

## **Supporting Statement**

Flats 1, 2 & 3  
68 Charlotte Street  
London  
W1T 4QF

19 March 2018

Application for Lawful Development Certificate for  
Existing Use of Property as an Apart-Hotel  
(Class C1)

Applicant: Mr & Mrs P Thaker



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## 1. Introduction

- 1.1. This Statement is in support of an application submitted on behalf of Mr & Mrs P Thaker (hereafter 'the applicant') to Camden Council in respect of the application site at Flats 1, 2 and 3, 68 Charlotte Street, London, W1T 4QF.
- 1.2. The application is made under Section 191 of the Town and Country Planning Act 1990 (as amended), and seeks a Lawful Development Certificate for Existing Use of the site as an apart-hotel, a C1 use (hotel). The apart-hotel to which this application relates is clearly highlighted on the submitted Site Location Plan.
- 1.3. The evidence submitted with this application demonstrates that, on the balance of probability, the site has been used continuously as an apart-hotel since 2005 (in excess of ten years to the date when a Planning Contravention Notice (Ref. EN17/0260) was issued<sup>1</sup>) to the present day.

## 2. Description of the Site

- 2.1. The site comprises an entrance lobby on the ground floor with sleeping accommodation on the first (3-bed), second (3-bed) and third (4-bed) floors used as an apart-hotel. The apart-hotel has been operating since 2005 (in excess of 10 years).
- 2.2. The purpose of this application is to establish the existing lawful use of the site as an 'apart-hotel' (C1 use).
- 2.3. Each area of sleeping accommodation is fully self-contained with a kitchen comprising the following:
  - An oven;
  - 4 ring cooking hob;
  - Microwave;
  - Fridge;
  - A sink;
  - Space for food preparation;

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<sup>1</sup> Planning Contravention Notice EN17/0260 was issued on 08/06/2017.

- Washing machine; and,
  - Table and two chairs for eating meals.
- 2.4. Most of the bedrooms have an on-suite bathroom comprising the following:
- A shower;
  - A sink;
  - Heated towel rail; and,
  - A WC.
- 2.5. The apart-hotel is currently run by Air Management Ltd.
- 2.6. Each area of sleeping accommodation is cleaned and linen and towels changed on a regular basis (the frequency varies because it depends on the length of stay). There is no maximum length of stay. The sleeping accommodation can therefore be purchased at a nightly rate. A welcome pack and breakfast items are included at the beginning of a guests stay. Staff are also on-hand to check-in guests on arrival.
- 2.7. Given the nature of the accommodation it is considered that this is a C1 use.
- 2.8. Hotel use within Class C1 was defined in paragraph 59 of Circular 03/2005 as:
- “Premises which provide a room as temporary accommodation on a commercial, fee-paying basis, where meals can be provided but where residential care is not provided. In addition, short-term (i.e. purchased at a nightly rate with no deposit against damage being required) self-contained accommodation, sometimes called Apart-Hotels, will also fall into this class.”*
- 2.9. Section 1(3) of the Hotel Proprietors Act 1956 defines a hotel as:
- “an establishment held up by a proprietor as offering food, drink and if so required, sleeping accommodation, without special contract, to any traveller presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received.”*
- 2.10. In **Mayflower Cambridge Limited v. Secretary of State for the Environment and Cambridge City Council** 73 L.G.R. 517, a case which turned on the difference between a hotel and a bedsit, it was stated that the essence of a hotel is that it takes transient passengers or travellers, who require short stay only.
- 2.11. In **Breachberry Ltd v Secretary of State for the Environment** [1985] J.P.L. 180, it was held that the provision of services to occupants was not essential for a use to be classified as a hotel or guest-house, and similarly that it was not a requirement of multiple occupancy that no services

should be provided. The provision of services was simply one relevant consideration to be borne in mind.

- 2.12. These authorities show that a C1 Hotel can be defined as a proprietorial establishment offering short stay accommodation for a fee to those requiring it in the course of holidaymaking or traveling. Normally services such as the provision of drinks and meals would be provided, but absence of this or any other particular service may not necessarily exclude the establishment from the definition.
- 2.13. Various evidence enclosed electronically with this application demonstrates that on the balance of probability, the use of the site for at least the last ten years has been as an apart-hotel (C1 use) and has at no time been used in any other way.

