CT03, CT04, TV13
2020 to 2026	Council tax bills for every year from 2020-21 to 2026-27, account 281844X, Band C; Sky letters 2021; Thames Water bills 2021-22 to 2024-25; TV licences to October 2026; DWP letter March 2026	CT05 to CT11, UT02, UT03, TV14, TV15, OT01

The strongest evidence is the Council's own. The Flat has been billed for council tax as a separate dwelling under the same account number, 281844X, from the earliest bill held, for 1995-96, to the bill for 2026-27 [CT01 to CT11]. The Council can confirm the continuity of that account from its own records, including the years for which the household has not kept the paper bills.

The four-year period is satisfied on any measure. Even taking the earliest document, of December 1992, as the start, the use had continued for more than four years by December 1996, and it has continued since then to the date of this application, a period of more than thirty years. On the date of this application Mrs Alican and Mr Cakmaktas still live in the Flat [SD1, SD2, paragraph 1].

7 Points the Council May Wish to Consider

7.1 Names on the documents

Mr Cakmaktas's surname is misspelt "Gakmaktas" on some early letters, including the 1992 Sky letter and the early TV licences [SD2, paragraph 7]. The 1995 council tax bill addresses Mrs Alican as "Mrs Y Cakmaktas", using her husband's surname; her surname is Alican, and both names refer to her [SD1, paragraph 7]. The 1997-98 TV licence is addressed to "Mr J Alican", which is a misaddressing of Mr Cakmaktas.

7.2 Descriptions of the address

Letters to the Flat use different descriptions of the same home, including "First Floor", "1st Floor Flat", "Top Floor Flat", "Upper Flat" and "Flat Above". All of them refer to the Flat [SD1, SD2, paragraph 6]. There is one dwelling above the shop, and one council tax entry for it [VOA01].

7.3 The shop below

The family has owned the whole building and has worked in the shop. That does not make the Flat part of the shop. The Flat has its own entrance, there is no internal access to the shop, and the Flat has never been used for any business or storage purpose [SD1, SD2, paragraphs 4 and 5]. The shop is not part of this application.

7.4 The utility room and roof terrace

The 1991 permission for the first floor rear extension described it as being for storage purposes. The room has been used since it was built as the Flat's utility room, which is a domestic use as part of the dwelling, not storage for the shop. That use began more than thirty years ago, before 25 April 2024, so the four-year period applies and it is immune from enforcement action on any view.

The roof terrace is the area of flat roof at the rear of the first floor, beside the utility room, onto which the kitchen door opens. It has been used by the household as part of the Flat for more than ten years. The flat roof beside the rear wing, outside the first floor bedroom window, is not used as a terrace.

7.5 Years without a document

The household has not kept a document for every year. Where a year is not covered by a document in the bundle, the continuity of the use is shown by the unbroken council tax account and by the declarations, which confirm that the Flat has been the family's home continuously since about 1984 and in continuous residential use throughout [SD1, SD2, paragraphs 3 and 5]. No evidence contradicts this.

8 Conclusion

The evidence shows, on the balance of probabilities, that the first and second floors of 493 Green Lanes, including the first floor rear utility room and roof terrace, with the ground-floor entrance and stair from Green Lanes, have been used as one self-contained flat since in or about 1984, and in any event since December 1992, continuously, and that the use is still in place at the date of this application.

The use began before 25 April 2024, so the four-year time limit applies, and it had become immune from enforcement action long before this application was made. There is no evidence that contradicts the applicant's case.

The Council is respectfully asked to grant a Certificate of Lawful Existing Use or Development for the use of the first and second floors of 493 Green Lanes, including the first floor rear utility room and roof terrace, as one self-contained flat (Use Class C3), with its own ground-floor entrance and stair from Green Lanes, as shown edged red on drawing B-0192-PL-01.

9 Appendix A: Schedule of Evidence

The documents are true copies of documents received at the Flat and kept by the household [SD1, SD2, paragraph 8]. On the DWP letter [OT01], the reference numbers and the lines giving the recipient's State Pension age and date have been redacted. All other entries are shown as they appear in the originals. Certified copies of the declarants' passports, which the solicitor attached to the declarations, are held by Bashkal and can be provided to the Council on request.

