

My Ref: DGR/50AHAVERSTOCK/15
Your Ref:

19 May 2015

Development Management
Planning & Regeneration
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

Via the Planning Portal

Dear Sirs

**BASEMENT FLOOR AND GROUND FLOOR, 50A HAVERSTOCK HILL, LONDON, NW3 2BH –
APPLICATION FOR CERTIFICATE OF LAWFULNESS OF EXISTING USE**

I write on behalf of Broomfield Group Limited to submit an application for a certificate of lawfulness in relation to the above property.

The application seeks to establish lawfulness of the existing use of the basement and ground floors of the property as four self-contained flats (Use Class C3). The remaining upper floors of the property are not subject to this application.

I have enclosed the following documents (all submitted via the Planning Portal)

- Location plan;
- Plan for basement and ground floors;
- Statutory declaration by Mr A Halpern;
- Historic energy performance certificates for each flat; and
- Copies of tenancy agreements.

Planning History

On 23 February 2000, planning permission was granted under reference: PE9900740 for the 'Change of use, including works of conversion from one non-self contained maisonette to a one bed studio flat and a three bed maisonette on the basement and ground floors'. This development has not been implemented.

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Partnership No. OC399054



Use of Basement and Ground Floors

This application is supported by a statutory declaration made by Mr A. Halpern. Mr Halpern is the former freehold owner of the property and is a director of the company currently responsible for its management. He has detailed knowledge of the property spanning a continuous period of 28 years and his declaration (dated, 13 May 2015) can be summarised as follows:

- During the period June 2001 to November 2001 works were undertaken to convert the basement and ground floor flat into four self-contained residential units;
- From November 2001 to the present the layout of the basement and ground floors has been maintained without alterations;
- The units have been let to residents on the basis of assured shorthold tenancy agreements since November 2001 to the present date;
- Flat 1 has been continuously occupied since 16 November 2009 to the present save for periods totalling less than 3 weeks between residential tenants
- Flat 2 has been occupied since 1 October 2009 to the present save for a period totalling less than four weeks between residential tenants;
- Flat 3 has been continuously occupied by a single household since 4 November 2009 to the present save for a period totalling less than two weeks between residential tenants; and
- Flat 4 has been continuously occupied by a single household since 1 July 2009 to the present save for a period of less than three weeks between residential tenants.

It is further confirmed by Mr Halpern that there has been no change in circumstances since the date of his declaration.

I enclose copies of assured shorthold tenancy agreements to substantiate Mr Halpern's declaration.

On 13 January 2010, all four flats were subject to an energy performance assessment by a BRE accredited assessor. The Energy Performance Certificates (EPCs), dated 2 February 2010, are enclosed in support of the application and provide historical evidence that the property has been arranged as four flats for a period of more than 4 years.

Whilst, it is noted that Council Tax registration for the properties was not regularised until 5 December 2011 (in the cases of Flats 1 and 2, basement units) and 11 February 2013 (in the cases of Flat 3 and 4, ground floor units), the Court has held that the applicant's own evidence does not need to be corroborated by independent evidence to be accepted. It is further noted that the relevant test is one of 'balance of probability.' (FW Gabbittas v SSE and Newham LBC [1985])

Summary

The evidence submitted in support of the application is considered to meet the 'balance of probability' test that the basement and ground floors of the property have been used as four self-contained dwellings (under Use Class C3 of the Use Classes Order) for a period in excess of four years.

Therefore, on the basis of the above, I trust that the planning authority will be in a position to grant a certificate of lawfulness within relevant timescales.

If you have any queries in relation to this application, please do not hesitate to contact me on DD 020 8248 3500 or via email at daniel@droseplanning.com.

Yours faithfully



Daniel Rose MTCP (Hons) MRTPI
Partner
D. ROSE PLANNING LLP
For and on Behalf of Broomfield Group Limited

Enc.

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