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Dear Sir/Madam

**28 Ainger Road, London, NW3 3AS**  
**Certificate of Lawful Existing Use or Development**

On behalf of our client, Centrepont (Soho) Ltd, we are instructed to submit an application for a Certificate of Lawful Existing Use application in relation to the above named site.

Specifically, this is to confirm the existing lawful use of the property as:

**“Existing use of the property as 4 x Class C3 Residential Flats”**

The application, and supporting evidence, demonstrates, in accordance with the tests set out within Section 191 of the Town and Country Planning Act 1990 (as amended), that the lawful existing use of No. 12 Ainger Road is Class C3 Residential Use and that it has continued to be used in accordance with appropriate planning permission first granted in 1991.

Accordingly, in addition to this covering statement please find enclosed the following documents:

- The completed application form;
- A site location plan;
- Existing plans, confirming the layout of the property;
- A letter from Centrepont, confirming their historic use of the property and their current circumstances;
- Relevant records from the property's planning history, including plans and decision notices;
- A selection of tenancy agreements for residents of the property; and
- A summary of Council Tax records for the property.

**Please note that any information containing personal details should remain confidential and not be made available for public view. We would therefore be grateful for assurance that such documentation will not be placed online.**

The relevant application fee of £195 will be paid online/by phone.

It should be noted that this submission is not being made because the existing use of the property is different to that which was lawfully implemented under the terms of relevant planning permissions. Instead, given the



specific circumstances of the Applicant and the tenants that have occupied the flats within the property this certificate is sought to confirm the existing unfettered Class C3 residential use as four flats.

## **Legislative Background**

The tests set out under of Section 191 of the Town and Country Planning Act 1990 (as amended) are discussed in the National Planning Practice Guidance. Specifically, the chapter on Lawful Development Certificates sets out the following in regard to considering applications for a Certificate of Lawfulness for an Existing Use:

*“The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land.”*

*“In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.”*

In this case, the existing use as four self-contained flats has continued for more than twenty years, in accordance with planning permission first granted in 1991. This submission is made in order to provide confirmation of the lawfulness of this use.

It should be reiterated that this submission does not seek to regularise an existing use of the property that does not accord with the terms of relevant planning permissions. Instead, given the specific circumstances of the applicant a certificate is sought to confirm that the ongoing use of the property for general Class C3 accommodation over more than 20 years is in accordance with the terms of the existing planning permission.

Appropriate evidence to support this submission is therefore provided in this context.

## **Context for Application**

The application site is currently owned by Centrepont (Soho) Ltd, a registered charity under number 292411 and a housing association registered under number H1869. The property has been used for more than 20 years to provide semi-independent living for young people as a part of Camden Council’s young persons’ supported accommodation pathway.

The property allowed young people to experience independent living before moving on into other accommodation outside of the supported living pathway. However, although residents would receive support and advice from visiting members of Centrepont staff, such support staff never resided within the building and did not offer permanent on-site care or support.

The properties remained part of the Council’s supported accommodation pathway until April 2015. However, due to recent funding cuts the ongoing contract with Centrepont to provide this accommodation at this site has ended. As such, the property is now surplus to requirements, with the last tenants leaving the property on 1 August 2015 and being re-housed elsewhere in the borough.

It was a requirement of the previous funding for this service that upon its conclusion Centrepont cannot retain the property for use as general needs housing and must also look for opportunities to make best use of the properties to ensure further funding for alternative projects.

As such, it is now the intention of the Applicant to dispose of the property. In order to do this, clarification of the building’s lawful use as four self-contained Class C3 residential units (in accordance with relevant planning permissions) is sought.

## Use Class of the Property

In planning terms, the use of land and buildings is categorised into various ‘use classes’. These classes are laid out within the *Town and Country Planning (Use Classes) Order 1987* (as amended, with the most recent amendments made in April 2015).

