

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

ADDENDUM TO OBJECTION: Late Upload of Director's Letter – Procedural Breach

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 06/11/2025 (notified on 29/10/2025 at 17:46)

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_144
Response Type:	Addendum: objection to full planning permission

Dear Mr Erbmann, Mr Krzyszowski, Ms Smyth, Mr Chan, and Members of the Planning Team,

CC: Cllr Sarah Williams, Cllr Peray Ahmet, Cllr Luke Cawley-Harrison, Cllr Scott Emery, Ms Alderman, Mr Donald, Ms Senyah

1. Introduction and Procedural Breach

- 1.1. I write with urgency, and for the statutory record, regarding the late and unheralded upload of the "Director's Letter" (dated 24th October 2025, uploaded 28th October 2025) to the planning portal for application HGY/2025/1220 (505–511 Archway Road). This document, which addresses material planning obligations, was uploaded just three days before the close of public consultation and five days before Cabinet determination—without any notification to residents, objectors, or community groups, and with no accompanying explanatory note or extension for comment. This action contravenes both statutory requirements (DMP0 2015, Article 15(4)) and local policy (SCI para 5.3), which mandate that all substantive information relevant to determination must be accessible for public comment with sufficient time for meaningful participation.
- 1.2. The Council's failure to notify interested parties or extend the consultation in light of this new, substantive evidence constitutes a clear breach of statutory and local requirements for public participation. Article 15(4) of the Town and Country Planning (Development Management Procedure) Order 2015, Haringey's Statement of Community Involvement, and the National Planning Policy Framework (NPPF, paras. 39–41) all require that material planning documents be disclosed in a timely, accessible, and transparent manner, with fair opportunity for public comment. The failure to do so is procedurally unfair, frustrates the statutory purpose of consultation, and directly prejudices those entitled to participate.
- 1.3. This letter serves simultaneously as:
 - 1.3.1. A formal addendum to my principal objection on application HGY/2025/1220,
 - 1.3.2. An addendum to my Stage 2 corporate complaint (ref: COM/00001130), and
 - 1.3.3. A new procedural notice requiring urgent investigation and response under the Council's complaints policy.
- 1.4. I do not seek to initiate a new Stage 2 complaint, but require this correspondence to be logged as part of the existing Stage 2 complaint and formally considered in your substantive written response and in any statutory audit.

2. Material Prejudice and Impact:

- 2.1. 2.1. The Director's Letter is a material planning document—operating as a substitute for, or addition to, a formal Section 106 agreement—and has a direct bearing on the application's determination. Under Article 15(4) DMP0 2015, Haringey's SCI (para 3.3.2), the NPPF (paras 39–41), and Regulation 15 of the EIA Regulations, material documents must be disclosed in time for meaningful public comment and response.
- 2.2. By introducing this new evidence at the eleventh hour, without notification or an extended consultation window, the Council has denied residents, objectors, and statutory consultees a fair opportunity to review and comment. This constitutes a substantial breach of legitimate expectation and procedural fairness, as established in *R (Moseley) v Haringey LBC* [2014] UKSC 56: consultees must be given a genuine opportunity to participate on all material matters.
- 2.3. The prejudice is not hypothetical but real and cumulative—stakeholders have been deprived of the right to scrutinise, understand, and respond to material changes central to the lawfulness of the decision. This failure undermines confidence in the process and renders any subsequent decision procedurally vulnerable.

3. Heightened Duties for Council-Led Schemes

- 3.1. When the council is both applicant and decision-maker, the standard for transparency, impartiality, and procedural fairness is significantly elevated (see *R (Lewis) v Redcar & Cleveland BC* [2008] EWCA Civ 746; NPPF paras 39–41; DMP0 2015; Haringey SCI). Any appearance of “rushing through” or adding material documents at the last minute—particularly without notification—raises serious questions about impartiality and risks undermining the lawfulness of the process.
- 3.2. Such conduct is contrary to government guidance and established best practice, and breaches the legitimate expectation of transparent, orderly consultation. Council-led schemes require scrupulous adherence to these standards to avoid any perception of bias or unfairness.

4. Legal and Policy Framework

- 4.1. The National Planning Policy Framework (NPPF, paras. 39–41), Article 15 of the Town and Country Planning (Development Management Procedure) Order 2015, and Haringey Council’s Statement of Community Involvement (SCI, para 5.3) all require that material planning documents be made available to the public in a timely and accessible manner, with sufficient notice for meaningful participation. Failure to disclose such documents until the final days of consultation—without notification—directly contravenes these requirements, undermining procedural fairness and the lawfulness of the decision.
- 4.2. The courts and the Ombudsman have repeatedly found that late-stage disclosure of substantive evidence—without proper notification or adequate extension—constitutes a material procedural defect, and may justify the quashing of planning decisions if prejudice is shown (see *R (Moseley) v Haringey LBC* [2014] UKSC 56).
- 4.3. Furthermore, the process for submitting and notifying such late evidence must be fully documented, with an explanation for its necessity and timing. Failure to provide a transparent, auditable record undermines accountability, legal certainty, and public trust, and may constitute maladministration.

