**Bowhill Planning Partnership**

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**STATEMENT**

**IN SUPPORT OF A LAWFUL DEVELOPMENT CERTIFICATE APPLICATION**

**FOR RESTAURANT (A3) USE AT**

**106C FINCHLEY ROAD, SWISS COTTAGE,**

**LONDON, NW3 5JJ**

**15 JUNE 2015**

1. No 106c has been in continuous restaurant use since at least 1985. For conveyancing purposes the question of its planning status has arisen.

2. A search of the London Borough of Camden’s planning records has not revealed a planning permission underpinning this use. This may have been granted many years ago but with the computerisation of records may not now be available.

3. To rectify the situation a Lawful Development Certification application has been lodged with the Council so that the use can be formally recognised to assist with leasing and other requirements.

4. For a change of use to benefit from a Lawful Development Certificate this has to have subsisted for 10 years or more. In this case the start date would be the first few months of 2005. However, the evidence of Mr Sabah Shamash indicates that restaurants have been existence for 29 years and doubtless longer.

5. The unit is on a main road and it is in a suitable location for an A3 use although this is not directly relevant to an LDC application.

6. Taking into account the length of time for which the restaurant use has subsisted and the clear evidence of this by Mr Sabah Shamash then the grant of an appropriate certificate is seen to be appropriate. It is an appropriate location.