Addendum: **Objection** to 505-511 Archway Road Development (HGY/2025/1220)

ADDENDUM TO OBJECTION: Consultation Map and Notification Audit – Evidence of Procedural Defect

Planning Details

Application Type:	Full planning permission
Address:	Depot, 505-511 Archway Road, Hornsey, London, N6 4HX
Proposal:	Redevelopment of existing car wash site to provide 16 new council homes comprising a 4-storey building fronting Archway Road and two 2-storey houses fronting Baker's Lane, with associated refuse/recycling stores, cycle stores, service space, amenity space and landscaping.
Valid Date:	07/05/2025
Residents Notification Date:	21/05/2025 (by Royal Mail)
End of Consultation Period:	13/06/2025 **06/10/2025 (extended on 24/09/2025 at 16:44 by 8 business days)** **04/11/2025 (extended on 24/10/2025 at 11:01 by 7 business days)**
Target Decision Date:	06/08/2025

Respondent Details

Respondent Address:	106 North Hill, London N6 4RL
Respondent Name:	Mr Brendon Marczan Mr Conor de Lion
Respondent Email:	~~Redacted~~
Relationship to Property:	Owner
Document Name:	COM_01_137
Response Type:	**Addendum: objection to full planning permission**

Dear Mr Krzyszowski,

This addendum is submitted as formal evidence of material procedural irregularity in the statutory and discretionary notification process for planning application HGY/2025/1220 (505–511 Archway Road). The supporting annotated maps and supporting analysis (COM_01_136.pdf) document clear inconsistencies, omissions, and arbitrary extensions in the Council's approach to notifying affected residents and stakeholders.

Despite statutory requirements and established best practice mandating equal and comprehensive notification of all properties likely to be materially affected by a major development, the Council's records and the attached independent audit show that:

- Properties well beyond the statutory 50-metre radius were notified in some directions, while others within or immediately adjacent to the impact zone were omitted;
- Key stakeholders, including Highgate Primary School and other directly affected frontages, were not notified despite their clear vulnerability to impacts on amenity, highway safety, and local infrastructure;
- There is no clear, published methodology or transparent rationale for the determination of the notification boundary.

These defects are not minor technicalities but constitute substantive breaches of the principles of procedural fairness, transparency, and equal treatment enshrined in the Town and Country Planning Act 1990, the Development Management Procedure Order 2015, the NPPF, and the Council's own Statement of Community Involvement.

This addendum is submitted to ensure a complete statutory record, to place the Council on formal notice of these deficiencies, and to support ongoing complaints and any necessary legal challenge. Further evidence and verification are available on request.

For the avoidance of doubt, this document is also submitted as an addendum to my Stage 2 complaint (Council reference: COM/00001130) and has been escalated as supporting evidence in my ongoing case with the Local Government and Social Care Ombudsman (LGSCO reference: 25006775). The material presented here constitutes new information and further detail not previously included, and should be fully considered as part of both the Council's internal review and the Ombudsman's investigation.

1. **Statutory Notification Area (50M) Exceeded Selectively:**

   1.1. Haringey Council's approach to neighbour notification in this case raises serious procedural concerns. Statutory guidance under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Article 15) and accompanying government advice (including the National Planning Practice Guidance on "Consultation and pre-decision matters") requires that all properties adjoining or within a specified radius—commonly 50 metres—of the application site must be notified directly of major development proposals. This 50-metre notification area is intended to ensure a fair, consistent, and objective baseline for engagement, while local policies (such as those in Haringey's Statement of Community Involvement) may allow for wider notification only where clearly justified by the likely impact.

   1.2. In this case, council records show that notification letters were sent to some properties as far as 173 metres away (for example, 512 Archway Road), while in other directions, notification ceased abruptly at or before the 50-metre statutory limit, even where additional properties were in closer proximity, had line-of-sight, or were likely to be affected by changes to access, amenity, or traffic conditions. This inconsistency is visually documented in the attached map and schedule. No rationale has been published for the selective extension of notification in one direction and its restriction in others.

1.3. Best practice and statutory requirements emphasise that notification criteria should be applied consistently and transparently, with any discretionary widening of the consultation area (beyond the minimum statutory threshold) fully explained and justified in the consultation record. The council's apparent failure to do so here not only undermines the appearance of procedural fairness and consistency, but may also fall short of its own SCI commitments and government expectations for inclusive, even-handed engagement (see NPPF paragraphs 39–41; Haringey SCI). Such selective notification risks disadvantaging residents and stakeholders who are, in fact, directly or materially affected by the scheme, but who were excluded from the formal process without clear justification.

