

For Office use only
Date received:
Date valid:
Fee paid:
Application No.:

Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.  
Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.  
Town and Country Planning (Development Management Procedure) (England) Order 2015

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

**1. Site Address**

Number	181
Suffix	
Property name	Flat C
Address line 1	Noel Road
Address line 2	
Address line 3	
Town/city	Acton
Postcode	W3 0JJ

Description of site location must be completed if postcode is not known:

Easting (x)	519614
Northing (y)	181293

Description

**2. Applicant Details**

Title	Mr
First name	Malek
Surname	EI-Houry
Company name	
Address line 1	Flat B, 181, Noel Road
Address line 2	
Address line 3	

## 2. Applicant Details

Town/city	Acton
Country	
Postcode	W3 0JJ

Are you an agent acting on behalf of the applicant?

Yes  No

Primary number	
Secondary number	
Fax number	
Email address	

## 3. Agent Details

Title	Mr
First name	Mokhtar
Surname	El-Houry
Company name	ENG Consulting Limited
Address line 1	29 Howard Road
Address line 2	Cricklewood
Address line 3	
Town/city	London
Country	United Kingdom
Postcode	NW2 6DS
Primary number	
Secondary number	
Fax number	
Email	

## 4. Description of Use, Building Works or Activity

Please indicate why you are applying for a lawful development certificate

- An existing use  
 Existing building works  
 An existing use, building work or activity in breach of a condition

**Being a use, building works or activity which is still going on at the date of this application**

**If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.**

#### 4. Description of Use, Building Works or Activity

Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include Use Classes C2A and C4 or the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

C3 - Dwellinghouses

#### 5. Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

A certificate of lawfulness for the flat contained within the loft of the main building is sought (Flat C). The creation of Flat C was established in 2016 by the removal of the door at the bottom of the stairs at ground floor level and the installation of a small kitchen at second floor level against the party wall only. Note that Flats A and B were built in accordance with permission PP/2014/1167 and were occupied in 2015 prior to the works that resulted in the creation of the new flat (they are therefore lawful and a certificate is not necessary for them).

#### 6. Grounds for application of a Lawful Development Certificate

Under what grounds is the certificate being sought

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

Yes  No

Please state why a Lawful Development Certificate should be granted

Following the grant of planning permission for the change of use of the property to two self contained flats in 2014 (ref: PP/2014/1167) the works of conversion were carried out (including the physical extensions to increase the size of the property) and the two flats (Flat A ground floor and Flat B first/second floor) were occupied (the Council's own records show that a Building Control completion/regularisation certificate was issued on 11.11.15 and that Council tax has been paid on both properties since 11 April 2016). This certificate therefore only relates to the lawfulness of the creation of the third flat in the loft space (Flat C) and the evidence will show that this flat was created in spring 2016 and had been continuously occupied for over four years and is therefore exempt from enforcement action and is lawful.

#### 7. Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01/06/2016

In the case of an existing use or activity in breach of conditions has there been any interruption?

Yes  No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

Yes  No

##### Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

Yes  No

Please select the proposed housing categories that are relevant to your proposal.

- Market Housing
- Social, Affordable or Intermediate Rent
- Affordable Home Ownership
- Starter Homes
- Self-build and Custom Build

Add 'Market Housing - Proposed' residential units

## 7. Information in support of a Lawful Development Certificate

### Market Housing - Proposed

	Number of bedrooms					
	1	2	3	4+	Unknown	Total
Flats/Maisonettes	1	0	0	0	0	1
Total	1	0	0	0	0	1

Please select the existing housing categories that are relevant to your proposal.

- Market Housing  
 Social, Affordable or Intermediate Rent  
 Affordable Home Ownership  
 Starter Homes  
 Self-build and Custom Build

Total proposed residential units

1

Total existing residential units

0

Total net gain or loss of residential units

1

## 8. Site Information

### Title number(s)

Please add the title number(s) for the existing building(s) on the site. If the site has no title numbers, please enter "Unregistered"

Title Number

NGL491786

### Energy Performance Certificate

Do any of the buildings on the application site have an Energy Performance Certificate (EPC)?

Yes  No

## 9. Further information about the Proposed Development

What is the Gross Internal Area (square metres) to be added by the development?

0.00

Number of additional bedrooms proposed

1

Number of additional bathrooms proposed

1

## 10. Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

Yes  No

## 11. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent  
 The applicant  
 Other person

## 12. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

## 13. Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

## 14. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

Yes  No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

## 15. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)

27/04/2021