5. Selective Engagement and Staff Conduct

- 5.1. Should it be the case that Mr Chan, as case officer, identified a gap in the application—such as the absence of a formal Section 106 agreement or statement of planning obligations—and sought the Director’s Letter as a means to retrospectively address this, this action should have triggered renewed consultation or, at a minimum, immediate and comprehensive notification to all parties who made representations (DMP0 2015, Art. 15(7); Haringey SCI para 5.3).
- 5.2. Any attempt to fill critical gaps in the council’s own application at the last minute, while failing to provide fair notice and opportunity to comment, constitutes a significant breach of administrative fairness and procedural law, and exposes any decision based on this evidence to challenge for procedural impropriety or apparent bias.
- 5.3. If, as now appears likely, the Director’s Letter was uploaded at the request of the planning officer or senior management to address deficiencies in the Council’s own application, this is clear evidence of selective intervention and procedural bias. It demonstrates a willingness to patch gaps in the applicant’s (Council’s) case, while consistently disregarding and excluding the equally substantive concerns and objections of residents and community groups. Such unequal treatment is incompatible with the duty of fairness under administrative law and breaches the standards of impartiality required of a planning authority (see *R (Lewis) v Redcar & Cleveland BC* [2008] EWCA Civ 746).
- 5.4. If the planning team or officers were aware of the document’s upload and failed to notify interested parties, this amounts to maladministration and breaches statutory and local policy obligations (NPPF para 40, SCI paras 5.3–5.5, and the Aarhus Convention on access to environmental information).
- 5.5. If the director or other senior officer deliberately timed the upload to minimise scrutiny, this may amount to “gaming” the process, an abuse of process, and apparent bias (see *Porter v Magill* [2001] UKHL 67).
- 5.6. The method of upload—without notification, comment, or a proper audit trail, and potentially bypassing normal planning support procedures—raises further serious questions of fairness and accountability. Involvement of senior staff in uploading key material at the last minute, particularly in response to known criticisms, directly undermines public confidence in the process. I therefore request full disclosure of who instructed and executed the upload, and an explanation for the deviation from

standard notification and consultation safeguards. Any failure to follow required procedures is itself grounds for complaint and maladministration.

- 5.7. The sudden addition of the Director's Letter—seemingly to address deficiencies in the Council's own application—raises significant concerns about the integrity of the process. If the planning officer or management requested this as a patch for a material gap, it should have triggered an immediate round of further consultation, per statutory and policy requirements.

6. Contradiction to Previous Complaints

- 6.1. This urgent notice is in addition to, and should be read together with, my previous formal complaints and notices regarding procedural unfairness, lack of notification at key decision points, procurement non-compliance, GDPR breaches, and other serious concerns.
- 6.2. The late upload of the Director's Letter directly contradicts the Council's position stated in response to my Stage 2 complaint (ref: COM/00001130), where Mr Rob Krzyszowski asserted that the council does not provide full disclosure of consultation methodologies or process documentation. Yet, three days before the consultation closes, the Council has introduced a Director's Letter that proclaims the need for "a fair and transparent approach to consultation" and sets out detailed best-practice expectations.
- 6.3. This contradiction exposes not only a failure of consistency in the application of policy, but also a breach of the legitimate expectation created by the Council's public statements and prior correspondence (see *R v North and East Devon Health Authority, ex p Coughlan* [2001] QB 213). The attempt to introduce best-practice principles as a late "patch" for previously identified process deficiencies, while simultaneously refusing to notify or allow meaningful time for comment, compounds the procedural unfairness already identified in this and earlier complaints. It also further undermines public trust and confidence in the integrity of the consultation process, and may render the application susceptible to challenge on grounds of unfairness, inconsistency, and maladministration.

7. Remedy Sought

- 7.1. Accordingly, I request, as a matter of urgency, that:
- 7.1.1. The Council immediately notifies all parties who have made representations—including residents, objectors, and community groups—of the Director's Letter (dated 24th October 2025, uploaded 28th October) and its material relevance to the determination of this application.
- 7.1.2. The consultation period be extended by a minimum of 14 days from the date of notification, in accordance with Article 15(7) of the DMP0 2015 and Haringey's Statement of Community Involvement, to allow for meaningful review and public comment.
- 7.1.3. The Council provides a written justification for the timing and manner of the late upload, together with a clear and auditable record of who instructed and approved this action, including whether the planning officer, a director, or any senior manager was involved.
- 7.1.4. No final determination or Cabinet decision should proceed until these procedural defects are remedied and the statutory consultation process regularised, to avoid tainting the lawfulness of any subsequent approval.
- 7.1.5. Any further progression of this scheme without correcting the defects identified in this and previous correspondence will be treated as wilful disregard of statutory and policy requirements, and may result in further legal or regulatory action.
- 7.1.6. In addition to the above, I request that the Council consider withdrawing the Director's Letter from the planning record until proper consultation can be undertaken, or convene a public meeting to present and explain the changes and allow affected parties to ask questions and make representations. While not a strict legal requirement, these steps would help restore confidence in the fairness and transparency of the process and would be consistent with the Council's stated commitment to best practice in public engagement.

8. Conclusion and Whistleblowing Note

- 8.1. I remind the Council that all staff—including officers, senior managers, and directors—are subject to the whistleblowing obligations imposed by the Public Interest Disclosure Act 1998 and the Council's own Whistleblowing Policy. Any failure to raise or correct major breaches of process or law, or to report material defects to senior leadership or appropriate external bodies, constitutes a further procedural failing. The Public Interest Disclosure Act 1998 and the Council's own Whistleblowing Policy require that such issues be reported and investigated promptly, and any such action must be remedied as a matter of urgency.
- 8.2. If any planning support officer or staff member was directed or pressured by a senior officer or director to upload the letter in breach of protocol, this constitutes a further breach of Council policy and good governance. Such conduct places staff in a conflicted position, exposes the Council to legal and reputational risk, and may breach statutory obligations to uphold transparency and fair process.

Yours sincerely,

Mr Brendon Marczan

106 North Hill, London, N6 4RL

28/10/2025

Mr Conor de Lion

106 North Hill, London, N6 4RL

28/10/2025