

LDC Report	19/01/2015
Officer	Application Number
Katrine Dean	2014/6984/P
Application Address	Recommendation
Gordon House 6 Lissenden Gardens London NW5 1LX	Approve
1st Signature	2nd Signature (if refusal)
Proposal	
Granted permission 2010/2564/P is extant following commencement of on cycle store in January 2014.	
Assessment	
<p>The application site is located 6 Lissenden Gardens.</p> <p>The building is not listed but is located in the Dartmouth Park Conservation Area.</p> <p>The application seeks to demonstrate that works had commenced at the site and that the existing planning permission 2010/2564/P is extant because works to lay the foundations of the cycle store commenced in January 2014, prior to the expiration of planning consent 2010/2564/P on 15/03/2014.</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"> • Email correspondence between the applicant and the construction company with images of the works which have taken place (10/02/2014 – 24/02/2014); • Google images of the site before and after the formation of the foundations. <p>The applicant has also submitted the following plans:</p> <ul style="list-style-type: none"> • A site location plan outlining the application site. <p>Council's Evidence</p> <p>There is no relevant planning history or enforcement action on the subject site. With the works clearly visible from street imaging, there was no requirement to visit the site in person.</p>	

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.

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 works for the construction of the cycle store commenced in January 2014 and that the existing planning consent 2010/2564/P is extant.

Recommendation: Approve