In this case, the relevant use class is Class C3, ‘dwelling houses’. This is defined under the Use Class Order as:

*“Use as a dwellinghouse (whether or not as a sole or main residence) by –*

- a) A single person or by people to be regarded as forming a single household;*
- b) Not more than six residents living together as a single household where care is provided for residents; or*
- c) Not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).”*

Class C4 comprises of ‘*Use of a dwellinghouse by between three and six residents as a “House of Multiple Occupation”*’. Such a use also has a ‘permitted development’ right to change to Class C3 use without requiring formal planning permission. This right is not applicable to a larger House of Multiple Occupation where more than six residents share communal facilities.

It is considered that the lawful use of the property is as four self-contained Class C3 residential units. Relevant evidence to confirm this is set out below.

## Planning History

We have undertaken a review of the London Borough of Camden’s online planning register. We provide a summary below of those considered to be of particular relevance to this application.

**In April 1991** an application was granted planning permission for *“Change of use of a single family dwelling into three self contained flats and erection of rear extension at basement and ground level as shown on drawing nos. C/33/04/01 02 03 04 05 06 07 08 and 15.”* (LPA Ref: 9100041)

**In November 1991** an application was granted planning permission for *“The erection of roof dormers at front and rear the erection of an external staircase at ground floor rear and minor elevational changes in association with the retention of four self-contained units as shown on drawing numbers 9112L/01 02A/ 03A/ 04A 05A 06A 07 08 09 and 10.”* (LPA Ref: 9101010)

**In April 1993** an application to discharge details reserved by condition was approved for *“Submission of details of staircase pursuant to Condition 02 of the planning permission dated 25 November 1991 for erection of roof dormers front and rear an external staircase at ground floor rear and alterations. (Plans submitted)”* (LPA Ref: 9300199)

The planning history for the building therefore shows the permitted use of the building as Class C3 Residential arranged as three 1-bedroom self-contained flats at each of lower ground, ground and first floor levels and then a 2-bedroom maisonette across both second and third floor levels.

It is also worth noting that the original planning permission granted in April 1991 then subsequent amendments were granted to the current Applicant, Centrepont (Soho) Ltd. Throughout the life of the current planning permissions, it has been clear that the use of the property as four self-contained Class C3 units was through Centrepont.

Despite this, there is no evidence of a condition on the planning permission that would restrict the use of the property as four self-contained units to Centrepont personally. The permission therefore allows for an unrestricted use of the flats for general needs housing within Class C3.

The property has recently been resurveyed. A further set of floorplans has been prepared and are submitted as part of this application. These recently drawn plans are not materially different from those which were originally approved in 1991 and confirm that the property has continued to be used in accordance with the terms of this earlier permission.

In summary, from the information set out within the planning permission granted in 1991 the following can be confirmed:

- *The application form states that the property will comprise residential flats for rent.*
- *The drawings submitted comprise individual self contained flats with individual bedroom, living, kitchen and bathroom space with no shared or communal space.*
- *There are no conditions controlling the use of the premises within the Decision Notice.*
- *There is no correspondence on file indicating that the intent of the planning permission was to be anything other than as C3 Residential.*
- *Following applications within the planning history for works at No.28 state the use of the building is "Residential".*

The planning history records are therefore very clear in supporting the lawful use of the building as four unrestricted self-contained dwellings. Given that the property in its current form reflects that which was approved in 1991, it is clear that the existing use is in conformity with that which was approved more than 20 years ago.

### **Council Tax Records**

A review of the relevant online records have confirmed that Council Tax has been paid on individual flats within the building and not as a single property encompassing the entire building. Copies of the relevant records are provided as part of this submission.

This division of the liability to pay Council Tax on the basis of individual flats is further evidence that the existing use of the property is in accordance with the planning permission which was granted in 1991.

### **Tenancy Agreements**

A sample of tenancy agreements between Centrepont and individuals who have resided at one of the flats within the building has been provided. In each case, the agreement relates to a specific flat and not to the property as a whole.