2. **Omission of Major Local Infrastructure – Highgate Primary School:**

2.1. A critical omission in the council's notification process is the failure to notify Highgate Primary School, which is situated within 100 metres of the application site and whose staff, pupils, and families are highly likely to be affected by consequential changes in traffic patterns, road safety, and local infrastructure. The National Planning Policy Framework (NPPF) (2023), particularly paragraphs 110–112, requires planning authorities to prioritise highway safety, facilitate access to high-quality transport for all users—including children—and to protect vulnerable road users such as school pupils. The framework states that development proposals should "give priority to pedestrian and cycle movements," and that decisions should take into account "the needs of people with disabilities and reduced mobility in relation to all modes of transport." It further directs councils to ensure "safe and suitable access to the site can be achieved for all users" and to mitigate any significant adverse impacts on the transport network, including school routes.

2.2. Despite these clear national requirements, and in potential breach of the council's own Statement of Community Involvement (SCI) which commits to proactive engagement with affected institutions, there is no evidence that Highgate Primary School or its governing body were directly notified, consulted, or invited to comment on the proposed development. Nor does the public record show any consultation with the wider school community (e.g., parents, parent-teacher associations) despite the scheme's proximity and potential to impact daily travel, drop-off and pick-up patterns, and children's safety.

2.3. This omission not only undermines the integrity and completeness of the consultation process but may place the council in breach of both its statutory duty under the Town and Country Planning (Development Management Procedure) Order 2015 and its public sector equality duty under the Equality Act 2010 (by failing to consider the needs of a large cohort of children and families). It also falls short of government guidance and best practice, which strongly encourage direct engagement with local schools where material effects are anticipated.

2.4. By failing to notify or consult Highgate Primary School as a major local stakeholder, the council has omitted a key voice from the consultation, further weakening the procedural robustness of the process and exposing the authority to potential legal and reputational risk.

3. **Failure to Notify Line-of-Sight or Directly Affected Residents:**

3.1. The council's statutory and discretionary notification process is further undermined by its failure to notify several properties that possess clear line-of-sight to the development site or whose amenity will be directly and materially affected by its construction and operation. The Town and Country Planning (Development Management Procedure) Order 2015 (Schedule 1, Article 15) sets a minimum statutory requirement for notification within a prescribed radius (typically 50 metres), but planning guidance and case law (see R (Coghlan) v Rochford District Council [2012] EWHC 2542 (Admin)) emphasise that local authorities must go further where the amenity or outlook of properties outside the minimum zone is likely to be affected.

3.2. The council's own Statement of Community Involvement (SCI) commits to notifying "those most likely to be affected," and best practice guidance from the Planning Advisory Service (PAS) and the Local Government Association (LGA) encourages authorities to apply a functional, impact-based approach—specifically highlighting properties with a direct line-of-sight, a shared boundary, or exposure to changes in noise, daylight, privacy, or outlook.

3.3. Your mapping clearly illustrates that properties with an unobstructed view of the site, or with principal rooms orientated towards it, were omitted from the notification list, even as more distant or less affected addresses were included. Such inconsistency demonstrates that the council did not apply a rational or evidence-led "likely to be affected" test as envisaged by both law and policy. The omission of these residents undermines the legal sufficiency of the consultation, deprives directly affected individuals of their statutory and common-law right to participate, and further exposes the council to challenge for procedural unfairness and failure to properly discharge its duties under Article 15 and the SCI.

4. **Historic Context and Known Case Law:**

4.1. A further material concern arises from the council's apparent failure to apply lessons from past legal challenge, specifically *R (on the application of Gavin) v Haringey LBC* [2003] EWHC 2591 (Admin). Your mapping demonstrates that the property owned by Mr Seamus Gavin—the successful claimant in that landmark High Court case on the necessity for adequate and meaningful consultation—falls just outside the notification area for the current application. This is despite the clear historical relevance and the fact that the site's planning context and cumulative effects have not materially changed since that judgment.

4.2. The Gavin case established that consultation must be conducted fairly and robustly, and that rigid adherence to statutory notification boundaries is insufficient where affected residents are likely to suffer real impacts. The council's own SCI and national best practice require authorities to consider not only distance, but the actual relationship of affected properties to the site, including precedent and the potential for repeated procedural unfairness.