### 3. The Case for a Lawful Development Certificate for Existing Use

#### Legislative Framework

- 3.1. Section 191(1) of the 1990 Act enables anyone to apply to the Local Planning Authority for a decision whether a specified existing use which has already been carried out on land, is lawful for planning purposes.
- 3.2. Subsection (4) of Section 191 provides that if the Local Planning Authority is provided with information satisfying them of the lawfulness, at the time of the application, they shall issue a certificate to that effect.
- 3.3. The Courts have held that the relevant test of evidence on such matters is "*the balance of probability*". As this test will accordingly be applied by the Secretary of State in any appeal against their decision, a Local Planning Authority should not refuse a certificate because the applicant has failed to discharge the stricter, criminal burden of proof, namely "*beyond reasonable doubt*". Moreover, the Court has held (*F W Gabbittas v SSE and Newham LBC* [1985]) that the applicant's own evidence does not need to be corroborated by "*independent*" evidence in order to be accepted. If the Local Planning Authority has no evidence of their own, or 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*".

## Evidence

- 3.4. The evidence submitted in support of the application is summarised below and overleaf.
- 3.5. A Title Register confirms that the applicants purchased the application site on 14 November 2017 (**Appendix 1** refers).
- 3.6. A Title Plan shows the site owned by the applicants (the application site) (**Appendix 2** refers).
- 3.7. A Lease between Salash Holdings Limited and Parimal Thaker dated 22 November 2011 has been submitted insofar as it confirms (p6) that the latter was a tenant of the application site from 29 January 1988 (**Appendix 3** refers).
- 3.8. A signed and dated Statutory Declaration stating that Parimal Thaker sublet the application site as an apart-hotel from 2005 to 2010 and that Flexistay Ltd did the same thing from 2010 to August 2016, followed by Air Management Ltd from September 2016 to the present day, has been prepared by one of the owners (Parimal Thaker) (**Appendix 4** refers).
- 3.9. A signed and dated Statutory Declaration stating that Parimal Thaker sublet the application site as an apart-hotel from 2005 to 2010 and that Flexistay Ltd did the same thing from 2010 to August 2016, followed by Air Management Ltd from September 2016 to the present day, has been prepared by the other owner (Jagruti Thaker) (**Appendix 5** refers).
- 3.10. A signed and dated Statutory Declaration stating that the application site has been used continually as an apart-hotel for at least 10 years, has been prepared by a neighbour (Saumtra Chaudhuri) (**Appendix 6** refers).
- 3.11. A signed and dated Statutory Declaration stating that the application site has been used as an apart-hotel from 2005 to 13 November 2017, has been prepared by the former owner (Roger Lass of Stokebrook Investments Ltd and Salash Holdings Ltd) (**Appendix 7** refers).
- 3.12. A signed and dated statement from the Director of Air Management Europe Ltd (Guillermo Santamaria Martinez) authorising Arco Galan to make letting decisions on behalf of the company (**Appendix 8** refers).
- 3.13. A signed and dated Statutory Declaration stating that Air Management Europe Ltd currently uses the application site as an apart-hotel and has done so since September 2016, has been prepared by a tenant's Property Manager (Arco Galan) (**Appendix 9** refers).
- 3.14. The hyperlink to the booking.com website (and screenshot) proves 68 Charlotte Street is currently used as an apart-hotel and it confirms that the apart-hotel has been welcoming booking.com guests since 19 April 2010 (**Appendix 10** refers).

- 3.15. The hyperlink to the tripadvisor.co.uk website (and screenshot) proves 68 Charlotte Street is currently used as an apart-hotel and it contains reviews of the property from September 2011 onwards (**Appendix 11** refers).
- 3.16. The hyperlink to the letsbookhotel.com website (and screenshot) proves 68 Charlotte Street is currently used as an apart-hotel (**Appendix 12** refers).
- 3.17. The hyperlink to the getaroom website (and screenshot) proves 68 Charlotte Street is currently used as an apart-hotel (**Appendix 13** refers).
- 3.18. The hyperlink to the booktravelstay.com website (and screenshot) proves 68 Charlotte Street is currently used as an apart-hotel (**Appendix 14** refers).
- 3.19. The India Marketing Strategy Scholarship Programme document, prepared by UK Trade & Investement<sup>2</sup> in 2012, demonstrates that Flexistay was promoted by a Government Department as a service provider for Indian companies and their staff, staying in London on a temporary basis. It also confirms that Rishi Bansal was the company's Business Development Manager (**Appendix 15** refers).
- 3.20. Rishi Bansal's invitation to a reception at Downing Street in 2013 demonstrates that the success of Flexistay in assisting Indian companies to do business in UK was recognised by Central Government (**Appendix 16** refers).
- 3.21. A Thirty One Page Flexistay Brochure provides information about the type of services, Apart Hotels and Serviced Apartments provided by the company. It also identifies (p4) Rishi Bansal as the Business Development & Corporate Relationship Manager at that time and provides details about the application site (p41-42 – Property C1 / C3) (**Appendix 17** refers).
- 3.22. A Guest Book provides useful information for guests of the application site (**Appendix 18** refers).
- 3.23. Invoices from LAS Dry Cleaners prove that the company provided laundry services to Flexi Stay Central from 15 December 2009 to 31 December 2009, and from 6 January 2010 to 31 January 2010 (**Appendix 19** refers).

