LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS 24/08/2015

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2015/1988 **Ward:**

Date received: 07/07/2015

Drawing number of plans: PAL/01/01; OS Map; Council Rent Statement dated 10/01/2010 dor flats A and B; Possession Order dated 15 October 2002; Tenancy Agreement for 147B dated 2008; Council Tax (VOA website) confirming Council Tax liability from 01/12/2000 for flats A and B; Tenancy Agreement dated 10/05/2013 for Flat A; Tenancy Agreement dated 31/10/2005 for Flat A.

Address: 147 Park Lane N17 0HN

Proposal: Certificate of lawfulness for the use of property as 2 self contained flats

Applicant: J And M Properties

Ownership: Private

Site Visit Date: 24/08/2015

Officer contact: Anthony Traub

2. RECOMMENDATION

GRANT CERTIFICATE

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Certificate of lawfulness for the use of property as 2 self contained flats

4. RELEVANT PLANNING AND ENFORCEMENT HISTORY PLANNING APPLICATION HISTORY

HGY/1998/1051 WDN 01-12-98 147 Park Lane London Change of use from house in multiple occupation to private sector hostel.

5. LOCAL REPRESENTATIONS

Cllr Bevan has objected to the scheme and raises concerns about the size of the proposed units not complying with London Plan standards.

RESPONSE: The application is for a certificate of lawful development and will only test the evidence before the Council as to whether the residential units have been in existence for at least 4 years.

6. RELEVANT LEGISLATION AND GUIDANCE

The Town and Country Planning Act 1990

The application is subject to the following sections of the Act:

1. S171B - Time limits; and
2. S191(2) - Certificate of Lawfulness of Existing Use or Development

7. ANALYSIS/ASSESSMENT OF THE APPLICATION

Section 191 (2) (a) of the TCPA 1990 indicates that a use is lawful if the time limit for enforcement action has expired. The time limit for enforcement action relating to the conversion of a property into flats and the new development as set out in section 171B of the Town and Country Planning Act 1990 is four years of continuous/existing use.

This being the case, reasonable evidence must be provided by the applicant to demonstrate that on the balance of probability the flats have been in existing or in continuous use and available for occupation for at least the last four years.

Council Tax

The Council Tax valuation list (www.voa.gov.uk) has confirmed the individual flats known as:

Flat A, Gnd Flr 147, Park Lane, London, N17 0HN; and
Flat B, 1st Flr 147, Park Lane, London, N17 0HN.

have been liable for council tax at least 01/12/2000 .

Evidence submitted

PAL/01/01; OS Map; Council Rent Statement dated 10/01/2010 dor flats A and B; Possession Order dated 15 October 2002; Tenancy Agreement for 147B dated 2008; Council Tax (VOA website) confirming Council Tax liability from 01/12/2000 for flats A and B; Tenancy Agreement dated 10/05/2013 for Flat A; Tenancy Agreement dated 31/10/2005 for Flat A.

7.1 Conclusions

Given the information submitted and that Council Tax has been paid for all four flats since 01/04/2010, the Council considers that the supporting evidence is compelling to demonstrate that the flats have been in existence for the last four years;

The application does prove that the residential units, on the balance of probability, have been in continuous use and available for occupation for more than the last 4 years as set out in section 171B of the Town and Country Planning Act 1990 and it has been demonstrated to the satisfaction of the Local Planning Authority that the continued use of the 2 self-contained units at 147 Park Lane N17 0HN is lawful within the meaning of S191(2)(a) of the Town and Country Planning Act 1990.

8. RECOMMENDATION

GRANT CERTIFICATE

Registered No. HGY/2015/1988

Applicant's submissions: PAL/01/01; OS Map; Council Rent Statement dated 10/01/2010 dor flats A and B; Possession Order dated 15 October 2002; Tenancy Agreement for 147B dated 2008; Council Tax (VOA website) confirming Council Tax liability from 01/12/2000 for flats A and B; Tenancy Agreement dated 10/05/2013 for Flat A; Tenancy Agreement dated 31/10/2005 for Flat A.

REASON: The application does prove that the residential unit, on the balance of probability, has been in continuous use and available for occupation for more than the last 4 years as set out in section 171B of the Town and Country Planning Act 1990 and it has been demonstrated to the satisfaction of the Local Planning Authority that the continued use of the 2 self-contained units at 147 Park Lane N17 0HN is lawful within the meaning of S191(2)(a) of the Town and Country Planning Act 1990.