

Application ref: 2023/1904/P
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Date: 3 July 2023

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RPS
20 Western Avenue
Milton Park
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Existing) Granted

The Council hereby certifies that on the 27 June 2023 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Use of the flat as a HMO (Use Class C4)

Drawing Nos: Site Location Plan Ref. 12956-0001-01; Block Plan Ref. 12956-0002-01; Existing Layout Plan Ref. 12956-0003-01; Email between the Applicant and Victorstone Property Consultants and invoice dated 15/06/2011; Invoice for letting services/administration for 34 Oakshott Court by Victorstone Property Consultants dated 23/07/2012; Assured Shorthold Tenancy agreement (AST) for period covering 13/07/2012 to 12/07/2013, 20/07/2013 to 19/07/2015; 20/07/2015 to 19/07/2016; 20/07/2016 to 19/07/2017; 10/09/2017 to 09/09/2019; 12/09/2019 to 11/09/2021; 12/09/2021 to 11/09/2023; and 15/09/2022 to 14/07/2024; Receipts for refurbishment materials dated 01/08/2017; HMO Licence to Mr Kunal Patel (the Applicant) for 34 Oakshott Court covering the period between 04/04/2017 to 03/04/2022; and Email correspondence between the Applicant and the Council regarding the renewal of the HMO licence, exchange of emails between 03/01/2022 until 12/01/2023.

Second Schedule:

Oakshott Court
Flat 34
Polygon Road
London

NW1 1ST

Reason for the Decision:

- 1 The use began more than ten years before the date of this application.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/would have been* lawful on the specified date and thus, was not*/would not have been* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

