

Ongoing Failure to Respond, Selective Engagement, and Failure to Meet Minimum Professional Standards (HGY/2025/1220)

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_132
Document Type:	Letter

Dear Ms Smyth, Mr Chan, and Ms Alderman,

I write further to my previous formal notice regarding procedural bias and unfairness in relation to the planning application at 505–511 Archway Road (HGY/2025/1220), as detailed in my email of 23 October 2025 ("HGY/2025/1220 Site Visit & Bias Concerns") and the documented evidence. To date, I have received no substantive reply to those escalations, nor to multiple documented concerns regarding bias, selective engagement, procedural irregularity, and GDPR breaches. I have not received a confirmation of receipt. Your most recent correspondence addresses only one narrow notification issue, while the Council continues to progress this application without resolving the fundamental process failings or meaningfully engaging with affected residents. This letter is submitted to place on statutory record the real and ongoing disadvantage suffered by residents, and to preserve all procedural objections.

1. Factual and Procedural Failings

For the avoidance of doubt, I reiterate the following:

1.1. Promotional Pre-Application Process:

An email dated 17 November 2022 from Mr Jack Goulde, Project Manager, confirms the project team led the pre-application process as scheme promoters, not impartial facilitators. The Development Management Forum (30 November 2022) was not independently chaired and was designed to advance the scheme rather than gather impartial feedback.

1.2. Irregular/Exclusionary Invitation Process:

Neither I nor most neighbours received direct invitations to the DMF. My neighbour was invited only after a last-minute request, with just four days' notice and unnecessary registration barriers. No further public engagement or technical sharing was undertaken before submission.

1.3. Officer Conduct and Lack of Separation of Roles:

Evidence from the Highgate Society and further records demonstrate Council officers acted as scheme promoters, not as impartial planners. The statutory requirement for an independent deciding officer (John McRory) was not met.

1.4. Material Inaccuracies in Statement of Community Involvement:

The Council's SCI is materially inaccurate regarding the pre-app process, failing to reflect residents' actual experience.

1.5. GDPR Breaches:

I record that planning communications have breached GDPR. A separate formal notice has been sent to the Council's Data Governance Officer and Monitoring Officer.

These cumulative governance failures are not minor, but constitute a pattern of bias, procedural unfairness, and gross misconduct. They undermine the consultation process and breach the Council's statutory duties. I urge the Council to immediately halt all further action on this application, pending independent investigation into consultation and officer conduct.

Any further progression—including expenditure or contractual commitments—will be at the Council's risk and may constitute misuse of public funds (see *Gavin v Haringey*; no final approval has yet been granted).

Please acknowledge receipt of this evidence, confirm steps being taken to address these breaches, and provide a clear timeline for independent investigation and resolution before any further action on the application.

2. Procedural Unfairness and Selective Engagement

Despite repeated, documented efforts by residents to engage constructively, the Council has failed to apply transparency, equal treatment, and fair process as required by law.

2.1. Selective Notification:

Highgate Society was notified in advance of the 6 November Planning Sub-Committee and Cabinet intention, while individual residents with representations were not. For example, I learned of the meeting informally one day after the Highgate Society; many neighbours remain unaware. This breach of procedural fairness and legitimate expectation (see Coughlan, Moseley) is contrary to the Council's own SCI.

2.2. Lack of Transparency:

No meeting agendas, minutes, or attendee lists have been provided for any communication, despite requests. Key technical and procedural documents have been issued without direct notification, impeding residents' ability to respond.

2.3. Fragmented Engagement:

The Council holds private meetings with select groups, arranges informal one-to-one visits, but refuses to coordinate evidence-based, inclusive sessions for all affected parties and their advisers (see Gunning/Sedley, Moseley [2014] UKSC 56).

2.4. Burdensome, Disproportionate Process:

Residents have been forced to review technical material and correspondence piecemeal, often outside their expertise, under compressed timelines.

3. Absence of a Lawful Master Plan

The Council has failed to present, consult on, or evidence any strategic master plan for this site or its wider context. Officers have referred to informal conversations with TfL, the Mayor's Office, or others, but have produced no formal, published documentation or public engagement record. After years of requests, reliance on informal, undocumented discussion is not only inadequate but risks breaching the lawful expectation for plan-led development under the NPPF and the Council's Local Plan. If a master plan is required by policy or by the context of cumulative development, the failure to provide one may itself be *Wednesbury* unreasonable (*Associated Provincial Picture Houses v Wednesbury Corp* [1948]).

