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| **LDC Report** | **11/11/2020** | |
| **Officer** | | **Application Number** |
| David Fowler | | 2020/4614/P |
| **Application Address** | | **Recommendation** |
| Greenwood  49 - 72 Oseney Crescent  London  NW5 2BB | | Grant Lawful Development Certificate |
| **1st Signature** | | **2nd Signature (if refusal)** |
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| **Proposal** | | |
| Use of premises as self-contained units (Class C3) of temporary accommodation for homeless families in Camden. | | |
| **Assessment** | | |
| The application site is located on the north-eastern corner of the junction of Oseney Crescent and Bartholomew Road. The site is occupied by the annexe to the Greenwood, which is a sheltered housing complex. The building is not listed or located in a Conservation Area.  Permission was granted in 1959 to erect a three storey block of 24 flats (TP83678/9257) on the site. There are no applications concerning the use of the premises on the system since that date. The premises have been operating more recently as self-contained sheltered housing which also falls within class use C3. These dwellings were self-contained bedsits, operating as an annexe to the Greenwood Building, which remains in operation as sheltered housing.  The proposed accommodation for homeless families would be self-contained and unsupported and would also fall within class use C3. It is not proposed to change the number of units within the building from the originally approved number and therefore there would be no dwellings gained or lost under the proposals, which would trigger the need for planning permission. The proposed internal works consist of refurbishment only.  One letter of support was received on the proposals.  Given the above, the use of the premises is considered to be Class C3 and the proposed use does not require planning permission.  **Applicant’s Evidence**  The applicant has submitted the following plans and information in support of the application:   * A4 site location plan, 1959 Drawings Greenwood Annexe – 190/12A, 180/13A, 180/15, 180/14A, Greenwood Annexe Refurbishment for Temporary Accommodation Use – 6 October 2020. * Email from applicant dated 11/11/2020. | | |

# Council’s Evidence

There are no applications concerning the use of the premises on the system since the original Class C3 residential permission in 1959.

# 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 premises have been operating within Class C3 use and the proposals would also fall within Class C3. Furthermore, the Council’s evidence does not contradict or undermine the applicant’s version of events.

# Recommendation: Approve