

LDC Report	14/02/2019
Officer Alyce Keen	Application Number 2018/6294/P
Application Address 27 Regent's Park Road London NW1 7TL	Recommendation Grant Lawful Development Certificate – Existing
1st Signature	2nd Signature (if refusal)
Proposal Use of the building as a single dwellinghouse (Class C3).	
Assessment <p>The application site is located at 27 Regent's Park Road.</p> <p>The application relates to a single family dwellinghouse in residential use.</p> <p>The building is not listed and is located in the Primrose Hill Conservation Area.</p> <p>The application seeks to demonstrate that the single family dwellinghouse has existed for a period of 4 years or more such that the continued use would not require planning permission.</p> <p>The applicant is required to demonstrate, on balance of probability that the single family dwellinghouse has existed for a period of 4 or more years.</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"> • Gas Safety Certificate 12/08/2013; 31/07/2017 and 31/07/2018. • Deposit Protection Scheme 03/08/2017. • Inventory & Schedule of Condition dated 15/11/2014. • Inventory & Schedule of Condition dated 01/09/2017. • Statutory Declaration Piotr Klasa dated 16/12/2018. • Statutory Declaration Erik Alexander dated 16/12/2018. • Builders Estimate for Conversion dated 01/12/2012. • Carpet Invoice dated 24/05/2013. • Painting Invoice dated 18/05/2013. • Land Registry edition date 04/10/2012. • Energy Performance Certificate dated 05/05/2013. • Insurance email correspondence dated 14/05/2013. • Insurance policy dated 09/05/2013. • New Business Schedule dated 12/01/2015. • Renewal Schedule dated 05/01/2016. 	

- RSA Properties Statement of Fact dated 06/01/2017 and 18/01/2018.
- Council Tax: Notice of Making a New Entry in the Valuation List dated 07/10/2013.
- DirectGov Council Tax band details dated 07/10/2013.
- Email correspondence regarding Council Tax dated 13/08/2013.
- Consultation of Controlled Parking Zones dated 06/10/2014.
- Planning Application Consultation dated 08/08/2014.
- ATED Return dated 2013-2014; 2014-2015; 2015-2016; 2016-2017; 2017-2018; 2018-2019.
- Thames Water Bill dated 25/06/2013 and 04/09/2017.
- Thames Water Bill – Final Demand dated 24/07/2013.
- BT Internet Letter dated March 2014.
- TV License letter dated October 2013; January 2014; June 2014; July 2014.
- British Gas Invoice dated 17/01/2014; 30/08/2017 and 31/07/2018.
- Robert Irving Burns (Property Consultants) letter dated 16/04/2014.
- Estate Agent Listing dated 01/04/2014.
- Dexters Agent Listing dated 31/07/2017.
- Robert Irving Burns – preparation of property for tenancy dated 01/08/2013.
- Inventory Services email dated 02/08/2013.
- Tenancy Agreement dated 11/11/2014 and 01/09/2017.
- Advice of Credit dated 11/11/2014; 14/05/2015; 19/08/2015; 11/11/2015.
- Santander Funds Transfer dated 01/07/2016; 07/02/2017; 31/08/2017; 01/11/2017; 01/12/2017; 02/01/2018; 01/02/2018; 01/03/2018; 03/04/2018; 02/05/2018; 01/06/2018; 01/08/2018; 03/09/2018; 01/10/2018; 01/11/2018; 03/12/2018.
- Council Tax Invoice dated 14/10/2017 and 05/09/2017.

The applicant has also submitted the following plans:

- A site location plan outlining the application site
- Pre-Existing Situation at 4 Self Contained Flats Floor Plans - 1556EA_PRE SH1
- Existing Floor Plans

Council's Evidence

There is no relevant planning history or enforcement action on the subject site.

Council tax have confirmed that the liability for Council Tax started on 13/08/2013. It has been in payment continuously since then.

A site visit to the property was undertaken on the 29 January 2019. The officer was satisfied that the dwellinghouse had been occupied for solely one residential unit use for some time. The property was occupied.

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 property has existed as a single family dwellinghouse in residential use 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: Approve