

LDC Report		Expires: 06/10/2015	
Officer		Application Number	
Nanayaa Ampoma		2015/4202/P	
Application Address		Recommendation	
41 Shirlock Road London NW3 2HR		Grant Lawful Development Certificate	
1st Signature		2nd Signature (if refusal)	
Proposal			
Use of building as single family dwelling house (Class C3)			
Assessment			
<p>The site is occupied by a three storey semi-detached building. The area is characterised with residential uses. The site falls within the Mansfield Conservation Area. The building is not listed.</p> <p>The application is made under s191 of the Town and Country Planning Act 1990 for a Lawful Development Certificate for the existing use of the property as a single family dwelling house (Use Class C3). The applicant seeks to demonstrate that the property has been used continuously for a period of more than 4 years prior to the application for the use set out above.</p>			
Applicant's Evidence			
<p>Site location plan.</p> <p>Planning statement including:</p> <ul style="list-style-type: none"> Appendix B – Land Registry 5 Appendix C – Deed of Change of Name 5 Appendix D – Council Tax Bills 5 Appendix E – Notice of Alteration to an Entry in the Valuation List 5 Appendix F – Valuation Office Council Tax Valuation List (Extract) 6 Appendix G – Utility Bills 			
Council's Evidence			
<p>The Council's Council Tax records indicate that the property has been designated as a single residential unit since 1999 under band G.</p>			
Assessment			
<p>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</p>			

not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The information submitted by the applicant is corroborated by the council's Council Tax office. No contradictory evidence has been submitted. As such it is considered that the use of the property as a single residential unit is lawful. Therefore the application is recommended for approval.

Recommendation:

Grant Lawful Development Certificate