### **Summary**

- 3.24. This application seeks lawful recognition of an existing use that has been in existence, continuously for more than 10 years. The statutory declarations, lease, website pages,

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<sup>2</sup> This was replaced by Department for International Trade in July 2016.

documents from Government departments and previous tenants, as well as invoices, confirm the situation and there is no evidence to suggest why a certificate of lawfulness cannot be granted.

## 4. Conclusions

- 4.1. The application seeks a Lawful Development Certificate for existing use of the application site as an apart-hotel (C1 use) under Section 191(1) of the 1990 Act. In determining such applications, the relevant test is on “*the balance of probability*”, having regard to the evidence presented.
- 4.2. The evidence accompanying this Statement demonstrates that on “*the balance of probability*”, the application site has been used as an apart-hotel since 2005 to 8 June 2017 (Planning Contravention Notice issued) (in excess of 10 years), and beyond to the present day. The evidence demonstrates the nature of the use of the building as an apart-hotel and includes the following:
- Statutory Declarations;
  - Lease;
  - Hyperlinks to property particulars and guest reviews on the internet;
  - Documents from Government departments;
  - Marketing information from previous tenants; and,
  - Invoices.
- 4.3. Therefore, on the basis of the evidence submitted and for the reasons stated above, it is considered that the lawful use of the application site is an apart-hotel and a Lawful Development Certificate to that effect should be granted.



## 5. Appendices

Appendix 1 – Title Register

Appendix 2 – Title Plan

Appendix 3 - Lease

Appendix 4 – Parimal Thaker's Statutory Declaration

Appendix 5 – Jagruti Thaker's Statutory Declaration

Appendix 6 - Saumtra Chaudhuri's Statutory Declaration

Appendix 7 – Roger Lass' Statutory Declaration

Appendix 8 – Guillermo Santamaria Martinez's Statement

Appendix 9 – Arco Galan's Statutory Declaration

Appendix 10 – Hyperlink to the booking.com website and screenshot

Appendix 11 – Hyperlink to the tripadvisor.co.uk website and screenshot

Appendix 12 – Hyperlink to the letsbookhotel.com website and screenshot

Appendix 13 – Hyperlink to the getaroom.com website and screenshot

Appendix 14 – Hyperlink to the booktravelnstay.com website and screenshot

Appendix 15 – UK Trade & Investment, 2012, The India Marketing Strategy Scholarship Programme document

Appendix 16 – Downing Street Invitation 2013

Appendix 17 – Flexistay Brochure, 31 Pages

Appendix 18 – Guest Book

Appendix 19 - Invoices from LAS Dry Cleaners

**Appendix 1 – Title Register**



**Appendix 2 – Title Plan**



**Appendix 3 – Lease**



**Appendix 4 – Parimal Thaker’s Statutory Declaration**



**Appendix 5 – Jagruti Thaker’s Statutory Declaration**



**Appendix 6 - Saumtra Chaudhuri's Statutory Declaration**



**Appendix 7 – Roger Lass’ Statutory Declaration**





**Appendix 8 – Guillermo Santamaria Martinez’s Statement**



**Appendix 9 – Arco Galan’s Statutory Declaration**



**Appendix 10 – Hyperlink to the booking.com website and screenshot**



<https://www.booking.com/hotel/gb/london-serviced-aparthotel.en-gb.html>



teachday central serviced app | Central London Concept Aparthotel

Booking.com BY INU | https://www.booking.com/hotel/gb/london-serviced-aparthotel-lan-gb.html

London Heathrow Airport are 0.5 miles away.

Public transport 60 minutes

Like this one, but not quite sure yet?

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Choose the perfect option for you

Want to pay when you stay? Choose a price with the "NO PREPAYMENT NEEDED - Pay at the property" label.

The clean and modern aparthotel has a shared bathroom and living area. The accommodation provides all day self-service breakfast. The domestic kitchen is open all day for guests, allowing you to cook your own meals at any time of the day. The kitchen is fully stocked with milk, juice, eggs, bread, bacon and cheese.

