

Application ref: 2024/3254/P
Contact: Fast Track TY
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Date: 26 September 2024

Development Management
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New Image Design
2A Tiverton Road
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990, Section 191 and 192

Certificate of Lawfulness (Existing) Refused and Warning of Enforcement Action to be Taken

Address:

Flats Ground Floor & Lower Ground Floor
221 Belsize Road
London
NW6 4AA

Proposal:

Use of 3-bed flat over ground and lower ground floors as 2 x separate self-contained (1-bed) residential flats.

Drawing Nos: Site location plan; (647/PL/-)01, 02; Various tenancy agreements (ground floor flat) dated between 15/01/2020, 01/03/2023 and 21/09/2023; Various tenancy agreements (lower ground floor flat) dated 10/12/2019 and 11/06/2022.

The Council has considered your application and decided to **refuse** a certificate of lawfulness for the following reason:

Reason(s) for Refusal

- 1 The applicant has provided insufficient evidence to demonstrate that, on the balance of probability, the ground and lower ground floors of the property were converted into 2 x self-contained residential flats (Use Class C3) at least four years prior to the submission of the application, nor that the use has remained continuous since this time, as required under the Act.

Informative(s):

1 ENFORCEMENT ACTION TO BE TAKEN

The Director of Culture and Environment will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control.

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

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer