

LDC Report		28/04/2015	
Officer		Application Number	
Darlene Dike		2015/1597/P	
Application Address		Recommendation	
20 Lincoln's Inn Fields London WC2A 3ED		Grant Certificate	
1st Signature		2nd Signature (if refusal)	
Proposal			
Commencement of works in accordance with condition 1 (within three years from date of permission) of planning permission 2012/1176/P granted 03/05/2012 for the change of use of ancillary plant room in office to residential to create 1x1 bed self-contained flat at roof level, with associated single storey extension at roof level, provision of external terrace, reconfiguration of existing external staircase and associated works.			
Relevant Planning History			
2012/1176/P - Change of use of ancillary plant room to office building (Class B1) to residential (Class C3) to create 1x1 bed self-contained flat at roof level, with associated single storey extension at roof level, provision of external terrace, reconfiguration of existing external staircase and associated works. Granted 03/05/2012			
Assessment			
<p>Permission is sought for a Certificate of Lawful Development to confirm that the planning permission 2012/1176/P granted on 03/05/2012 has been implemented. Planning permissions may be kept alive indefinitely (i.e. remain legally extant and capable of full implementation) if works or actions to implement them have commenced. Provision is made in Section 56 of the Town and Country Planning Act 1990 that development may be taken as begun when a 'material operation' begins to be carried out.</p> <p>Material operations are listed at section 56(b) as:</p> <p>“(a) any work of construction in the course of the erection of a building; (aa) any work of demolition of a building; (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building; (c) The laying out of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b); (d) Any operation in the course of laying out or constructing a road or part of a road; (e) Any change in the use of any land which constitutes material development.”</p> <p>Circular 10/97 explains that the burden of proof in applications under Section 192 of the Town and Country Planning Act 1990 lies firmly with the applicant. In support of the application various</p>			

forms of evidence have been submitted by the applicant's agent including:

Photographic log of works to:

- Construct a new apartment wall and apartment entrance door
- Demolish existing partitions to create a void for the new residential staircase
- Partially demolish floor slabs to create void for new residential staircase
- Install new drainage and incoming power to serve new unit

Circular 10.97 goes on to state that the relevant legal test to consider when evaluating the evidence 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 applicants' evidence is sufficiently precise and unambiguous to justify the grant of a certificate.

The key point for consideration is whether the works that have taken place on site constitute a material operation sufficient to have lawfully implemented the planning permission. The evidence submitted is considered sufficient to show that the scheme, comprising the change of use of ancillary plant room for office building to self-contained residential unit and associated works, has commenced in line with section 56 (b).

Recommendation: Grant Certificate