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18th July 2016

Dear Sirs

RE: LAWFUL APPLICATION
FLATS B + C, 50 HEMSTAL ROAD, LONDON, NW6 2AJ

We believe that the evidence quite clearly proves that the property has comprised of 2 self-contained flats to the first floor for in excess of four years. There are no shared facilities whatsoever. Each unit is wholly self-contained with the full range of services required for day to day living.

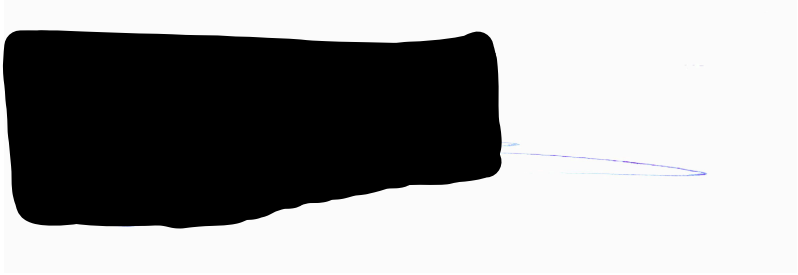
Section 171B(2) of the Town and Country Planning Act 1990 states that where there has been a breach of planning control comprising a change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach. The breach in the case of **Flats B + C, 50 Hemstal Road, London, NW6 2AJ** took place prior to 05/08/2011. Each of the 2 single dwelling units created has thus been in existence for in excess of the requisite four year period.

We would respectfully draw your attention to the most recent Case Law relevant to such conversions – Baker v Secretary of State for the Environment, Transport and Regions (2001) JPL1299. The Court held that reference to a "building" in Section 171B(2) included a part of the building, which meant that no enforcement proceedings could be taken once a part of the building had been used as a single dwelling house for four years or more.

Section 191(2) of the Act states that uses and operations are lawful if no enforcement action may be taken in respect of them including if the time for enforcement action has expired. As these 2 flats have existed for more than four years the time for enforcement action has expired and thus, in accordance with Section 191(2), the use as 2 self-contained flats is now lawful.

In considering the evidence as you will be aware the relevant test is the “balance of probability”. Authorities are advised that if they have no evidence of their own to contradict or undermine the Applicants version of events there is no good reason to refuse the application provided the Applicant’s evidence is sufficiently precise and unambiguous (Para.8.15 of Circular 10/97 refers). We hope that you will agree that sufficient evidence has been submitted to prove the lawfulness of the use on the balance of probability and thus hope that the required Certificate of Lawfulness can be issued.

Should the Planning Officer to whom this application is allocated wish to inspect the premises internally I would be grateful if he/she could contact me to make the necessary arrangements.



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