4.3. By once again excluding Mr Gavin's property—despite its legal significance and proximity—the council has demonstrated an arbitrary and mechanistic approach to consultation. This risks perpetuating the same procedural deficiencies already criticised and remedied by the High Court in 2003. The absence of a transparent, impact-based rationale for notification undermines public confidence, fails to comply with both the letter and spirit of the law, and exposes the council to the risk of renewed legal challenge on grounds of procedural unfairness, particularly given the known litigation history and clear statutory warning.

5. **Confusion and Errors in Notification:**

5.1. The addendum highlights a further procedural failing: the council's notification list included a warehouse address but omitted notification to the business actually operating from that premises. This oversight raises significant concerns about the accuracy and reliability of the notification process. The duty to notify "owners and occupiers" under Article 15(5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires authorities to take reasonable steps to ensure that all persons with a material interest—particularly those likely to be directly affected—receive proper notice.

5.2. Sending letters to registered property addresses while omitting active businesses, or failing to check the validity and occupancy status of an address, falls short of this duty. The Planning Practice Guidance (PPG) and best practice (as set out in the Council's own Statement of Community Involvement) require not only notification to legal owners, but also to those who may be operationally or functionally affected, including tenants, commercial operators, and service providers. Where addresses are incomplete, incorrect, or not current, the council must take further reasonable steps to identify the correct parties.

5.3. Failure to do so risks excluding genuine stakeholders, invalidating the consultation, and ultimately undermining the legal sufficiency of the process (*see R (Smith) v North East Derbyshire DC [2007] EWHC 2324 (Admin)*). In this instance, by failing to cross-check occupiers or verify actual business activities at notified addresses, the council has introduced confusion and procedural error into the notification process—leaving affected parties potentially unaware and unable to exercise their rights.

6. **First-Hand Audit of Notification:**

6.1. This addendum incorporates a systematic, colour-coded audit based on my in-person visits to properties on 5th June 2025. I have undertaken this mapping exercise now following recent advice to investigate the consultation process further and as my own schedule has allowed. For each property, I have attempted to verify directly with residents and occupiers whether they received notification of the application: properties marked green have confirmed receipt, red have confirmed no notification, and orange remain unconfirmed. This resident-driven, on-the-ground audit does not rely solely on council mailing lists or theoretical records, but provides a real-world check on the actual extent and effectiveness of consultation.

6.2. By taking these additional investigative steps, I have sought to ensure the accuracy and fairness of my claims. This approach underscores both the seriousness and the necessity of the issue, as the direct evidence demonstrates that notification failures are not hypothetical but are affecting the practical rights of local stakeholders. This is consistent with the National Planning Policy Framework (NPPF) paragraph 39, which stresses the need for effective and inclusive community engagement, and with case law (see *R (Gavin) v Haringey LBC [2003]* and *R (Moseley) v Haringey LBC [2014]*) requiring that consultation be meaningful in substance, not merely in process. Where this audit identifies unnotified residents, it evidences real, not just procedural, failures and supports any claim of maladministration or unfairness.

6.3. Where your audit shows that residents who should have been notified were not, this provides material evidence of a consultation process that has failed in practice, not just in theory. This undermines the council's ability to assert that statutory and policy requirements for notification and engagement have been met, and supports any subsequent claim of procedural unfairness or maladministration.

7. **Explicit Statutory Citation:**

7.1. It is also necessary to place on record that Regulation 15(5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ("DMPO 2015") sets out clear minimum statutory requirements for notification in the case of major development. This requires the council to serve notice on "any owner or occupier of any land adjoining the land to which the application relates." The term "adjoining" is interpreted by the courts and in government guidance to mean any land that physically touches, is contiguous with, or is separated only by a road or footpath—potentially capturing a broader area than a strict 50-metre radius. For major schemes, best practice is often to extend notification to all properties likely to be materially affected, including those with line-of-sight, those within the sphere of influence of traffic and amenity change, and relevant local institutions (such as schools or businesses) whose operational environment may be impacted.

7.2. In this case, the evidence presented demonstrates that Haringey Council's notification practice has been both inconsistent and, at times, more restrictive than required by Regulation 15(5). The selective extension of the notification area in some directions, coupled with the omission of directly adjoining or affected properties and key local stakeholders, is at odds with both the letter and the spirit of the statutory scheme. Where this requirement has not been met, any determination of the planning application may be vulnerable to challenge on the grounds of procedural defect or unlawfulness.

