

Application ref: 2019/1162/P  
Contact: Obote Hope  
Tel: 020 7974 2555  
Date: 13 June 2019

**Development Management**  
Regeneration and Planning  
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NWL Solicitors  
Ground Floor Unit  
9 Hampstead West  
224 Iverson Road  
London  
NW6 2HL

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990

### **Certificate of Lawfulness (Existing) Granted**

The Council hereby certifies that on the 13 March 2019 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

First Schedule: The continued use of the basement as 1Bed self-contained flat.

Drawing Nos: GA.01; S.00; Southern Electricity quarterly bills dated 26/11/2016; 27/05/2017; 26/08/2017; 18/11/2017; 26/02/2018; 27/04/2018 and 25/08/2018; Thames Water bill dated 30/03/2013 to 19th June 2013; 20th June to 08 September 2013; 09th to 18th December 2013; British Gas Electricity bills dated 26th Nov 2016 to 24th Feb 2017; 27th May to 25 August 2017; 26 Aug 2017 - 17 Nov 2017; 18 Nov 2017 - 25 Feb 2018; 26.02.2018 - 26.04.2018; 27.04.2018 - 24.08.2018; Statutory Declaration from NWL Solicitors dated January 2019; Yearly Tenancy Agreement from Assured Shorthold Tenancy dated 26th May 2013; 26th May 2014; 26th May 2015; 26th May 2016; 26th May 2017; 26th May 2018 and 26th May 2018;

Second Schedule:

**340A Kilburn High Road**  
**London**  
**NW6 2QJ**

Reason for the Decision:

- 1 The use of the basement as 1Bed flat began more than four years before the date of this application.

Informative(s):

- 1 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope  
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use\*/operations\*/matter\* specified in the First Schedule taking place on the land described in the Second Schedule was\*/would have been\* lawful on the specified date and thus, was not\*/would not have been\* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use\*/operations\*/matter\* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use\*/operations\*/matter\* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.