

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE
FOR AN EXISTING USE OF 13/14A DOUGHTY MEWS LONDON
WC1N 2PG .

TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED
SECTION 191 1A . PLANNING AND COMPENSATION ACT 1991.
SECTION 10. TOWN AND COUNTRY USE CLASSES ORDER 1987.
AS AMENDED.

SUPPORTING STATEMENT

APPLICANTS

Mrs S.E. Watts
Seagull House
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Hastings
TN34 3ES

and

Mr Nicholas. C.E. Watts
13 – 14A Doughty Mews
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INTRODUCTION

1.1 The applicants hereby submit an application for a Lawful Development Certificate for an existing Class C. 3 (Dwelling house) Use or Development in accordance with Section 191 (1) (a) of the Town and Country planning Act 1990 as amended by The Planning and Compensation Act 1991 (herein referred to as "The Act ") and The Town and Country (Use Classes) Order 1987 as amended. The red line plan appended identifies the application site 13/14A Doughty Mews London WC1N 2PG.

1.2 This Certificate application relates to the diversification of the use granted under Application PS 9804629 7 September 1998 for a live/work unit and PSX 0104166 1st May 2001.

1.3 Seeking confirmation from the Council that the applicants' existing use of the work unit as residential which has obtained since 2002 is now permitted under the legislation prevailing.

1.4 This freehold property HM Land Registry Title Exhibit 4 appended is in the process of being transferred from Mrs S.E.Watts to her son Nicholas.C.E.Watts who has lived at the above property since 1998 and is joined as an applicant. The first floor flats are 13 and 14 Doughty Mews respectively and the ground floor Application Site is 13/14A Doughty Mews .

1.5 This application is made in order to establish the use of 13/14A Doughty Mews WC1N 2PG. The property has been used only as a residential dwelling since 2002 and as such falls within Class C3 (dwelling house) of The Town and Country Planning (Use Classes) Order 1987 as amended.

HISTORY

2.1 Planning permission was granted 7 September 1998 for a Change of Use from a garage to a live/work unit. Application No PS 9804629 Exhibit 1.

2.2. On 15 January 2001 under PSX 0005118/RI consent was given for the separation of 13A and 14A into a One Bedroom Flat and a B1 Commercial unit respectively together with the demolition of part of the rear extension and formation of patio garden. This consent was never implemented.

2.3 On 1 May under PSX 0104166 Exhibit 2 consent was granted for the demolition of part of the rear extension and formation of patio garden but with 13A and 14A remaining as one combined live/work unit. This consent was implemented and this is evidenced by letter 28 June 2001 from Landers and Associates Architects Exhibit 3.

2.4 When the property was purchased in 1997 by Mrs S.E.Watts the two first floor flats 13 and 14 Doughty Mews above the ground floor Application Site had been sold in 1985 on long leases

LEGISLATIVE PROVISIONS

3.1 Section 191 of the Act states that " where a person having an interest in land claims that a particular use of it has become established he may apply to the local planning authority for a certificate to that effect."

3.2 As such this Certificate application under Section 191 (1) (a) of The Act seeks to demonstrate the lawfulness of the existing use in so far as it has been established as lawful by the legislation obtaining and should be confirmed as such. It is submitted that it follows that a lawful Development Certificate in respect of the existing use should be granted for the ground floor Application Site as a Class C3 (Dwelling house) Town and Country (Use Use Classes) Order 1987 as amended.

3.3 The Act goes on to consider that " If on an application under this Section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if begun at the time of the application they may issue a certificate to that effect".

3.4 This flat has been used exclusively as a dwelling house for in excess of eight years and as such Section 171 B (2) of the Planning and Compensation Act 1991 would be relevant which states that where the change of use of any building to use as a single dwelling house has occurred no enforcement action may be taken after the period of four years.

3.5 In addition, Section 192 paragraph 9 of the Act states that "the relevant test is the balance of probability and authorities are advised that if they have no evidence of their own to contradict the applicant's version of

events, there is no reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate."

3.6 It is submitted that this application provides compelling and robust supporting information and evidence to demonstrate the lawfulness of the established use. As such the applicants consider that this established use as a Class C3 (dwelling house) is lawful in the context of the primary legislation and the Council should therefore grant the certificate accordingly.

CURRENT USE

4.1 The freehold premises comprising 13/14A Doughty Mews WC1N 2PG has been within the ownership of Mrs S.E.Watts since 1997. A copy of HM Land Registry Title is appended to this application Exhibit 4.

4.2 The aforesaid premises has been in a residential use only since 2001 and prior to this only a part of the work unit was used by Mr Nigel Watts as a non commercial art studio as is evidenced by his affidavit appended .

CORROBORATION OF EXISTING USE FOR MORE THAN FOUR YEARS

5.1 The existing and established use is supported by the evidence contained in the affidavits of Mr Nicholas Watts, Mrs S.E.Watts , Mr Nigel Watts , Mr Anders.G. Akerno and Miss Claire. L. Smith.

CONCLUSION AND SUMMARY

6.1 This Application seeks a Lawful Development Certificate in respect of the existing use of the ground floor Application Site 13/14A Doughty Mews, as a Class C 3 (dwelling house) of The Town and Country (Use Classes) Order 1987.

6.2 This application has demonstrated that 13/14A Doughty Mews has been in continuous use as a residential property under Class C3 (dwelling house) of The Town and Country (Use Classes) Order 1987 (as amended) since 2002 and therefore under the provisions of The Town and Country planning Act 1990 as amended the lawful use is as a Class C3 (Dwelling house). Ergo the existing and established use does not require planning permission.

6.3 It is contended that the case submitted relies on incontrovertible argument. As such the applicants consider that a Lawful Development Certificate should be issued.