

LDC Report	24/05/2016
Officer	Application Number
Oluwaseyi Enirayetan	2016/1037/P
Application Address	Recommendation
Unit B 2 Ella Mews Cressy Road London NW3 2NH	Grant
1st Signature	2nd Signature (if refusal)
Proposal	
Use of unit 2 (ground, first and mezzanine floors) as a private-hire vehicle operating office.	
Assessment	
1 Background	
<p>1.1 The site is a two-storey mews styled building located off Cressy Road. The site is within the Mansfield Conservation Area, but not listed.</p> <p>1.2 The application seeks to demonstrate that use of Unit B, comprising ground, first and mezzanine floors as mini cab office (Class B1) has been operating for a period of 10 years or more such that the continued use would not require planning permission.</p>	
2 Applicant's Evidence	
<p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Letter from leaseholder Fitzpatrick dated 22 March 2016 confirming that Q Despatch (West) Ltd has been their tenants since February 2002. • Evidence from companies house, a form showing change in situation or address of registered office for Q Despatch (West) Limited, signed and dated 11-03-02. • Email from Business rates with account reference 68247579 confirming property has been charged to Q Despatch (West) Ltd from 1 April 2005 • Planning statement stating full agreement that 'the minicab office shall be used as a remote office with no customers on the premises at any time. No fares shall be booked in person, no customers shall be picked up or dropped off in the immediate vicinity of the office at any time and no taxi drivers shall visit the office for any purpose other than to undertake administrative duties' prepared by Howard Goddard date 28 June 2016 <p>The applicant has also submitted the following plans:</p>	

- A site location plan outlining the application site
- Floor plans of the premises

3 Council's Evidence

3.1 The relevant planning history on the subject site is as follows:

- PE9800341: Planning permission granted for retention of three air conditioning units at rear ground floor level. Granted 04/12/2000

3.2 The Business Rates record indicate that the applicant has been paying business rates since 2005

3.3 A site visit to the property was undertaken on 5th April 2016. The officer was satisfied that the unit had been in use as a private hire, as shown on floor plans, and witnessed bookings taking place on the telephone on the first floor.

3.4 Valuation Office Agency as the premises listed as offices and premises on the 2010 and 2005 listings.

4 Assessment

4.1 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.

4.2 The Council does not have any evidence to contradict or undermine the applicant's version of events.

4.3 In the light of the above, the council is satisfied that on the balance of probabilities, the evidence submitted to show that the ground, first and mezzanine floors have been used as Class B1 offices for a period of over ten years is sufficient. Therefore the application is recommended for approval

Recommendation: Grant Certificate of Lawfulness

