

Camden Council
Planning Department
5 St Pancras Square
London
N1C 4AG

1st August 2023

Dear Sir/Madam,

Lawful Development Certificate
57 Roderick Road, NW3 2NP

On behalf of my client, today I have applied for a Lawful Development Certificate via the Planning Portal. The application relates to the use of the property as 6 self-contained dwellings and comprises the following:

- Application Form.
- Site Location Plan.
- Existing Floor Plans.
- Statutory Declarations of Damon Peddar and Shan Slavin.
- Periodic legislation.
- Supporting evidence for each flat as detailed below.

The Secretary of State (SOS) 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, paragraph 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, rather, an assessment of the factual evidence submitted by the applicant and that held by the Council (if any) is carried out to determine whether the legal requirements of demonstrating the existence of an established use have been satisfied.

Evidence

Flat 1

Signed ASTs as follows:

- In the name of Diana Agneta Maslova and Foan Rezaeifor the period 20/1/18 to 19/1/19.
- In the name of Diana Agneta Maslova and Foan Rezaeifor the period 20/1/19 to 19/1/20.
- In the name of Diana Agneta Maslova and Foan Rezaeifor the period 20/1/20 to 19/1/21. Whilst the AST was due to end on the 19th of January 2021, it rolled over to March 2023 which is when the tenants vacated the flat. This meant a new AST was not required although the original provisions still applied. See supporting periodic legislation.
- In the name of Kate Jackson for the period 1/4/21 to 31/3/22.
- In the name of Kate Jackson for the period 1/4/22 to 31/3/23.
- In the name of Jasmine Turner and Joao Pancada for the period 22/7/22 to 21/7/23.
- In the name of Iraneus De Lmeida for the period 16/12/22 to current.

EPC dated 1st of December 2020. This is valid for 10 years.

Tenancy deposit confirmation dated 24th of January 2018, 9th of April 2021 and 26th of July 2022.

Council Tax record dated 23rd of February 2018.

Flat 2

Signed ASTs as follows:

- In the name of Denise Welch for the period 1/1/18 to 31/12/18.
- In the name of Denise Welch for the period 1/1/19 to 31/12/19.
- In the name of Denise Welch for the period 1/1/20 to 31/12/20.
- In the name of Denise Welch for the period 1/1/21 to 31/12/21.
- In the name of Denise Welch for the period 1/1/22 to 31/12/22.
- In the name of Denise Welch for the period 1/1/23 to current.

EPC dated 1st of December 2020. This is valid for 10 years.

Council Tax record dated 1st of February 2018.

Flat 3

Signed ASTs as follows:

- In the name of Bianka Ozsvath for the period 13/9/18 to 12/9/19.
- In the name of Bianka Ozsvath for the period 13/9/19 to 12/9/20.
- In the name of Bianka Ozsvath for the period 13/9/20 to 12/9/21.
- In the name of Paul Braun for the period 8/3/21 to 7/3/22.
- In the name of Paul Braun for the period 8/3/22 to 7/3/23.

- In the name of Gemma Louise Deeks for the period 24/4/23 to current.

EPC dated 1st of December 2020. This is valid for 10 years.

Tenancy deposit confirmation dated 24th of September 2018 and 9th of March 2021.

Council Tax record dated 1st of February 2018.

Flat 4

Signed ASTs as follows:

- In the name of Konstantinos Rotas for the period 27/10/18 to 26/10/19.
- In the name of Natalie Blanchette and Shaun Smith-Taylor for the period 15/3/19 to 14/3/20.
- In the name of Hui Zhou for the period 15/1/20 to 14/1/21.
- In the name of Christopher Chapman for the period 15/2/21 to 14/2/22.
- In the name of Simon Pugh for the period 1/11/21 to 31/10/22. Whilst the AST was due to end on the 31st of October 2022, it rolled over to January 2023 because the owner was in the process of having new tenancy agreements drawn up. See supporting periodic legislation.
- In the name of Simon Pugh for the period 1/2/23 to current.

EPC dated 1st of December 2020. This is valid for 10 years.

Tenancy deposit confirmation dated 20th of November 2018, 19th of March 2019, 17th of January 2021 and 24th of February 2021.

Council Tax record dated 23rd of February 2018.

Flat 5

Signed ASTs as follows:

- In the name of Malebogo Tlhajoane for the period 1/12/18 to 30/11/19.
- In the name of Malebogo Tlhajoane and Stuart Jones for the period 1/12/19 to 30/11/20.
- In the name of Malebogo Tlhajoane and Stuart Jones for the period 1/12/20 to 30/11/21.
- In the name of James Fahy for the period 23/5/21 and 22/5/22.
- In the name of James Fahy for the period 23/5/22 to 22/5/23.

EPC dated 1st of December 2020. This is valid for 10 years.

Tenancy deposit confirmation dated 6th of December 2018.

Council Tax record dated 23rd of February 2018.

Flat 6

Signed ASTs as follows:

- In the name of Naomi Belshaw for the period 5/3/18 to 4/3/19.
- In the name of Naomi Belshaw for the period 5/3/19 to 4/3/20.
- In the name of Naomi Belshaw for the period 5/3/20 to 4/3/21.
- In the name of Naomi Belshaw for the period 5/3/21 to 4/3/22.
- In the name of Naomi Belshaw for the period 5/3/22 to 4/3/23.
- In the name of Naomi Belshaw for the period 5/3/23 to current.

EPC dated 1st of December 2020. This is valid for 10 years.

Tenancy deposit confirmation dated 12th of March 2018.

Council Tax record dated 23rd of February 2018.

Statutory declarations

Damon Peddar and Shan Slavin have both signed a statutory declaration confirming the 6 self contained flats have been continuously occupied for at least 4 years.

In conclusion, taking the above into account I consider there is sufficient evidence to demonstrate on the balance of probability that the property has been in continuous use as 6 self-contained flats for a period in excess of 4 years.

Yours sincerely



Mark Pender
PPM Planning Limited