



# Officer Report

|                            |                                                                                                                                                                                                                                                                                  |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | <b>HGY/2024/0752</b>                                                                                                                                                                                                                                                             |
| <b>Application Type:</b>   | <b>Lawful development: Existing use</b>                                                                                                                                                                                                                                          |
| <b>Address:</b>            | Car Dealership, 23-23A High Street, Hornsey, London, N8 7QB                                                                                                                                                                                                                      |
| <b>Proposal:</b>           | Certificate of Lawfulness to confirm that works that have been undertaken on site constitute material operations (in accordance with section 56 of the Town and Country Planning Act 1990) and consequently that planning permission (ref: HGY/2020/00590) has been implemented. |
| <b>Case Officer:</b>       | Ben Coffie                                                                                                                                                                                                                                                                       |
| <b>Valid Date:</b>         | 18/03/2024                                                                                                                                                                                                                                                                       |
| <b>Applicant:</b>          | Mr Mario Bedvinos                                                                                                                                                                                                                                                                |
| <b>Agent:</b>              | Mr Kurt Gander-Howe                                                                                                                                                                                                                                                              |

## **RECOMMENDATION**

### **Approve**

#### **PROPOSED DEVELOPMENT AND LOCATION DETAILS**

This is an application for a Certificate of Lawfulness which seeks to confirm that works that have been undertaken on site constitute material operations (in accordance with section 56 of the Town and Country Planning Act 1990) and consequently that planning permission (ref: HGY/2020/0590) has been implemented prior to the expiration date on the decision notice.

#### **RELEVANT LEGISLATION AND GUIDANCE**

S56 Time when development begun.

(1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—

(a) if the development consists of the carrying out of operations, at the time when those operations are begun;

(b) if the development consists of a change in use, at the time when the new use is instituted;

(c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).

(2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.

(3) The provisions referred to in subsection (2) are sections [F161L(5) and (7),] 85(2), 86(6), 87(4), [F289] 91, 92 [F3, 94 and 108(3E)(c)(i)].

(4) In subsection (2) “material operation” means—(a)any work of construction in the course of the erection of a building; F4[(aa)any work of demolition of a building;]

(b)the digging of a trench which is to contain the foundations, or part of the foundations, of a building;

(c)the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph

(b); (d)any operation in the course of laying out or constructing a road or part of a road;

(e)any change in the use of any land which constitutes material development.

(5) In subsection (4)(e) “material development” means any development other than—

(a)development for which planning permission is granted by a general development order [F5or a local development order] for the time being in force and which is carried out so as to comply with any condition or limitation subject to which planning permission is so granted;

[F6(b)development of a class specified in paragraph 1 or 2 of Schedule 3;] and

(c)development of any class prescribed for the purposes of this subsection.

(6) In subsection (5) “general development order” means a development order (within the meaning of section 59) made as a general order applicable (subject to such exceptions as may be specified in it) to all land in England and Wales.

## **SUMMARY AND CONCLUSION**

The applicant has demonstrated that on the balance of probability that works in relation to extant permission HGY/2020/0590 were undertaken and that such work amounted to development having commenced within the expiry period for this permission.

## **RECOMMENDATION**

### **GRANT CERTIFICATE**

Applicant’s submissions: Submitted Information

The Council hereby certify that the operations as described in the evidence submitted to the Local Planning Authority attached to this certificate, have been carried out within the relevant timescale, which constituted a "material operation" to begin the development permitted by planning permission HGY/2020/0590, within the meaning of the section 191(2) of the Town and Country Planning Act 1990.