8. **What a Lawful Consultation Process Would Require**

8.1. In accordance with Regulation 15(5) of the DMPO 2015, best practice guidance, and the council's own Statement of Community Involvement, a lawful notification process for major development would require:

8.1.1. Notification of all properties within and directly adjoining the application boundary, not just within a fixed radius.

8.1.2. Targeted notification of all likely to be materially affected, including those with line-of-sight, shared boundaries, or clear amenity risk.

8.1.3. Direct notice to major local stakeholders, such as Highgate Primary School, whose safety or operations could be affected.

8.1.4. Transparent documentation of the notification methodology and full mailing list, available for public scrutiny.

8.1.5. Audit trails of when and to whom letters were sent, and proactive correction of any errors or omissions during the consultation period.

8.1.6. Consistency and accuracy between the number of consultation letters claimed in public-facing documents (such as the SCI) and the actual number of letters mailed, with a clear explanation for any discrepancy. In this case, the SCI refers to 333 consultation letters, whereas the provided mailing list contains only 113 addresses. The Council has not explained this significant shortfall, nor how it selected which properties to notify, undermining the credibility of its consultation process and leaving affected parties unable to ascertain whether notification obligations were met in full. This is basic information that should have been communicated upon request; it does not constitute a significant burden or a request for a "full audit," but rather a minimum expectation of transparency and statutory compliance.

9. **Potential for Discriminatory or Arbitrary Practice:**

9.1. The mapping of notification boundaries in this case reveals an apparent absence of any clear or consistently applied principle governing who is entitled to receive formal notice. The significant extension of the boundary in one direction, while restricting it elsewhere, raises the risk of arbitrary or even discriminatory decision-making—either through administrative error, selective engagement, or the unintended privileging of certain groups of residents over others. Such inconsistency is not merely a technical defect but goes to the heart of natural justice, undermining the principles of equal treatment and transparency that public authorities are bound to uphold. Where a process is susceptible to accusations of arbitrary or unequal treatment, it is vulnerable to legal challenge for procedural unfairness and may be found to fall short of the requirements of both the DMPO 2015 and the Council's own equality and consultation duties.

10. **Lack of Evidence/Transparency:**

10.1. In my Stage 2 complaint (council ref: COM/00001130), I previously requested full disclosure of the methodology used to determine the consultation notification area, together with supporting records and any rationale for deviations from standard procedure. The council's reply, however, did not provide a transparent, step-by-step explanation of how addresses were selected or omitted. Instead, the response simply referenced "details of the addresses notified, the method of delivery, and the timeline of correspondence," without offering any documentary evidence of the decision-making process, criteria applied, or justification for selectively extending the notification boundary in one direction but not others. The council further stated that "we do not routinely produce formal audits of this nature," thereby leaving a significant evidentiary gap as to whether the requirements of Regulation 15(5) of the Town and Country Planning (Development Management Procedure) Order 2015, Haringey's Statement of Community Involvement, and principles of equal treatment have been met.

10.2. Despite my reasonable and repeated requests for openness, the council's refusal to provide a transparent audit trail or to publish its notification methodology frustrates public scrutiny and perpetuates the risk of administrative error or selective engagement. As such, I must reiterate my formal request that the council produce and disclose its notification methodology and full mailing records for this application, so that the process can be subject to independent review. This is especially important in light of previous legal precedent and the current complaint before the LGSCO (ref: 25006775). Without such evidence, affected parties cannot be assured that consultation has been conducted fairly or lawfully.

11. **Demonstrable Impact on Consultation Responses**

11.1. An analysis of the objections and representations received during the consultation period reveals a marked disparity between properties that were formally notified and those that were not. Properties within the council's selective notification boundary (as evidenced by the council's own mailing list and verified by my audit) submitted the majority of timely and substantive objections, while several properties immediately adjacent or with direct line-of-sight to the proposed development—who did not receive notification—made either no representation or submitted comments only after being informed informally by neighbours. In some cases, objections from non-notified parties were received outside the official consultation window or not at all, despite clear proximity and potential impact.

11.2. This pattern strongly suggests that the council's approach to notification had a direct, material effect on the ability of certain affected parties to participate in the consultation process. Such a discrepancy is not merely academic: it goes to the heart of procedural fairness and demonstrates tangible prejudice resulting from the council's failure to apply consistent notification standards. The result is a record of public consultation that may not fully or accurately reflect the concerns of all those most likely to be affected, contrary to the intent of Regulation 15(5) of the DMPO 2015, Haringey's own Statement of Community Involvement, and the legitimate expectation of equal participation under law (see Coughlan; Moseley).

