

<b>LDC (Existing) Report</b>		<b>Application number</b>	2024/2563/P
<b>Officer</b>		<b>Expiry date</b>	
Daren Zuk		19/08/2024	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
7 Bleeding Heart Yard London EC1N 8SJ			
<b>Conservation Area</b>		<b>Relevant article 4</b>	
Hatton Garden		Article 4 Direction (basements & land use)	
<b>Proposal</b>			
Use of the second and third floors as a self-contained residential unit (Class C3).			
<b>Recommendation:</b>		<b>Grant Lawful Development Certificate</b>	

### **Introduction**

The application site comprises a four-storey building located at the eastern end of Bleeding Heart Yard. The building is in Class E commercial use on the ground (restaurant) and first floors (offices) with the second and third floors being in residential use. The second and third floors are the subject of this application.

The site is not listed and is located in the Hatton Garden Conservation Area.

The application seeks to demonstrate that, on the balance of probability, the use of the flat on the second and third floors as a single residential unit began at least four years before the date of the application, such that retention of the use would not require planning permission.

### **Applicant's Evidence**

The applicant has submitted the following documents in support of the application:

- London Borough of Camden, Council Tax & Business Rates (ref. 78007060), confirming that the council tax bills have been issued to 'Maisonette 2<sup>nd</sup> and 3<sup>rd</sup> floor' at the application site, dated 16/03/2022.
- Letter from the owner (Robert Wilson) confirming that since moving into the unit in 2009, so business has been conducted there, not has any business ever been registered there.

The applicant has also submitted the following drawings:

- Site Location Plan (prepared by Groupwork, dated October 2022)
- Level 2 Floor Plan (dated 21/02/2007)
- Level 3 Floor Plan (dated 21/02/2007)

## **Council's Evidence**

The following planning history is relevant to the proposal at the subject site:

- **2005/1833/P** – Change of use of 7 Bleeding Heart Yard from offices (Class B1) to restaurant (Class A3) at ground and basement floor levels, to workshop (Class B1c) at 1st floor level and the erection of a roof extension at 3rd floor level to accommodate a 1-bed residential live/work unit (Class B1/C3) at 2nd and 3rd floor levels, and the extension of the basement area at 6 Bleeding Heart Yard to accommodate a kitchen and bakery and installation of external ventilation duct at the rear. **Granted Subject to a Section 106 Legal Agreement 27/06/2006**
- **2007/0948/P** – Amendment to previously approved planning application 2005/1833/P (Change of use of 7 Bleeding Heart Yard from offices (Class B1) to restaurant (Class A3) at ground and basement floor levels, to workshop (Class B1c) at 1st floor level and the erection of a roof extension at 3rd floor level to accommodate a 1-bed residential live/work unit (Class B1/C3) at 2nd and 3rd floor levels, and the extension of the basement area at 6 Bleeding Heart Yard to accommodate a kitchen and bakery and installation of external ventilation duct at the rear) for the alterations to roof design to provide a roof terrace to the residential live/work unit. **Granted 26/11/2007**
- **2023/3122/P** – Erection of single-storey roof extension with roof terrace. Erection of external lift at rear. Associated external alterations and refurbishment works. **Granted Subject to a Section 106 Legal Agreement 03/05/2024**

There is no relevant planning enforcement history for the subject site.

There is the following additional information relevant to the site:

- Council Tax Valuation for band G property (Maisonette 2<sup>nd</sup> & 3<sup>rd</sup> Floors, 7 Bleeding Heart Yard, London EC1N 8SJ) effective 01/04/2008 (Local authority reference number: 5148904)

## **Assessment**

In regard to applications for a Certificate of Lawfulness, 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 (National Planning Practice guidance). The relevant test is the 'balance of probability', and authorities are advised that if they have no evidence of their own, nor any from others, to contradict or otherwise make the applicant's version of events less probable, 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.

It is considered that the information provided by the applicant is sufficiently precise and unambiguous to demonstrate that, on the balance of probability, the use of the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the property as a single residential unit began at least four years before the date of the application, and has continued as such, for a continuous period until the present time. Indeed, Council Tax Valuation records demonstrate that the property was valued as a residential unit in 2008, over sixteen years before this application was submitted.

This being the case, and given the fact that the Council does not have any evidence to contradict or undermine the applicant's version of events, the use of the 2<sup>nd</sup> and 3<sup>rd</sup> floors as a single residential unit is lawful and would not require planning permission. As such, it is recommended that a Certificate of Lawfulness be granted.

**RECOMMENDATION: Grant Certificate of Lawfulness**