Such tenancy agreements provide further evidence of the way in which the flats have been operated by Centrepont as landlord to the property. Each flat has been serviced through specific tenancy agreements with individual tenants signing for accommodation within a specific flat and not just within the larger property. This therefore reflects the physical layout of the property as per the approved plans.

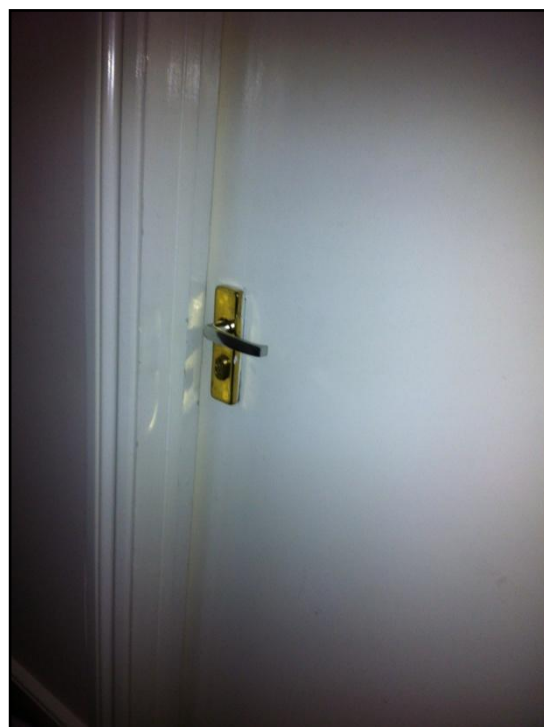
### **Evidence on Site**

There is considerable physical evidence on-site which confirms that the property is being used as four self-contained Class C3 residential units as per the existing planning permission.

For example:

- *The property's layout has been implemented in line with the permitted drawings and is laid out as self contained units behind individual front doors;*
- *The units have separate door bells and post boxes externally;*
- *Internally, each of the four flats has a secure and locked front door to prevent access by occupiers of other flats within the buildings;*
- *Each flat is self-contained in terms of providing kitchens and bathroom facilities;*
- *Beyond access hallways and corridors, there are no communal facilities provided; and*
- *There is no space or facility for providing care on-site.*

Photographs of a number of these elements are provided below.



*28 Ainger Road - Doorbells to individual flats on ground, first and second floor level (Left); and Example of a locked front door to each flat (Right)*

The physical layout of the site therefore confirms the continuing use of the property as four self-contained Class C3 residential flats.

## Conclusions

This submission has been made in order to provide confirmation to the Applicant, Centrepont (Soho) Ltd, that their use of the property for more than 20 years to support Camden Council's young persons' supported accommodation pathway has been in accordance with the lawful use of the property as four self-contained Class C3 dwellings that was granted planning permission in 1991.

The following evidence all confirms that this is the case:

- The internal layout of the building is in accordance with that shown on the approved drawings in 1991;
- Other physical manifestations on the building such as individual doorbells and letterboxes show that there are four flats within the building;
- Each flat is fully self-contained in terms of bathrooms and kitchens;
- There are no communal facilities other than entrance corridors and hallways;
- No restriction has ever existed requiring the use to be limited to Centrepont (Soho) Ltd only, thus allowing the property to be used for general needs housing;
- All relevant records (tenancy agreements, Council Tax records) address individual flats within the building and not the property as a single dwelling;

When all of this evidence is considered together, it is clear that the existing lawful use of the property remains that of being four self-contained Class C3 residential dwellings in accordance with the detail that was first granted permission in 1991. It is therefore clear that the property could be used by any party in accordance with the approved details.

I trust that everything is in order and that the relevant certificate to confirm the existing use can be issued. Please do use the contact details set out at the head of this letter if you would like to discuss this matter further.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Savills" or "Nigel Dexter", written in a cursive, flowing style.

Nigel Dexter  
Senior Planner