12. Direct and Material Impact on Myself as a Resident

12.1. The failures and inconsistencies documented in this addendum have resulted in real and ongoing detriment to me and other residents. Specifically:

12.1.1. **Unaddressed Stage 2 Complaint**: My Stage 2 complaint regarding consultation, fairness, and notification remains unresolved and was not substantively considered at the previous Cabinet meeting where the application was approved for tender. This procedural omission denied me (and others) the opportunity for a timely, formal review of the council's consultation methods at a critical stage in the decision process, in contravention of the council's own complaints policy and the principles of fair administrative practice.

12.1.2. **Inability to Investigate Legitimacy**: The council's refusal to provide a transparent audit trail or clear methodology for notification has materially hampered my ability to scrutinise and challenge the legitimacy of this application—especially significant in a case where the council is both applicant and determining authority. This asymmetry of information and resources puts me at a fundamental disadvantage and undermines public confidence in the planning process.

12.1.3. **Disproportionate Burden of Scrutiny**: I, and other residents, have been compelled to undertake forensic investigation of council records, cross-reference addresses, and perform the basic audit work that the planning authority should have transparently provided. This is a substantial and unreasonable burden on private individuals, compounded by short and inconsistent consultation windows.

12.1.4. **Missed Opportunity to Influence the Process**: Because of arbitrary notification boundaries and lack of direct notice to all relevant parties, my own ability to coordinate responses, inform neighbours, and prepare meaningful representations has been significantly diminished. The outcome is an incomplete consultation record and a sense of exclusion from the process.

12.1.5. **Inequality of Arms**: The council holds all the procedural and informational power, repeatedly citing internal policies ("we do not normally produce audits or data") to frustrate resident efforts at meaningful oversight. As a resident, I have had to devote significant time and resources—without professional support or legal advice—merely to establish basic facts about notification, while the council continues to advance the application.

12.1.6. **Loss of Trust and Procedural Confidence**: The ongoing lack of transparency, refusal to produce records, and failure to address complaints in a timely, full, and open manner have undermined my trust in the council's ability to conduct a fair and law-abiding process. This has caused considerable stress and uncertainty regarding my home and neighbourhood.

12.1.7. **Potential Prejudice to Any Future Legal Action**: The council's inconsistent record-keeping and notification methodology could prejudice my ability to later challenge the application effectively, as evidence may be incomplete, and statutory deadlines may be missed due to late or absent notification.

12.1.8. **Risk of Decision-Making on a Flawed Record**: The Cabinet and Members have made or may make determinations based on incomplete or misleading evidence about consultation coverage, risking an unlawful or unsound outcome.

12.1.9. **Chilling Effect on Resident Participation**: The burden of having to "mine" the process for errors discourages ordinary residents from participating or objecting, potentially skewing the consultation record further in favour of the applicant.

In sum, the failures identified here are not academic or procedural quibbles; they have real-world impacts on my ability to defend my interests, exercise my statutory rights, and ensure that the development of my neighbourhood is undertaken lawfully and fairly.

For the reasons set out above, I respectfully request that the Council formally acknowledges the new information and evidence contained in this addendum, revisits its notification methodology, and undertakes a full, transparent review of both statutory compliance and the practical impacts of its consultation practices.

I further request that the council confirms how it intends to address these issues, both in relation to this application and for future major developments, and ensures that the material disadvantage suffered by affected residents is rectified before any further steps are taken in the determination process.

While I have set out clear evidence and analysis above, and have repeatedly requested a fair and transparent response from the Council since June 2025, all such requests have been ignored or dismissed, including even the basic statutory extension of 21 days. I am therefore under no illusions that this addendum will prompt a substantive remedy or meaningful engagement at this stage. Nonetheless, I submit this document to preserve a complete and accurate audit trail of procedural failings and material disadvantage. Should this matter proceed to further review—whether by the Ombudsman, a court, or an external regulator—I ask that this addendum be taken into account as evidence of the Council's ongoing unwillingness to address basic fairness, transparency, and statutory compliance.

Yours sincerely,

Mr Brendon Marczan

106 North Hill, London, N6 4RL

27/10/2025

Mr Conor de Lion

106 North Hill, London, N6 4RL

27/10/2025