

**STATEMENT IN SUPPORT OF
CERTIFICATE OF LAWFUL USE**

**26 FITZROY SQUARE
LONDON, W1**

Firstplan Ltd
25 Floral Street
London
WC2E 9DS

Tel: 020 7031 8210
Fax: 020 7031 8211

Appeal Ref:
LPA Ref:
Firstplan Ref: 08007/sk/sh

Date: February 2008

COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Firstplan Ltd

CONTENTS

	<u>Page No</u>
SECTION 1: INTRODUCTION	1
SECTION 2: PLANNING BACKGROUND	2
SECTION 3: FURTHER EVIDENCE	3
SECTION 4: CONCLUSIONS	4

APPENDICES

APPENDIX 1:	COPIES OF RELEVANT PLANNING PERMISSIONS AND FORMS
APPENDIX 2:	SIGNED AFFIDAVITS
APPENDIX 3:	SITE PHOTOGRAPHS
APPENDIX 4:	CERTIFICATES OF RATEABLE VALUE

SECTION 1: INTRODUCTION

- 1.1 This statement has been prepared by Firstplan in support of an application for a Certificate of Lawful Use in respect of the use of the second floor of the above premises for B1 office use, on behalf of the owner Roger Jupe.
- 1.2 The application is submitted under Section 191 of the Town and Country Planning Act 1990 to establish that the second floor of the property has been in continuous uninterrupted office use for over ten years in conjunction with the use of the basement, ground and first floor for Mr Jupe's company, Richmond Towers. Since 2006 the building has been occupied by Richmond Towers Communications. If the change of use of the building took place more than ten years ago it is considered under Section 191 of the Town and Country Planning Act 1990 to be immune from enforcement action
- 1.3 In order to support our case we have enclosed a number of documents of evidence which will be described in more detail below. These include:
- Planning history records and application forms;
 - Affidavits from former employees and client of the business;
 - Old photographs;
 - Certificates of Rateable Values

SECTION 2: PLANNING BACKGROUND

- 2.1 26 Fitzroy Square comprises basement, ground and three floors above. With the exception of the top floor the premises have been continuously used as offices, according to the planning records since 1949. Under the Town and Country Planning Act 1990 the use of the second floor as offices is immune from enforcement action. Our client wishes to obtain a Certificate of Lawful Use for the second floor of the premises as B1 office use to confirm its use.
- 2.2 The first planning permission dates back to 1949 when consent was granted for the erection of lavatory accommodation (ref: T.P. 46154). This in itself is insignificant however the application form submitted establishes that the premises were used as offices at this time and no mention was made of this by the Council. See appendix 1, application form, part 7.
- 2.3 Two applications were subsequently submitted to regularise the use of the second floor of 26 Fitzroy Square in 1956 and 1965. In 1956 an application was refused for the continued use of the second floor of no. 26 Fitzroy Square for office purposes (ref: AR/TP/46154/NW). The reason for refusal was that the second floor was allocated for residential purposes. However the application form states the existing land use was "offices" and "living accommodation until about September 1951." See Appendix 1, application form, part 5.
- 2.4 In 1965 a further application was submitted seeking continued use of the second floor as offices (ref: CTP/H12/27/1/962). This was refused on the same grounds as the 1956 application stating that the area was reserved for residential purposes.
- 2.5 These planning application forms provide evidence that the second floor has been used as offices from 1949 – 1965. The subsequent evidence will demonstrate that there has been continuous and uninterrupted use as offices of the second floor to the present day.

SECTION 3: ADDITIONAL EVIDENCE

a) Affidavits

- 3.1 In order to provide further evidence to support this case further we attach 22 affidavits from current and past employees, former and current clients and suppliers of the appellant's organisation who have worked at 26 Fitzroy Square for a number of years. These all confirm that from as far back as 1974 the continuous uninterrupted use of the second storey of 26 Fitzroy Square as B1 offices. Of particular note is the affidavit of Nicholas Peter Wainford, who discovered the building for the company and states that it was offered for sale as office space on all four storeys, including the second floor.
- 3.2 In order to comply with Section 191 of the Town and Country Planning Act 1990 there is a need for 10 or more years of continuous uninterrupted use. The signed affidavits demonstrate the office use has been in existence for over 30 years and therefore the second floor of 26 Fitzroy Square is free from enforcement action and should be granted a Certificate of Lawful Use accordingly.

b) Old photographs

- 3.3 We enclose a number of photographs demonstrating the B1 office use on the second floor of the premises. Under Section 191 of the Town and Country Planning Act 1990, these are regarded as an appropriate piece of evidence.

c) Rateable Value Records

- 3.4 Enclosed is a copy of the 2006 Certificate of Rateable Value and summary sheet which both clarify the second floor use of 26 Fitzroy Square as B1 office space. Subsequently commercial business rates have applied to the whole premises.
- 3.5 Although this only dates back two years, the Council have acknowledged that the whole premises', including the second floor, is rated as B1 office space.

SECTION 4: CONCLUSIONS

- 4.1 It is our view that the continuous and uninterrupted use of the second floor of 26 Fitzroy Square as class B1 office space has occurred for in excess of 30 years.
- 4.2 We have provided a number of documents as evidence, under Section 191 of the Town and Country Planning Act, and accordingly, it is our view that the whole of the premises is free from enforcement action and should be granted a Certificate of Lawful Use.
- 4.3 We trust therefore that the Council will be able to grant a Certificate of Lawful Use for the second storey as B1 office space as soon as possible.