

# Supporting Evidence

London, 24/02/2022

## **Application for a Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 (as amended)**

### **263 Eversholt Street, London NW11BA**

1. This document has been prepared in support of a Certificate of Lawful Existing Use for the 3 flats at ground floor of 263 Eversholt Street.

#### **Existing use**

2. The ground floor of the property includes the use of 3 self-contained flats, benefiting of a lightwell and windows for ventilation and natural daylight purposes.

3. There is a communal front-yard with space for a bin storage, and a main entrance door and lobby. The ground floor flats are 3 studio-flats, (flat 7,8 and 9 on the attached plan).

#### **Assessment against Section 191 of the Town and Country Planning Act 1990 (as amended)**

4. The development should be considered under Section 191 of the Town and Country Planning Act 1990

5. *Certificate of lawfulness of existing use or development.*

*(1) If any person wishes to ascertain whether—*

*(a) any existing use of buildings or other land is lawful;*

*(b) any operations which have been carried out in, on, over or under land are lawful; or*

*(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*

*(2) For the purposes of this Act uses and operations are lawful at any time if—*

*(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*

*(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.*

*(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—*

*(a) the time for taking enforcement action in respect of the failure has then expired; and*

*(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.*

There are no enforcement actions on this property, as confirmed by the applicant.

8. There is evidence that the property was already divided as described in the plans in the year 2016 (please see Appendix A). Appendix A is showing tenancy agreements dated and signed in 2016.

9. A sworn affidavit is available upon request.

10. I believe that the existing use of the property is lawful as no enforcement actions were undertaken against it, and there is evidence that the use is ongoing by more than 5 years.

Yours Faithfully,

Antonio Romeo  
Architect  
24 February 2022