The property is located in Fitzrovia, about 600 yards from University College London (UCL), Kings Cross and St Pancras International train stations are a 20-minute walk away.

The bars of Soho and restaurants of China Town are just 10 minutes' walk from Central London Concept Aparthotel.

Camden is a great choice for travellers interested in theatre, shopping and sightseeing.

This is our guests' favourite part of London, according to independent reviews. This area is also great for shopping, with popular brands nearby: Cartier, Hermès, H&M, Zara, Nike.

Couples particularly like the location — they rated it 9 for a two-person trip.

We speak your language!

Central London Concept Aparthotel has been welcoming Booking.com guests since 19 Apr 2010.

Missing some information? [Yes](#) / [No](#)

Sharing Screenshot  
A link to your screenshot has been copied to your clipboard. [Close](#) [Show in Finder](#)

"wonderful staff"  
37 related reviews

Perfect for a 6-night stay!

Situated in the real heart of London, this property has an excellent location score of 8.6

Breakfast info  
Continental

Rooms with:  
City view

Free WiFi  
Guests consistently rate the WiFi as excellent.

Great area for shopping!

Reserve

Most popular facilities

Free WiFi Non-smoking rooms

Tip: Stay flexible  
Since your dates are a while away, choose free cancellation to stay flexible. A change of plans is no problem when you have free cancellation!

Connected to cw.addthis.com...

**Appendix 11 – Hyperlink to the tripadvisor.co.uk website and screenshot**



[https://www.tripadvisor.co.uk/Hotel\\_Review-g186338-d1902624-Reviews-or100-Central\\_London\\_Serviced\\_Aparthotel-London\\_England.html](https://www.tripadvisor.co.uk/Hotel_Review-g186338-d1902624-Reviews-or100-Central_London_Serviced_Aparthotel-London_England.html)



Firefox File Edit View History Bookmarks Tools Window Help Sat 17 Jun 11:24

Central London Serviced Aparthotel

Central London Serviced Aparthotel Reviews

## Central London Serviced Aparthotel [Manage This Listing](#)

117 Reviews 4414 of 833 Specialty Lodging in London

68 Charlotte Street, London W1T 4QP, England [Save](#)

**Best prices for your stay**





25/06/2017 26/06/2017

1 room 2 adults 0 children

<b>opodo</b>	£111	<a href="#">View Deal</a>
<b>priceline</b>	£111	<a href="#">View Deal</a>
<b>Booking.com</b>	£111	<a href="#">View Deal</a>

[TripAdvisor](#) £111 [Rooms.com](#)  
[HotelClick](#) [View all 8 deals](#)

Prices above are provided by partners for one room, with tax...

[All photos \(98\)](#)

[Traveler \(81\)](#)

[Room & Suite \(14\)](#)

[Dining \(11\)](#)

Overview Rooms Reviews About Photos Nearby Q&A Room Tips



**Appendix 12 – Hyperlink to the letsbookhotel.com website and screenshot**



[www.letsbookhotel.com/en/uk/london/hotel/london-serviced-aparthotel.aspx](http://www.letsbookhotel.com/en/uk/london/hotel/london-serviced-aparthotel.aspx)




68 charlotte street london | 4 star Hotels near Oxford St | Central London Concept Aparthotel

www.letsbookhotel.com/en/uk/london/hotel/london-serviced-aparthotel.aspx

GBP | about us | car hire | my booking

You are in: Home > UK Hotels > London Hotels > Central London Concept Aparthotel

**Hotel Map**



Map

**Last viewed hotels**

Flexistay Aparthotel Tooting

**Nearby Hotels & Accommodation**

Flexistay Central Serviced Apartments

The WestEnd Residences

City Marque Oxford House Serviced Apartments

Dall

Scala Apartments

Goode Street

Stylish Fitzrovia Studios W1

Cleveland Residences

Clarendon Serviced Apartments


Cleveland Residences

Rathbone

Newman Street

**Central London Concept Aparthotel**  
68 Charlotte Street (London) W1T 4QF

Information and Online Booking | Reviews | Write a review




A 2-minute walk from Goode Street Tube Station, this aparthotel has free WiFi, free laundry facilities and a self-service breakfast. Oxford Street shops are 0.5 miles away. The clean and modern aparthotel has a shared bathroom and living area. The accommodation provides all day self-service breakfast. The domestic kitchen is open all day for guests, allowing you to cook your own meals at any time of the day. The kitchen is fully stocked with milk, juice, eggs, bread, bacon and cheese. London Serviced Aparthotel is located in Fitzrovia, about 450 metres from University College London (UCL). Kings Cross and St Pancras International train stations are a 20-minute walk away. The bars of Soho and restaurants of China Town are just 10 minutes' walk from London Serviced Apartments.

