

LDC (Proposed) Report		Application number	2024/5751/P
Officer		Expiry date	
David Peres Da Costa		31/03/2025	
Application Address		Authorised Officer Signature	
24 Tottenham Street London W1T 4RG			
Conservation Area		Article 4	
Yes		Article 4 Basements Article 4 Land Use	
Proposal			
Use of property as a dwellinghouse (Use Class C3a).			
Recommendation:		Grant Certificate of lawfulness (proposed use)	

1. Site description

- 1.1. The site is a 4 storey mid terrace property with both a basement and mansard type roof extension on the north side of Tottenham Street. The property along with the neighbouring property, No. 26, are both Grade II listed buildings and are part of the same listing.

2. Planning History

- 2.1. **36181:** The change of use and works of conversion to provide a self-contained maisonette on the basement and ground floors, and a self-contained maisonette on the 1st, 2nd and 3rd floors. Granted 12/09/1983
- 2.2. **HB3186:** Works of conversion to provide two self-contained maisonettes. Listed Building Consent Granted 12/09/1983
- 2.3. **8601042:** The erection of a roof extension and change of use of the ground and first floors from residential to office use. Refused 09/10/1986
- 2.4. **8602291:** Erection of a new roof extension in connection with the use of the building as a single dwelling house. Planning permission Granted 25/02/1987
- 2.5. **8770027:** Erection of a roof extension. Listed Building Consent Granted 25/02/1987
- 2.6. **2025/0463/P:** Change of use from office (Class E) to single dwellinghouse (Class C3). Application pending determination.

3. Enforcement history

- 3.1. **EN07/0605:** Conversion of property to film studio. Case closed 01/10/2007

- 3.2. **EN08/0523:** Use of residential premises as offices/film cutting room. Case closed
21/10/2008

4. Lawful development certificate application

- 4.1. Section 192 of the Town and Country Planning Act 1990 provides for an application to determine whether any proposed use or operations would be lawful for planning purposes. This application seeks to determine if the following use would be lawful: Use of the property as a dwelling (Use Class C3a)
- 4.2. The application seeks to demonstrate that the use of the premises as a dwellinghouse has existed for 10 years or more such that the continued use would not require planning permission. The applicant has advised that until recently the property was in use as Class E office accommodation “which served as a base for the creative industries, particularly film and media production”.
- 4.3. They have also advised that at the time of the property’s acquisition (15th December 2006), it was in use as a Class C3(a) residential dwellinghouse and that “this residential use continued until 1st April 2019 when the property was utilised as the recent office use in connection with the film industry”.
- 4.4. Taking into consideration the context set out by the applicant, the applicant is required to demonstrate, on balance of probability that the former use as a dwellinghouse had existed for a period of 10 or more years.

5. Applicant’s Evidence

- 5.1. The applicant has submitted the following information in support of the application:
- Valuation report prepared by Premier dated 13 December 2006
 - Business Rates letter produced by London Borough of Camden dated 7/8/2019
 - Report on Title prepared by Seddons dated 23rd October 2006
 - Title Register for 24 Tottenham Street (Accessed on 15 November 2024 at 09:19:54)
 - Flood map dated 15 Dec 2023
 - Planning Statement prepared by Kerford IPC dated 3rd February 2024
 - Existing drawings (drawing numbers: 009; 010; 011; 012; 013; 014; 015; 020)
 - Proposed drawings (drawing numbers: 109; 110; 111; 112; 113; 114; 115; 120)
 - Site location plan

6. Council’s evidence

- 6.1. The planning enforcement history confirms that the property was in residential use both in September 2007 and October 2008. A site visit in September 2007 recorded the following:

- 6.2. *“An internal inspection revealed that the property was being used as a home office. The owner and single occupant are involved in the film industry. The basement is used for storage associated with the occupant’s business and the ground floor is set up as the office space. The upper floors are clearly being used as residential accommodation. The lawful use of the property is as a single residential unit. The office use is considered to be ancillary to building’s use as a dwelling, therefore no breach has occurred in terms of the use”.*
- 6.3. The Council’s data records officer has confirmed that the property was listed for Council Tax 01/04/1996 to 31/03/2019 and that Council Tax was payable during that period.

7. Assessment

- 7.1. The evidence provided by the applicant is consistent with Camden’s Council Tax records which show that prior to 1st April 2019, the property was in use as a dwelling. By virtue of section 191 (2), uses and operations are "lawful" if no enforcement action may be taken against them. The recent office use is not lawful as it has only existed for 5 years 8 months and so is not immune from enforcement action. The Council Tax evidence shows that the use of the property as a dwelling existed for the 10 years prior to 30th March 2019 (i.e. from 30th March 2009). Indeed, there is also evidence that the property was in use as a dwelling prior to this as the enforcement letters and applicant’s evidence (Report on Title and Premier Valuation Report) confirms.

8. Conclusion

- 8.1. 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. 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.
- 8.2. The information provided by the applicant alongside Camden’s Council Tax records is deemed to be sufficient to demonstrate that ‘on the balance of probability’ the application site was in use as a dwelling for the 10 year period prior to its use as an office. The recent use of the property as an office was not immune from enforcement action and so would not change the lawful use of the property as a dwelling. Furthermore, the Council’s evidence does not undermine the applicant’s version of events.

9. Recommendation

- 9.1. Grante Lawful Development Certificate