
14 Maresfield Gardens, NW3 5SU

Planning Statement – August 2019

Application for Certificate of Lawfulness

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1. Introduction

- 1.1. This Planning Statement has been prepared by Savills on behalf of 14 Maresfield Gardens Limited (the applicant) in support of an application for a Lawful Development Certificate for an Existing Use in accordance with Section 191 of the Town and Country Planning Act 1990. The Certificate application is for the following:

“Certificate of Lawful Existing Use to confirm the residential use of 14 Maresfield Gardens, London NW3 5SU as a single residential dwelling (Use Class C3).”

- 1.2. This Planning Statement provides the background information of the site and explains that by operation of a condition attached to the planning permission upon which the Anna Freud Centre occupied the site, the subject property’s lawful use reverts to residential upon their vacation of the property.

- 1.3. This Planning Statement has been set out under the following headings:

- **Section 2** explains the site and its context within the surrounding area;
- **Section 3** provides an overview of the planning history and context to this submission;
- **Section 4** examines the evidence submitted and the main considerations; and
- **Section 5** addresses the lawful use.

2. Site and Surrounding Area

- 2.1. The subject property is No.14 Maresfield Gardens, a four storey semi-detached Victorian property arranged over lower ground, ground, first and second floors. The building is set behind a low boundary wall on the east side of Maresfield Gardens. A site location plan is provided at **Figure 1** below.

Figure 1: Site Location Plan



- 2.2. The building is accessed from Maresfield Gardens at either No.12 or No.14 from steps on the ground floor level or via lower ground floor level with side doors perpendicular to each other.
- 2.3. The property is located within the Fitzjohns / Netherhall Conservation Area and it is not listed (nor is No.12). The area is characterised by two and three storey Victorian terraced dwellings with traditional bay windows, although there are a number of institutional and educational uses in the area.
- 2.4. The site is approximately 350 metres from Finchley Road London Underground Station and 700m from Swiss Cottage London Underground Station. As such, it is well connected to public transport and has a

high PTAL rating of 5 (with 6b being the highest).

- 2.5. The property is within a Controlled Parking Zone (CPZ). The site is not designated as being within a Flood Zone on the Environment Agency's online flood maps.

The Anna Freud Centre

- 2.6. The Anna Freud Centre has a long established presence within Maresfield Gardens. Until its recent relocation, the Centre wholly occupied Nos.12-14 Maresfield Gardens. The Centre operated across both buildings as a single entity with physical linkages on several floors. Extensions to the lower ground floor of No.12 and No.14 were approved in 2005 and 2007 and at that time the buildings were made to interconnect at lower ground floor level.
- 2.7. The Hampstead Child Therapy Course and Clinic (HCTCC) opened at No.12 Maresfield Gardens in 1951 and was extended to incorporate No.14 Maresfield Gardens in 1967. Following the death of Anna Freud in 1982, the HCTCC changed its name to the Anna Freud National Centre for Children and Families (the Anna Freud Centre).
- 2.8. The Centre vacated Nos.12-14 Maresfield Gardens on 8 April 2019 and has relocated to its new Kantor Centre for Excellence in Rodney Street, N1.

3. Planning History

- 3.1. The subject property as an extensive planning history relating to its temporary use by the HCTCC, which is set out as follows:

Table 1: HCTCC Planning History (14 Maresfield Gardens)

Application Reference	Applicant	Description of Development	Decision	Decision Date
G6/9/B/27666	Miss A. Freud	Continued use for clinical and teaching purposes.	Conditional	29 March 1979
G6/9/B/23672	Miss A. Freud	The continued use for a further limited period for clinical and teaching purposes.	Limited period	2 December 1976
G6/9/B/3094	R.C.Bartlett and Co	Change of use of No. 14 Maresfield Gardens, Camden by incorporation with Clinic at No. 12 Maresfield Gardens, Camden.	Conditional	10 March 1967

- 3.2. In addition to the above, the subject property secured planning permission for extensions in 2005 as follows:

Table 2: Rear Extension Planning History

Application Reference	Applicant	Description of Development	Decision	Decision Date
2007/0772/P	The Anna Freud Centre	Erection of a single storey rear extension to provide additional accommodation for the existing Class D1 research facility, plus installation of a disabled access ramp and other hard and soft landscaping to the front of the building	Permission Granted	2 May 2007

- 3.3. As stated above, No.12 and No.14 Maresfield Gardens are two separate properties but have been in use as a single planning unit since 1967 (Ref: G6/9/B/3094) and have a number of physical linkages which have been made to accommodate the properties' temporary occupation by the Hampstead Child Therapy Course and Clinic / the Anna Freud Centre.
- 3.4. The most recent planning permission relating to the use of No.14 Maresfield Gardens was granted in 1979 (Ref: GB/9//B/27666) subject to the following conditions:

1) This permission shall be personal to the Hampstead Child Therapy Course and Clinic during their occupation and shall not enure for the benefit of the land on their vacating the premises the use shall revert

to the lawful use of residential purposes

2) The residential appearance of the premises shall be maintained .

