

LDC Report	13/11/2014
Officer	Application Number
Obote Hope	2014/6879/P
Application Address	Recommendation
43, 44, 45 Bedford Square London WC1B 3DN	Grant
1st Signature	2nd Signature (if refusal)
Proposal	
Use of site as a non-residential Law Court (Class D1).	
Assessment	
<p>43-45 Bedford Square is located on the southern side of Bedford Square. The site comprises three adjacent Georgian houses of three storeys with additional basement and mansard levels. The original houses link through to each other and to three storey plus basement mews houses to the rear, fronting 15-19 Bedford Avenue.</p> <p>The buildings are Grade I Listed.</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"> • A lease between Midland Bank Trust Limited and The Secretary of State For The Environment Dated 1990. • Note of meeting with the Building Manager. • Lease from Abbey Life between Midland Bank and The Secretary of State dated 1994. • Basement, Ground Floor, First Floor, Second and Third Floor Plans dated August 1994 and signed lease between Midland Bank and The secretary of State For The Environment Dated November 1996 a planning permission from 1981 for the use of no. 57 as premises for tutorial classes and residence; • Biennial Conservation Report published 2006, detailing the government's historic estate 2003-2005. • Biennial Conservation Report published 2006, detailing the government's historic estate 2005-2007 • Upper Tribunal (Financial Services) Forthcoming Hearings and Register 2006-2014 An Article from WireGov, used as evidences the court use of the building in November 2001; • Upper Tribunal (Financial Services) Forthcoming Hearings and Register 2009-2010 • Upper Tribunal (Financial Services) Forthcoming Hearings and Register 2009-2014 	

The applicant has also submitted the following plans:

- A site location plan outlining the application site;
- A site plan;
- An existing lower ground floor plan;
- An existing ground floor level plan;
- An existing first floor level plan;
- An existing second floor level plan.
- An existing third floor plan

Assessment

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 (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 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; purely legal issues are involved in determining an application.

Having done a business search and a company house search, 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 use of the site as a Law Court (class D1) begun more than 10 years ago as required under the Act. Furthermore, the Council has no evidence to contradict or undermine the applicant’s version of events.

Recommendation: Approve