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| LDC Report | 04/10/2022 |
| Officer | Application Number |
| Fast Track SC | 2022/3403/P |
| Application Address | Recommendation |
| 231 Exide House, Flat 8 Shaftesbury Avenue London Camden WC2H 8EL | Grant lawful development certificate |
| 1st Signature | 2nd Signature (if refusal) |
| | |
| Proposal | |
| Change of use Class C3 to C4 | |
| Assessment | |
| <p>The application site is located at Flat 8, 231 Exide House, Shaftesbury Avenue, London, Camden, WC2H 8EL</p> <p>The application relates to change of use Single Dwelling House Class C3 to HMO Class C4,</p> <p>The building is not listed and is located in the Bloomsbury Conservation Area.</p> <p>The application seeks to demonstrate that Flat 8, 231 Exide House, Shaftesbury Avenue, London, Camden, WC2H 8EL has existed and been in use as a HMO (Class C4) for a period of 4 years or more such that the continued use would not require planning permission.</p> <p>The applicant is required to demonstrate, on balance of probability that the existing residential unit has existed and been in use a HMO for a period of 4 or more years.</p> | |
| Applicant's Evidence | |
| The applicant has submitted the following information in support of the application: | |
| <u>Licence</u> | |
| <ul style="list-style-type: none"> HMO Licence - 6/09/2018 - 5/09/2023 - Ms Maureen Harmon | |
| <u>Tenancy Agreements</u> | |

- Flat 8 - Lettings Receipt - 6 Months rent in advance - Liu Chit Ching; Yuqin Zhang; Wei Chia Chan; Jo Hua Weng - 3/09/22 - 2/9/23 (12 months)
- Flat 8 – Assured Shorthold Tenancy - Luca Petrini; Federico Citterich; Edoardo Borso; Renato Corradini – 03/09/2022 – 02/08/23 (12 months)
- Flat 8 – Assured Shorthold Tenancy - John Lourenze Salandanan Poquiz; Malvina Tessitore; Margot Bloch; Cerys Jane Chamberlain - /2021 – /2022 (12 months)
- Flat 8 – Assured Shorthold Tenancy - Annie Quinn; Henry Tian; Nicolas Pulik ; Malvina Tessitore - /2020 – /2021 (12 months)
- Assured Shorthold Tenancy(Extension) - Annie Marie Quinn – 23/04/2021 – 23/06/2021 (2 months)
- Flat 8 - Assured Shorthold Tenancy - Paola Marie Bouroureesques; Maria La Casta Aramburu; Jorge Sala Sanchis; Maria Arantazu Torres Sanchez - /2019 – /2020 (6 months)
- Flat 8 - Lettings Receipt - 6 Months rent in advance - Liu Chit Ching; Yuqin Zhang; Wei Chia Chan; Jo Hua Weng – /18 - /19 - (12 months)
- Flat 8 - Assured Shorthold Tenancy - Sam Van Der Linden,; Sai Johal; Kevin Han Young Lee; Arvind Arora – 31/08/2017 – 30/08/2018 (12 months)
- Flat 8 - Assured Shorthold Tenancy - Sam Van Der Linden,; Sai Johal; Kevin Han Young Lee; Arvind Arora – 31/08/2016 – 30/08/2017 (12 months)
- Flat 8 - Assured Shorthold Tenancy – Frederica Procopé; Sophie Evers; Lauren; Martens; Beatrice Carro - 31/08/2015 – 30/08/2016 (12 months)
- Flat 8 - Assured Shorthold Tenancy – Frederica Procopé; Deon Tan; Sophie Evers; Tom Hunter – 1/09/2014 – 31/08/2015 (12 months)

Council Tax & Business Rates

- Flat 8 - 2020/2021 – Mr P & Mrs M Harmon
- Letter from - Mr P & Mrs M Harmon – C Tax payments (property empty)

Bank Statements

- Harmon P & MP - Natwest - 28/08/2015 - 1/12/2015
- Harmon P & MP - Natwest - 31/08/2016 – 8/10/2018
- Harmon P & MP - Natwest – 09/2018 – 1 page of statement provided
- Harmon P & MP - Natwest – 11/09/2018
- Harmon Properties Two Limited - Metro Bank - Bank Statement - 8/03/2019 – 1/08/2022

- Harmon P &MP - Natwest - 31/10/2015 - 1/12/2015
- Harmon P &MP - Natwest - 28/10/2016 - 1/12/2016
- Harmon P &MP - Natwest - 28/10/2017 - 1/12/2017
- Harmon Properties Two Limited - Metro Bank - Bank Statement - 1/4/2019- 30/4/2019
- Harmon Properties Two Limited - Metro Bank - Bank Statement - 1/9/2019- 30/9/2019
- Harmon Properties Two Limited - Metro Bank - Bank Statement - 1/9/2020- 30/9/2021

Agreements

- P & M Harmon - Mortgage Agreement (Buy to Let) 25/09/2006(25 Years)

Mortgage Statement

- Flat 8 - Mr P & Mrs M Harmon – CHL Mortgage Statement - 31/03/2017

Deposit- Receipts

- Flat 8 - My Deposits - 15/09/2021 - Harmon Properties Two Ltd
- Flat 8 - My Deposits - 04/05/2021 - Harmon Properties Two Ltd
- Flat 8 - My Deposits - 24/09/2018 - Harmon Properties Two Ltd
- Flat 8 - My Deposits - 15/09/2017 - Mr & Mrs Harmon

The applicant has also submitted the following plans:

- A site location plan outlining the application site
- Ground Floor Plan
- First Floor Plan
- Title Plan
- Title Register

Council's Evidence

- HMO Licence - 29/08/2018 - 28/08/2023 – Issued to Ms Maureen Harmon
- Hand Drawn Floor plans x2

Council tax have confirmed that the liability for Council Tax started on 01/04/1998. It has been in payment continuously since then.

FLAT 8, EXIDE HOUSE 231, SHAFTESBURY AVENUE, LONDON, WC2H 8EL

Local Authority [Camden](#)

Local authority reference number 5091223

Council Tax band G

Improvement indicator No

With effect from 1 April 1993

Mixed-use property No

Court code None

There is no relevant planning history or enforcement action on the subject site.

Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the “balance of probability”, and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant’s version of events, there is no good reason to refuse the application provided the applicant’s evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The Council does not have any evidence to contradict or undermine the applicant’s version of events.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous

to demonstrate that 'on the balance of probability' Flat 8, 231 Exide House, Shaftsbury Avenue, London, WC2H 8EL has existed and been in residential use as a HMO Class C4 for a period of more than 4 years as required under the Act. Furthermore, the Council's evidence does not contradict or undermine the applicant's version of events.

Recommendation: Approve