**Book Now**

Score from 580 reviews  
Excellent 7.2/10  
Rooms: 10 (Search)

Address: 68 Charlotte Street, London W1T 4QF (Map)

**Central London Concept Aparthotel - Photos**



**Appendix 13 – Hyperlink to the getaroom.com website and screenshot**



<https://www.getaroom.com.au/london-gb/london-serviced-aparthotel.htm>



Flexistay central serviced app | Central London Concept Aparthotel |

Getaroom My Ltd (AU) | https://www.getaroom.com.au/london-gl/london-serviced-aparthotel.htm

Getaroom.com.au  
Why don't you just?

Currency: AUD

MY BOOKINGS | HELP | FEEDBACK | MENU

All countries > United Kingdom > London > Central London Concept Aparthotel

**Your search**

Check-in: Enter check-in  
Check-out: Enter check-out  
Guests: 1 room, 2 adults

+ Change search

**Map**

Hotels with similar features to Central London Concept Aparthotel in London:

- London Hotels with a Kitchen
- London Hotels with a Golf Course Nearby

London  
£30  
airbnb.co.uk

Central London Concept Aparthotel (formerly Flexistay London Services Aparthotel)  
66 Charlotte Street, London, W1T 4QF [show map]

Good 7.2/10  
Score from 189 reviews

Available rooms | Overview | Facilities | Map | Setup a Price Alert | Write a review | Add to My List

Check availability

Scroll down to see all room types and prices

Click here to setup a Deal Alert

**Appendix 14 – Hyperlink to the [booktravelinstay.com](http://booktravelinstay.com) website and screenshot**



[www.booktravelstay.com/flexistay-central-serviced-apartments/](http://www.booktravelstay.com/flexistay-central-serviced-apartments/)





Flexistay central serviced app Flexistay Central Serviced Ap

www.booktravelinstay.com/flexistay-central-serviced-apartments/

Book online or call INT +44 1480 212898 UK 01480 212898

# BookTravelnStay.com

CHEAP HOTEL RATES SINCE 1999

Home > Hotels > United Kingdom > Greater London > London > Fitzrovia Hotels > Flexistay Central Serviced Apartments

### SEARCH HOTELS

Hotel name or destination (Town/City/Attraction) to search  
Flexistay Central Serviced Apartm

Check In Date  
2017-06-22

Checkout Date  
2017-06-23

**Add Room**

Room	Adults	Children
Room 1	1	0

**CHECK RATES**

### Flexistay Central Serviced Apartments

83 Charlotte Street, London, Greater London, W1T 4QP, United Kingdom

Score 4.0 out of 5 based on 8 guest reviews.

**Best Rate fr £140**

#### Hotel Profile

Total Rooms : 1

**Sorry it is not possible at the current time to make reservations at Flexistay Central Serviced Apartments**

#### Hotel Location

#### Nearby hotels in Fitzrovia

- Flexistay Central Serviced Apartments from £140
- London Serviced Apartment from £47
- Rathbone from £24

**Appendix 15 – UK Trade & Investment, 2012, The India Marketing Strategy  
Scholarship Programme document**



**Appendix 16 – Downing Street Invitation 2013**




**Appendix 17 – Flexistay Brochure, 31 Pages**




**Appendix 18 – Guest Book**



Appendix 19 - Invoices from LAS Dry Cleaners

INVOICE		51
DATE 15 - JAN - 2010		
From	LAS DRYCLEANERS	
To	FLEXI STAY CENTRAL SERVICES	
LAUNDRY SERVICE		
FROM	15 - DEC - 2009	
TILL	31 - DEC - 2009	
	= 10 LOADS X £ 9 -	£ 90 -
		
VAT		
TOTAL DUE	£ 90 -	

INVOICE		52
DATE 31 - 01 - 2010		
From	LAS DRY CLEANERS	
To	FLEXI STAY CENTRAL	
LAUNDRY SER.		
FROM	06 - 01 - 10	
TILL	31 - 01 - 10	
	= 19 LOADS X £ 9 -	171 - 00
	5 KEYS CUT & £ 4 -	20 - 00
		
VAT		191 - 00
TOTAL	£ 191 - 00	





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