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| LDC Report | 14/09/2017 |
| Officer Alyce Keen | Application Number 2017/4194/P |
| Application Address 121A Islip Street LONDON NW5 2DL | Recommendation Grant Lawful Development Certificate (Existing) |
| 1st Signature | 2nd Signature (if refusal) |
| Proposal Installation of shopfront | |
| Assessment | |
| <p>The application site is located on the corner of Islip Street and Bartholomew Road.</p> <p>The application relates to an existing shopfront.</p> <p>The building is not listed and is located in the Bartholomew Estate Conservation Area.</p> <p>The application seeks to demonstrate that the shopfront has existed for a period of 4 years or more such that the shopfront would not require planning permission.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Affidavits from 32 customers stating that to their knowledge the premises has been used as a commercial unit with the shopfront extended for more than 10 years • Previous owner has also signed a statutory declaration stating that at the time of his purchase in 2010 he can confirm that the building extension to the shop was already in place and remained there at the time of his sale • Images taken from Google street view show the property to have the shopfront extension in question in 2008 <p>The applicant has also submitted the following plans:</p> <ul style="list-style-type: none"> • A101 (Existing Plans) <p>Council's Evidence</p> <p>There is no relevant planning history or enforcement action on the subject site.</p> | |

Assessment

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.

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

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that ‘on the balance of probability’ the shopfront has existed for a period of more than 4 years as required under the Act. Furthermore, the Council’s evidence does not contradict or undermine the applicant’s version of events.

Recommendation: Grant Certificate of Lawfulness (Existing)