

LDC Report		03/10/2014	
Officer		Application Number	
Tessa Craig		2014/4975/P	
Application Address		Recommendation	
318 Kilburn High Road London NW6 2QN		Grant Lawful Development Certificate	
1st Signature		2nd Signature (if refusal)	
Proposal			
Use as 5 self-contained flats			
Assessment			
<p>The application site is located the east side of Kilburn High Road, with access to the property on Netherwood Street.</p> <p>The application relates to a building which has been subdivided into five flats.</p> <p>The building is not listed and nor is it located in a Conservation Area.</p> <p>The application seeks to demonstrate that the use as five flats has existed for a period of 4 years or more such that the continued use would not require planning permission, which is from 02/08/2010 to the date the application was submitted 02/08/2014.</p> <p>The applicant is required to demonstrate, on balance of probability that the existing residential unit has existed for a period of 4 or more years.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Tenancy records for Flats 1, 2, 3, 4 and 5; • Invoices from letting agencies; • A sworn affidavit dated 29 September 2014, confirming the use as 5 flats consistently, for more than four years. <p>The applicant has also submitted the following plans:</p> <ul style="list-style-type: none"> • A site location plan outlining the application site; • A floor plan with the flat layout (140721/01); 			

- Photographs of the flat doors and electricity meters.

Council's Evidence

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

Council Tax has confirmed that the liability for Council Tax for all five flats started in 2005. It has been in payment continuously since then.

A site visit to the property was undertaken on the 10th September 2014. The officer was satisfied that the units have been occupied for residential use for some time.

Assessment

Planning Practice Guidance advises local planning authorities that 'the applicant is responsible for providing sufficient information to support an application. if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. The local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application' (Paragraph: 007 Reference ID: 17c-007-20140306).

Although the information submitted by the applicant has gaps and some of it is dated prior to 2010, Council Tax records prove the continuous payment of tax. 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' the five units have existed in residential use 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