- 3.5. This 1979 planning permission (Ref: G6/9/B/27666) is the governing permission upon which this Lawful Development Certificate application is made.

4. Evidence

Legislative Background

- 4.1. An application for a Lawful Development Certificate should be used to establish whether any existing use of buildings or other land is lawful.
- 4.2. Section 191 of the Town and Country Planning Act 1990 requires that if the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
- 4.3. Paragraph 006, Reference ID: 17c-006-20140306 of the Planning Practice Guidance (PPG) sets out guidance in relation to considering applications for a Certificate of Lawfulness. It states that:
- *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.*
 - *A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.*
 - *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.*
- 4.4. This Planning Statement is submitted in support of an application to determine that following the vacation of the premises, the lawful use of the site reverts to residential and that planning permission is therefore not required.

Evidence in Support of Application

- 4.5. This Planning Statement is submitted in support of an application to determine that following the vacation of the premises by the Anna Freud Centre (which occurred on 8 April 2019), the lawful use of the subject property reverts to residential and that planning permission is therefore not required. The principal evidence provided in support of this application is the planning history of the site.

Planning History

- 4.6. The detailed planning history is set out at Section 3 of this Planning Statement, and key application forms and decision notices are provided at **Appendices 1-9**.
- 4.7. The property has been used by the Hampstead Child Therapy Course and Clinic (the Anna Freud Centre) since 1967 under planning permission Ref: GB/9//B/27666 when it was incorporated into No. 12 which had been occupied by the Hampstead Child Therapy Course and Clinic (HCTCC) since 1951.
- 4.8. The initial change of use was secured on a temporary basis for a period of five years. The application form for the 1967 permission noted that for *“the purposes for which the buildings are now used is Residential Flatlets and rooms”*. This evidence clearly establishes that the use of No.14 Maresfield Gardens prior to its temporary change of use in 1967 was residential..
- 4.9. A subsequent temporary planning permission was secured in 1976 extending the temporary use for a further period of five years. In 1979 (under planning permission Ref: G6/9/B/27666), the change of use was made indefinite until the HCTCC vacates the premises (as per the condition below):
- 1) This permission shall be personal to the Hampstead Child Therapy Course and Clinic during their occupation and shall not enure for the benefit of the land. On their vacating the premises the use shall revert to the lawful use of residential purposes.*
- 4.10. The Decision Notice for both the original 1967 change of use application, the 1976 permission and the 1979 permission that made the use indefinite included a condition that required the residential appearance of the site to be retained:
- 2) The residential appearance of the premises being maintained and the windows kept curtained and not used for display purposes.*
- 4.11. This provides further evidence that the site was in residential use prior to its use by the Anna Freud Centre.

Named Occupier

- 4.12. As set out above, the most recent permission relating to the use of the property dates from 1979. This permission was explicitly personal to the Hampstead Child Therapy Course and Clinic, which no longer operates as such. The premises has operated as the Anna Freud Centre since 1982. The Anna Freud Centre’s website provides commentary on the history of the charity and states the following with regards to the change of name:

“The Hampstead Child Therapy Course began in 1947 and The Hampstead Clinic opened at 12 Maresfield Gardens in 1951 when the Centre was granted charity status and became known as the Hampstead Child Therapy Course and Clinic.

Naming of the Anna Freud Centre: Anna Freud remained involved until her death in 1982 when the Clinic

name was changed in honour of her.”

- 4.13. The applicant for each change of use application is set out in **Table 1** in Section 3 of this Planning Statement. The applications in 1976 and 1979 were made by Miss A. Freud. It is understood that the 1967 application was made by the property's former owner (R.C Bartlett) prior to it being acquired by the HCTCC. In addition to the commentary on the Anna Freud Centre's website, this provides further evidence that the Hampstead Child Therapy Course and Clinic was operated by the Freud family and is the same organisation which operates today.
- 4.14. The Anna Freud Centre has also provided a letter confirming that they are the same entity as the Hampstead Child Therapy Course and Clinic, which is provided at **Appendix 10**.