REF	DOCUMENT	DATE OR PERIOD	RELEVANCE
PL-01	Drawing B-0192-PL-01 R1: existing ground, first and second floor plans	Surveyed August and September 2026	Extent and layout of the Flat
SD1	Statutory declaration of Mrs Yesim Alican, occupier	Declared 23 October 2026	Occupation since about 1984; layout; use
SD2	Statutory declaration of Mr Alican Cakmaktas, occupier	Declared 23 October 2026	Occupation since about 1984; layout; use
VOA01	Valuation Office Agency council tax record: Flat 1st Flr 493 Green Lanes, Band C	With effect from 1 April 1993	Separate dwelling since council tax began
CT01	Council tax bill 1995-96 and direct debit letter, Mrs Y Cakmaktas, First Floor, account 281844X	1 April 1995 and 23 October 1995	Council's record of the Flat
CT02	Council tax bill 2016-17, Mrs Y Alican, First Floor	27 February 2016	Council's record of the Flat
CT03	Council tax reminder, Mrs Y Alican, First Floor	14 November 2017	Council's record of the Flat
CT04	Council tax final notice, Mrs Y Alican, 1st Floor	14 December 2018	Council's record of the Flat
CT05	Council tax bill 2020-21, Mrs Yesim Alican, 1st Floor	29 February 2020	Council's record of the Flat
CT06	Council tax bill 2021-22 and reminder, Mrs Yesim Alican	6 March 2021 and 27 April 2021	Council's record of the Flat
CT07	Council tax bill 2022-23 and reminders, Mrs Yesim Alican, 1st Floor Flat	5 March 2022 to 21 June 2022	Council's record of the Flat
CT08	Council tax bill 2023-24, Mrs Yesim Alican, 1st Floor Flat	4 March 2023	Council's record of the Flat
CT09	Council tax bill 2024-25, Mrs Yesim Alican, 1st Floor Flat	9 March 2024	Council's record of the Flat
CT10	Council tax bill 2025-26, Mrs Yesim Alican, 1st Floor Flat	8 March 2025	Council's record of the Flat
CT11	Council tax bill 2026-27 and reminders, Mrs Yesim Alican, 1st Floor Flat	7 March 2026 to 23 June 2026	Council's record of the Flat
TV01	TV licence, Mr A Gakmaktas (Cakmaktas), Top Floor Flat	To 30 September 1994	Occupation, 1993-94
TV02	TV licence renewal, Mr A Gakmaktas (Cakmaktas), Top Floor Flat	1994-95	Occupation, 1994-95

REF	DOCUMENT	DATE OR PERIOD	RELEVANCE
TV03	TV licence, Mr A Cakmaktas	To 30 September 1997	Occupation, 1996-97
TV04	TV licence, "Mr J Alican", Top Floor Flat	29 October 1997 to 30 September 1998	Occupation, 1997-98
TV05	TV licence, Mrs Y Alican, Top Floor Flat	7 September 2000 to 30 September 2001	Occupation, 2000-01
TV06	TV licence renewal letter, Mrs Y Alican, Top Floor Flat	2001	Occupation, 2001
TV07	TV licence, Mr A Cakmaktas, Top Floor Flat	6 March 2003 to 29 February 2004	Occupation, 2003-04
TV09	TV licence reminder, Mr A Cakmaktas, Top Floor Flat	2005	Occupation, 2005
TV11	TV licence, Mrs Y Alican, Top Floor Flat	2 November 2010 to 31 October 2011	Occupation, 2010-11
TV12	TV licence renewal letter, Mrs Y Alican, Top Floor Flat	2012	Occupation, 2012
TV13	TV licence renewal letter, Mrs Y Alican, Top Floor Flat	28 September 2018	Occupation, 2018
TV14	TV licence, Mrs Y Alican, Top Floor Flat	To 31 October 2025	Occupation, 2024-25
TV15	TV licence, Mrs Y Alican, Top Floor Flat	To 31 October 2026	Occupation, 2025-26
UT01	Sky subscription letter, Mr A Gakmaktas (Cakmaktas), 493 Green Lanes	16 December 1992	Earliest document
UT02	Sky letters, Mrs Yesim Alican, First Floor Flat	September 2021	Occupation, 2021
UT03	Thames Water bills, Yesim Alican, 1st Floor	2021-22 to 2024-25	Separate water account for the Flat
OT01	DWP letter, Yesim Alican, Flat Above (redacted)	March 2026	Occupation, 2026