4. Actual and Substantial Prejudice to Residents

The cumulative effect of these failings is not hypothetical but real and demonstrable:

- 4.1. Missed Opportunity:** I learned of the 6 November meeting only via informal, proactive contact with the Highgate Society, not from the Council, despite being primary objectors. All other residents remain entirely unaware.
- 4.2. Compressed Consultation Window:** The time between consultation closure and committee consideration is unreasonably short, precluding meaningful input on new or clarifying material.
- 4.3. Loss of Effective Participation:** The lack of timely and equal notification, and the failure to provide access to documents and meetings, has denied residents a fair opportunity to make their case—contrary to NPPF paras. 39–41 and the principles articulated in *Moseley* and *Coughlan*.
- 4.4. Disproportionate Burden:** Residents have had to “catch up” on new material and engage in forensic review without professional support or equal access, at substantial personal cost.

5. Residents Support Strategic Redevelopment—Not This Process

It is important to record that residents do not oppose redevelopment or new affordable homes. We have repeatedly urged the Council to engage in the kind of transparent, evidence-led process required to deliver a genuine master plan, and we remain ready to participate in such work. The Council's current approach, by contrast, excludes those most affected and prevents the possibility of a robust, future-proofed solution.

6. Remedy Sought

Accordingly, I now require that the Council:

- 6.1.** Confirm the date, name, and role of the officer who notified the Highgate Society (and any other groups) of the committee meeting and Cabinet intention;
- 6.2.** State whether any other parties received similar advance notice, and on whose authority;

- 6.3.** Disclose the purpose, named attendees, and all notes or records of meetings held with community or resident groups regarding this application;
- 6.4.** Undertake to provide simultaneous, equal notification of all individual representors for all future meetings and procedural updates;
- 6.5.** Pause all further progression on this application and commit to a fresh, lawful, and genuinely restorative re-consultation process. Given the repeated procedural failings, previous ignored requests (including the statutory 21-day extension sought in June 2025), and the ongoing cumulative disadvantage to residents, I require:
- 6.5.1.** A minimum statutory re-consultation period of 21 days for all affected residents to participate on equal terms;
- 6.5.2.** Simultaneous direct notification to all objectors, with a clear summary of all new and clarifying information, and advance publication of any committee or Cabinet dates;
- 6.5.3.** Publication of all technical documents, meeting agendas, minutes, and officer reports at least seven days before any final decision, to enable informed participation; and
- 6.5.4.** A clear account of what steps will be taken to ensure that all prior procedural irregularities and breaches are fully remedied—not simply repeated or regularised by a short re-consultation.
- 6.5.5.** Simply offering seven days would not undo the significant, ongoing prejudice suffered by residents nor satisfy the requirements of fairness set out in *R (Moseley) v Haringey* [2014] UKSC 56 and the Council's own Statement of Community Involvement.
- 6.6.** Confirm how any further representations or objections received after the official consultation period, but before determination, will be reported to Members and weighted in the officer report.

7. Evidence and Further Steps

A full chronology of correspondence, requests, and responses is held securely and will be provided in full to the Council, relevant Ombudsman, regulatory authorities, or a court upon request, subject to compliance with privacy and data protection obligations. In accordance with the Council's own privacy policies and relevant law, I will not circulate or publish confidential evidence, but I am prepared to submit it as part of any confidential investigation or legal proceedings as required.

If these matters remain unaddressed, I will submit this correspondence and all supporting evidence as an addendum to my *already active complaints* with the Local Government and Social Care Ombudsman, the Housing Ombudsman, and the Information Commissioner's Office, and will seek further legal advice as to whether the Council's conduct constitutes procedural unfairness, apparent bias, or Wednesbury unreasonableness.

The volume and complexity of my correspondence is necessitated only by the Council's repeated failure to answer key points, provide requested information, or follow due process. I have sought, at every stage, to focus my objections and requests, but the lack of substantive response has forced me to restate and evidence each concern in detail. The burden of this ongoing investigation should not fall on residents, and is a direct result of the Council's approach to this application.

For the avoidance of doubt, my engagement has been entirely constructive and in good faith. All statutory and common law remedies are expressly reserved.

Yours sincerely,

Mr Brendon Marczan

106 North Hill, London, N6 4RL

30/10/2025

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Mr Conor de Lion

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