Form of Previous Residential Use

- 4.15. As set out above, the planning history records indicate the former residential use of the site prior to the 1967 permission.
- 4.16. Given that the change of use to the property occurred before Council Tax was introduced, it is not possible to utilise the VOA records in the usual way to establish how many properties were in existence prior to the change of use.
- 4.17. The applicant's architects have undertaken detailed site inspections of both No.12 Maresfield Gardens and No.14 Maresfield Gardens to inform the submission of these applications. A number of alterations to both buildings have been carried out by the Anna Freud Centre to facilitate the clinic use of both properties, including a number of physical linkages between the properties which would not have existed prior to their conversion.
- 4.18. On the basis of the commentary on the 1967 application forms and physical evidence from on-site investigations, the applicant's architects assert that on the balance of probability, No.14 Maresfield Gardens was in use as a number of self-contained residential properties before the conversion in 1967. However, officers have not been able to satisfy themselves that there were nine flats in situ at this time (as applied for under withdrawn application 2019/3010/P). This application therefore seeks to confirm the use of the property as a single residential dwelling prior to its conversion in 1967.

2007 Rear Extension

- 4.19. As set out above, the subject property has been subject to a number of internal alterations as part of its operation by the Anna Freud Centre.
- 4.20. Full planning permission at No. 14 Maresfield Gardens was also approved in May 2007 (Ref No. 2007/0772/P) for the below:

“Erection of a single storey rear extension to provide additional accommodation for the existing Class D1

research facility, plus installation of a disabled access ramp and other hard and soft landscaping to the front of the building.”

- 4.21. This application was made for the benefit of the Anna Freud Centre to provide level external access, internal modifications to make the training suite more accessible, and the provide a training room at lower ground floor level.
- 4.22. There are no conditions attached to the planning permission referring back to the temporary use of the buildings by the Anna Freud Centre and the permission was not granted only on a temporary basis. For the extension to be retained in clinic use following the vacation of the premises would therefore be contrary to Condition 1) of the 1979 governing permission relating to No.14 Maresfield Gardens which states that (emphasis added):
- 1) *This permission shall be personal to the Hampstead Child Therapy Course and Clinic during their occupation and shall not enure for the benefit of the land. On their vacating **the premises** the use shall revert to the lawful use of residential purposes.*
- 4.23. The applicant therefore asserts that as both the 2007 extension to No.14 Maresfield Gardens and the 2005 alteration to No.12 and No.14 Maresfield Gardens have been in place for more than 10 years as part of the ‘planning unit’ (i.e. the premises) occupied by the Anna Freud Centre, the lawful use of these extensions upon the vacation of the premises should also be residential.

5. Lawful Use

5.1. Given the evidence provided with this application, it has been demonstrated that:

- The property was in residential use prior to the temporary occupation by the Hampstead Child Therapy Course and Clinic which began in 1967 and in accordance with Condition 1 of governing planning permission G6/9/B/27666 dating from 1979, should revert to residential upon vacation of the premises (which occurred on 8 April 2019).
- The Hampstead Child Therapy Course and Clinic changed its name to the Anna Freud National Centre for Children and Families (the Anna Freud Centre) in 1982. They are the same entity.
- On the basis of the commentary on the 1967 application forms and physical evidence from on-site investigations, the applicant's architects assert that on the balance of probability, No.14 Maresfield Gardens was in use as a number of self-contained residential properties before the conversion in 1967. However, officers have not been able to satisfy themselves that there were nine flats in situ at this time (as applied for under withdrawn application 2019/3010/P). This application therefore seeks to confirm the use of the property as a single residential dwelling prior to its conversion in 1967.
- The 2007 rear extension to No.14 Maresfield Gardens has been in place for more than 10 years as part of the 'planning unit' (i.e. the premises) occupied by the Anna Freud Centre. The lawful use of these extensions upon the vacation of the premises should therefore also be residential, as per the wording of Condition 1 of governing planning permission G6/9/B/27665 dating from 1979.

5.2. It has been established, with evidence, that the extant planning permission contained a condition that stipulated that the property would revert to its residential use and has therefore been established as lawful. The existing use is therefore lawful under Section 191 of the Town and Country Planning Act 1990.

5.3. Accordingly, it is respectfully requested that the Council issues a Certificate of Lawfulness, establishing that the lawful use of 14 Maresfield Gardens as a single dwelling-house within Use Class C3.

Appendix 1: Application Form 1967

Appendix 2: Application Form 1972

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