

LDC Report		19/03/2020	
Officer		Application Number	
Josh Lawlor		2020/0352/P	
Application Address		Recommendation	
Basement Car Park 20 Lamb's Conduit Street London WC1N 3LE		Grant	
1st Signature		2nd Signature (if refusal)	
Proposal			
Use of basement as storage (Class B8 storage or distribution)			

Assessment

20-26 Lams Conduit Street is a 4 storey building which was originally built as offices (Class B1a) and converted into residential (Class C3) in 1996. The building is located just outside the Bloomsbury conservation area, but is located next to a listed building to the north. The site is also located within the Central London Area.

The basement has until recently been a redundant space as no vehicles can access the space due to the site constraints. The application seeks to demonstrate that the basement is in use as storage (Class B8 storage or distribution) as permitted by planning ref. 2016/6472/P expiring 25/01/2020 and would therefore not require planning permission.

Applicant's Evidence

The applicant has submitted the following information in support of the application:

A Site Location Plan

Photographic evidence of furniture and vintage cars stored at a basement level.

The applicant has provided details of an appeal decision (ref. APP/M0933/X/12/2184048 dated 29/4/2013) at the Former Wilson Robinson Workshop, Hampsfell Road, Grange-over-sands, Cumbria, LA11 6BE. The appeal was against a refusal to grant a certificate of lawful use for the storage of vintage/classic cars (not domestic) as Class B8 rather than sui generis. The appeal was allowed, with the inspector stating that *'if a building is used to store items that are not domestic, is not used for domestic purposes, and is not used in ancillary use to residential occupation of a dwelling, then it would be in a Class B8 storage use. The proposed 'storage of vintage/classic cars (not domestic garaging)' is just such a case. It is a Class B8 use and not a sui generis use.*

The applicant states that *'the cars have not been left there as part of the previous use and they have no connection to the dwellings on the upper floors – they are part of a car collection belonging to MHA London as leaseholder and applicant, and they are being stored there (they are not road taxed). I can also confirm that there is no commercial element to the car storage/parking.'*

The applicant states that there are large number of other non-ancillary items including office furniture which are being stored at basement level in association with an office renovation company belonging to MHA London.

The submitted application from states that the B8 storage use begun on the 02/012/2019.

An email to Business Rates (Camden Council) stating that the premises has been in use as storage for office and domestic furniture and vintage automobiles (Use Class B8 since 02.12.2019). The email requests a 'Billing Authority Report' (BAR) in order that the Valuation Office Agency (VOA) to inspect the rateable value.

Relevant Planning history:

P9601185R1 Conversion of existing office block to 15 residential units with ancillary car parking
Granted 20/09/1996

2016/6472/P Change of use of the existing basement car park (ancillary residential Class C3) to a flexible B1/B8/D1/Gym (D2)/veterinary clinic (sui generis) use, including the installation of air conditioning plant to the existing basement lightwell. Granted 25/01/2017

2017/4576/P Variation of conditions 6 (air conditioning) and 9 (cycle parking) of 2016/6472/P (change of use from car park to flexible B1/B8/D1/Gym (D2) use. Granted 03/10/2017

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 case officer conducted a site visit on the 10/03/2020 in order to take photographs of the site. The site visit and associated photographs confirmed that the basement is being used for the storage of classic/vintage automobiles and the storage of office and domestic furniture. The case officer has been able to corroborate information provided by the applicant with relevant planning history to confirm that the basement is in use as B8 storage.

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 sufficiently demonstrate that ‘on the balance of probability’ the basement has been in use as storage (Class B8 storage or distribution) as permitted by planning ref. 2016/6472/P prior to 25/01/2020 and would therefore not require planning permission. The applicant’s evidence are sufficiently precise and unambiguous to justify the grant of a certificate.

Recommendation: Approve